

BOROUGH OF GARWOOD PLANNING BOARD
COUNTY OF UNION - STATE OF NEW JERSEY

REGULAR MEETING FOR:

LIDL U.S. OPERATIONS, LLC
BLOCK 501.01 LOT 8
10 SOUTH AVENUE
CASE NO. PB19-05

TRANSCRIPT OF PROCEEDINGS
CONTINUED PUBLIC HEARING

WEDNESDAY, SEPTEMBER 25, 2019

B E F O R E:

STEPHEN GREET, Chairman
KEN CAPOBIANCO
PETER DEMATO
RICHARD McCORMACK, Councilman
WILLIAM NIERSTEDT
SERGIO SIMOES
PAUL TARANTINO
SARA TODISCO, Mayor
KATHLEEN VILLAGGIO
MICHAEL VENA

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

DONALD B. FRASER, JR., ESQUIRE, Board Attorney
VICTOR E. VINEGRA, P.E., P.P., Board Engineer
LEIGH FLEMING, Planning Assistant
ADELE LEWIS, Board Clerk

AB COURT REPORTING, LLC
CERTIFIED COURT REPORTERS
26 Algonquin Terrace
Millstone Township, New Jersey 08535
Tel: (732)882-3590
angelabuonocsr@gmail.com

TRANSCRIPT of the stenographic notes
of the continued proceedings in the above-entitled
matter, as taken by and before ANGELA C.

BUONANTUONO, a Certified Court Reporter, Registered
Professional Reporter, Certified LiveNote Reporter
and Notary Public of the State of New Jersey, held
at THE BOROUGH OF GARWOOD MUNICIPAL BUILDING, 403
South Avenue, Garwood, New Jersey 07027 on
Wednesday, September 25, 2019, commencing at 7:30 in
the evening.

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

HEHL OFFICES OF JAVERBAUM WURGAFT HICKS KAHN
WIKSTROM & SININS, P.C.

BY: STEPHEN F. HEHL, ESQUIRE
370 Chestnut Street
Union, New Jersey 07083
T: (908) 687-7000
F: (908) 687-7028
Email: shehl@javerbaumwurgaft.com

-- Counsel for the Applicant

BARON & BRENNAN, P.A.
BY: JEFFREY M. BRENNAN, ESQUIRE
STAFFORDSHIRE PROFESSIONAL CENTER
BUILDING F - SUITE 600
1307 WHITE HORSE ROAD
VOORHEES, NEW JERSEY 08043
T: (856) 627-6000
F: (856) 627-4548
Email: jbreNNAN@baronbrennan.com

--Counsel for the Objectors, Fred and Faith Balsamo

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PUBLIC COMMENT:

(None)

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(Exhibits not retained by reporter.)

1 (Time noted, 9:00 p.m.)
 2 CHAIRMAN GREET: Okay, at this time I
 3 will proceed to our next applicant, which is Case PB
 4 19-05, and that is 10 South Avenue, LLC. That's the
 5 applicant for Lidl US Operations, LLC.

6 MR. FRASER: Didn't we get another
 7 letter saying that they're not coming tonight?

8 MR. HEHL: Why, because it's after
 9 9 o'clock?

10 CHAIRMAN GREET: Would you like to
 11 open this up?

12 MR. HEHL: Sure. Good evening.
 13 Stephen Hehl representing the applicant, Lidl U.S.
 14 Operations, LLC.

15 The board recalls we were here at the
 16 May meeting and the board was kind enough, even
 17 though the previous hearing because I spoke too long
 18 went late, but the board was kind enough to let us
 19 begin our application. We got some feedback from
 20 the board. I called upon Brad Bohler who took the
 21 board through existing conditions and what was
 22 proposed by way of improvements. The board did give
 23 us some feedback and we carried it after that night.

24 We did make revisions to the plans
 25 based upon the comments that we received from the

1 board, which was very helpful. And just backing up,
 2 again, this is an application to take an existing
 3 vacant supermarket and have Lidl occupy a portion of
 4 that structure.

5 There are some variances associated
 6 with the application. Many of them are existing
 7 conditions. We think that this is great improvement
 8 aesthetically to the site bringing a new business
 9 into the Borough of Garwood. There are site
 10 improvements proposed. Although there's signage
 11 variance associated with the application, we think
 12 that the signage that is proposed is much more in
 13 keeping with the area and certainly an improvement
 14 over what exists there at the present time.

15 And again we appreciate the board
 16 entertaining -- I think we began around 10 o'clock
 17 on May 22nd and the board stayed late, and even this
 18 evening entertaining us after 9 o'clock. So that's
 19 an overview of the proposal.

20 So what I was going to do is I was
 21 going to recall Mr. Bohler and have him take us
 22 through just a brief recap of the existing
 23 conditions and what was presented at the last
 24 hearing and then move on to the site plan as
 25 amended.

1 MR. FRASER: Mr. Hehl, but with
 2 respect to that, though, when -- and I can't imagine
 3 that we're going to get to the point of voting on
 4 this application this evening, just a statement.

5 MR. HEHL: Ye of little faith.

6 MR. FRASER: But just so that we're
 7 clear, at the time when the application is voted on
 8 presumably at the next meeting of the board or the
 9 next evening this is presented, the applicant is
 10 going to rely on the testimony from the last
 11 meeting, the testimony of tonight, as well as the
 12 testimony of the next meeting, so we will get
 13 transcripts or people have to listen or whatever.

14 MR. HEHL: Correct. And we did supply
 15 the board with the -- you got -- the transcript from
 16 the last hearing?

17 MS. LEWIS: From May.

18 MR. HEHL: Yes. And I think there
 19 were -- I didn't double-check my --

20 MS. LEWIS: Mr. Vena was not present
 21 but he read it.

22 MR. HEHL: Okay.

23 MR. FRASER: Right. Because really
 24 it's going to be at the next meeting when we figure
 25 out who the voting members of the board are and they

1 have to certify that they're three for three.

2 MR. HEHL: Okay. And then again I
 3 think it was Mr. Vena, I think you were the only one
 4 of the members, so he's on board then.

5 MR. NIERSTEDT: Mr. Chairman, I just
 6 ask that Mr. -- I forget if you're Mr. Bohler or
 7 just someone from the Bohler firm?

8 MR. BOHLER: Mr. Bohler.

9 MR. NIERSTEDT: Mr. Bohler.

10 MR. BOHLER: Thank you.

11 MR. NIERSTEDT: -- just sticks to the
 12 new stuff, we don't have to go over -- I'm willing
 13 to actually waive what he's about to say because we
 14 heard it already. In the interest of moving forward
 15 and getting the vote tonight --

16 MR. FRASER: Just give us the summary.

17 MR. NIERSTEDT: -- summary, if you
 18 could.

19 MR. HEHL: Okay. Is that a new

20 exhibit?

21 MR. BOHLER: A new exhibit, yes.

22 MR. HEHL: That's a new exhibit. And
 23 then my notes indicate, based upon the transcript,
 24 that at the last hearing we introduced A-1 which is
 25 on the floor here.

1 MR. BOHLER: Is this A-2?
 2 MR. HEHL: A-2.
 3 MR. BOHLER: Dated for tonight's date,
 4 9/25.
 5 (Exhibit A-2, Colorized Site Plan, is
 6 marked.)
 7 MR. HEHL: And, excuse me, previously
 8 sworn and qualified.
 9 MR. FRASER: And all your licenses are
 10 still current, correct?
 11 MR. HEHL: Yes. I'm sorry.
 12 Brad Bohler for the record.
 13 MR. FRASER: You're still sworn. Go
 14 ahead.
 15 B R A D B O H L E R, previously
 16 sworn, continued testifying as follows:
 17 THE WITNESS: Thank you. So
 18 Exhibit A-2 is similar to A-1. It was updated for
 19 our resubmission, so it's a colorized site plan
 20 where landscaping is shown on it. Again, it's
 21 called, "Site Layout Exhibit C-1". We dated it
 22 9/25/19 for tonight's hearing.
 23 So just to quickly summarize the
 24 changes, we heard a lot of board feedback at the
 25 last hearing so we incorporated those changes and

1 THE WITNESS: Yes. So there is
 2 already a sign that says "slow" out there on site,
 3 so we would add the paint on the ground, yes.
 4 MS. FLEMING: Okay.
 5 MR. NIERSTEDT: So you are good with
 6 what he is proposing so we don't have to discuss
 7 that again, right? Okay, thank you.
 8 THE WITNESS: One of the requests was
 9 to make ADA parking spaces wider. So previously we
 10 had eight-foot-wide regular spaces and 11-foot wide
 11 vans. We're proposing 11-foot-wide vans and 10- to
 12 11-foot-wide regular spaces. So wider ADA spaces in
 13 those areas.
 14 The cart storage area used to be along
 15 the sidewalk. I guess it would be directly east of
 16 the front. We have now moved the cart storage area
 17 to along the right-of-way where the yield canopy was
 18 at that location.
 19 MR. NIERSTEDT: So the cart storage
 20 will be visible from the street?
 21 THE WITNESS: Yes. We added the bike
 22 rack as requested. It is shown right now in the
 23 area where there used to be the cart corrals
 24 storage, however there was a request to move the
 25 bike racks underneath the canopy, so we moved that

1 comments into our revised plans.
 2 So starting on the eastern side of the
 3 building, we adjusted some of the cart corrals on
 4 the site so they're a little further away from the
 5 building. They were a little closer last time, so
 6 one of the comments was spread them out a little bit
 7 more, so we have done that.
 8 We have widened the crosswalk to eight
 9 feet so the white stripe between the ADA parking
 10 spaces and across the aisle. There was a comment in
 11 Mr. Vinegra's letter to enhance that further with
 12 "slow," we will do that. There's already a "slow"
 13 sign out there. We also already have the pedestrian
 14 crossing signs, so we'll add the word "slow" as you
 15 enter in that area. And then also work with Mr.
 16 Vinegra to look at potentially other options for the
 17 striping pattern that would be there as opposed to
 18 the striping we currently have that is requested.
 19 MR. NIERSTEDT: So, Mr. Chairman, so
 20 we don't have to get into that anymore; Mr. Vinegra,
 21 are you happy with what he just said?
 22 Are you happy with what he just said?
 23 MS. FLEMING: The comment was not
 24 necessarily for a sign that would say "slow," it
 25 would be paint that says "slow."

1 nearer the ADA spaces so that you could have access
 2 but they'll be underneath the canopy at that
 3 location.
 4 MR. NIERSTEDT: Mr. Vinegra, you're
 5 good with that too, right; we don't have to rehash
 6 that? I understand.
 7 So you're good?
 8 MS. FLEMING: With moving the bike
 9 rack.
 10 MS. VILLAGGIO: Oh, I don't care about
 11 the bike rack.
 12 MR. NIERSTEDT: I know.
 13 CHAIRMAN GREET: Underneath.
 14 MR. NIERSTEDT: I did not ask for
 15 that.
 16 MS. VILLAGGIO: I asked for the cart.
 17 Can you just show us again where the carts are going
 18 to go.
 19 THE WITNESS: They would be along the
 20 southeast face of the building. It's essentially --
 21 you would see them from the street in either
 22 scenario. We moved them from the front of the
 23 building where the sidewalk is to the side.
 24 MS. VILLAGGIO: Which you can see.
 25 THE WITNESS: It's the same

BRAD BOHLER, P.E.**12**

1 visibility. It's fairly close to the street right
 2 at that location. So they're within ten feet of
 3 each other from proposed last time to proposed this
 4 time.

5 MS. VILLAGGIO: Was that one of the
 6 comments? I don't recall about the comments with
 7 regard to the cart thing.

8 THE WITNESS: Yeah, it was to allow
 9 for access along the frontage. So we will move
 10 those cart storage areas to that spot, allow for
 11 sidewalk maneuverability there.

12 CHAIRMAN GREET: And there was also
 13 something else about the cart corrals that were
 14 going to be situated.

15 THE WITNESS: That's correct. Those
 16 cart corrals -- it's hard to see on the plan, but
 17 they are yellowed squares that are called out --
 18 those were removed further from the building so they
 19 weren't all bunched up towards the ADA parking
 20 spaces.

21 MS. VILLAGGIO: So there will be some
 22 in the parking lot themselves?

23 THE WITNESS: That's correct.

24 MAYOR TODISCO: And speaking of the
 25 ADA spaces, that's increasing from four to eight and

BRAD BOHLER, P.E.**14**

1 why anybody is proposing that.

2 THE WITNESS: Okay. We heard feedback
 3 differently, so...

4 MR. NIERSTEDT: Where are we on that?

5 THE WITNESS: It was about having
 6 people walk in the parking area to the southeast and
 7 then having a direct connection to the sidewalk
 8 being able to get in. The cart corrals were
 9 previously right at the entrance to the driveway
 10 along the sidewalk. So they were within 25 feet of
 11 the right-of-way, still visible from the street. We
 12 essentially moved them over ten feet in the same
 13 exact location and they're still there. We didn't
 14 have them anywhere else on the site.

15 MR. NIERSTEDT: Cart corrals in the
 16 parking lot are one thing but cart corrals in front
 17 of the building, I just -- Lidl wants that in their
 18 image, to see the carts in front of the building?
 19 That's something they want?

20 THE WITNESS: Yes, we're proposing
 21 that. But again, Bill, it's in the same location
 22 that is under the previous proposal.

23 MR. NIERSTEDT: I didn't say I liked
 24 the previous proposal any better.

25 THE WITNESS: Sure.

BRAD BOHLER, P.E.**13**

1 the width is increasing as well per the feedback
 2 last time?

3 THE WITNESS: The number of spaces
 4 does not increase but the width increases.

5 MAYOR TODISCO: The width, okay.

6 MR. NIERSTEDT: And getting back, I'm
 7 still stuck on putting the cart corral in front of
 8 the building. You indicated about ease of access.

9 The problem with the access is crossing the bridge.
 10 The sidewalk is like two and a half feet wide.

11 Once you go over that and you are
 12 actually, I'll say past the waterway, what you're
 13 saying is then you still have access but then the
 14 carts are going to be on the left-hand side and
 15 they're going to be visible from the street. I'm
 16 still perplexed by that. Why would we want them
 17 there?

18 THE WITNESS: So they would still be
 19 visible from the street under the previous proposal.
 20 They were placed on the sidewalk.

21 MR. NIERSTEDT: But they would be
 22 further back. And I'm with the mayor. The mayor
 23 asked about if this was a question because I don't
 24 really -- I don't remember anybody asking to place
 25 the carts in front of the building. I'm wondering

BRAD BOHLER, P.E.**15**

1 MR. NIERSTEDT: I'm trying to look
 2 like, wait a minute, did I miss something, did any
 3 of us ask to have carts in front of the building?

4 MS. VILLAGGIO: No.

5 MAYOR TODISCO: No, I don't recall
 6 that.

7 MR. NIERSTEDT: There were two Lidl
 8 representatives here last time. Do they remember us
 9 asking for that?

10 MR. HEHL: I don't think it was the
 11 movement of the corrals, I think it was the access
 12 to the --

13 MR. NIERSTEDT: And I agree with the
 14 access. But we don't have to put corals, cart
 15 corrals in front of the building, do we? Can we
 16 keep them where they were?

17 Even with Pathmark they were to the
 18 back, next to the building to the back. They
 19 weren't great. But if you are going down the street
 20 and you had the screening that was required, you
 21 know, it wasn't visible.

22 I'm just perplexed, and I mean it very
 23 seriously, I don't know why Lidl is proposing to
 24 have carts in front of your building. Is that your
 25 image? I know neither one of you speak for Lidl.

BRAD BOHLER, P.E.**16**

1 COUNCILMAN McCORMACK: If I can say
 2 something, not just to this applicant but if you
 3 visit ShopRite in Garwood, all the carts are in
 4 front of the building, so I don't see what their
 5 point is.

6 MR. NIERSTEDT: The difference is
 7 that's the side of the building. I'm not trying to
 8 play a game, but that's the side of the building.
 9 There are no carts in the front, in the front of
 10 ShopRite.

11 MS. VILLAGGIO: South Avenue.
 12 MAYOR TODISCO: For example, how the
 13 old Pathmark has the carts under the canopy was the
 14 side?

15 MR. NIERSTEDT: That's the side. The
 16 old canopy.

17 MS. VILLAGGIO: I think because the
 18 store itself is not the full length of the side of
 19 the building, you know, I think that's...

20 MR. NIERSTEDT: I understand what
 21 you're saying now.

22 MS. VILLAGGIO: I think that would be.
 23 But I'm not the one testifying, but that's what I
 24 would think and would need to put the shopping carts
 25 more towards the front of the building rather than

BRAD BOHLER, P.E.**17**

1 the side because the second half of the building is
 2 not them.

3 MR. NIERSTEDT: And I understand that.
 4 That's a very good point. I understand that.
 5 Again, I'm just asking my fellow board members, do
 6 we want carts in front of the building?

7 MAYOR TODISCO: I would prefer them on
 8 the side. I would hope there's enough room there
 9 with them occupying half the space. With this
 10 rendering here, that amount of carts to me looks
 11 like it could fit on the side, on the side of the
 12 building.

13 THE WITNESS: So in that area it can't
 14 because of the ADA access has to go up in that ramp
 15 area. So the reason we had proposed up front in
 16 that sidewalk area first go around was because
 17 there's a great break with a little concrete walk
 18 currently there, so we were putting those carts --
 19 storing those carts in front of that ramp.

20 So to put them along the side of the
 21 building, Pathmark had the full length of the
 22 building. They were able to tuck them back there.

23 MAYOR TODISCO: Right.
 24 THE WITNESS: That allowed people to
 25 still get through and to have ADA access.

BRAD BOHLER, P.E.**18**

1 So as I guess the compromise for the
 2 carts in that area because we couldn't screen them
 3 at this location, we could put a screen wall up
 4 along that frontage so you couldn't see the carts
 5 because it would match the architecture.

6 MAYOR TODISCO: I think you're reading
 7 my mind because that's exactly what I was thinking
 8 there.

9 COUNCILMAN McCORMACK: I don't see why
 10 you could not put a screen wall up that disguised
 11 those carts.

12 CHAIRMAN GREET: Or put some planters
 13 up there.

14 MR. HEHL: Or a combination of both.
 15 MAYOR TODISCO: Combination.
 16 CHAIRMAN GREET: Can be.
 17 MR. VINEGRA: Can I ask a question?
 18 So where you are placing the carts, you're going to
 19 raise that up to be the same elevation as the
 20 walkway going into the building?

21 THE WITNESS: It's currently part of
 22 the building, it's that vestibule. So we're taking
 23 that down. That's from last time. And that will be
 24 the same elevation, so the answer is yes.

25 MR. VINEGRA: Okay. Because there has

BRAD BOHLER, P.E.**19**

1 to be some type of screening because we don't want
 2 people crossing that area of the driveway. Then it
 3 just stops all the traffic flow, so you want the
 4 carts to only be accessible.

5 THE WITNESS: You still have to go
 6 down the ramp. There's a railing there. So in the
 7 first I will call it 50 feet or so of the front it's
 8 elevated, there's a rail there. So you couldn't
 9 walk up to the front door without going through the
 10 ramp anyway, so you would have to walk with your
 11 cart towards the crosswalk. So it's channelized
 12 that way with the railing.

13 MR. VINEGRA: I'm saying where the
 14 carts are going to be, is that the same elevation as
 15 the finish floor of the store?

16 THE WITNESS: Yes, that's elevated up
 17 in the air.

18 MR. VINEGRA: So it's going to be
 19 probably a couple of feet in the air?

20 THE WITNESS: Yes.
 21 MR. VINEGRA: I think that's better
 22 because this way it's elevated with the front door
 23 so people won't be walking across the driveway to
 24 get a cart. They have to walk at the crossing and
 25 then go along the sidewalk.

BRAD BOHLER, P.E.**20**

1 CHAIRMAN GREET: That's a good point.
 2 MR. NIERSTEDT: Explain that again.
 3 People going across the crosswalk, that's great,
 4 that's where we want them to go. So maybe, Brad,
 5 you can explain. Go across the crosswalk and then
 6 they have to walk to the front of the store, in the
 7 front of the store, I should say, to get a cart.
 8 THE WITNESS: Yes. So let me -- I
 9 will use the way you gave me the spaces. That's
 10 where the focus is. Across the crosswalk there is
 11 an open ADA ramp here. At that point you have a
 12 little patch or slightly tan, not the building but
 13 slightly tan, and then there's gray. The slightly
 14 tan has a ramp that goes up from the parking lot and
 15 gains elevation to the first floor elevation. So
 16 the elevation of the building is higher than the
 17 actual ground. As you go in the gray in towards
 18 South Avenue, it actually goes down in gray as you
 19 cross over the stream. So there's a naturalized
 20 wall that is built into this area from the front
 21 door in the gray area with a railing.
 22 So currently there like right now as
 23 it stands, so there's going to be a railing
 24 obviously to still maintain for that, so you don't
 25 go over it. But people would have to go out the

BRAD BOHLER, P.E.**21**

1 front door, take a left, go in towards the train
 2 tracks to the crosswalk. And it's about 50 feet of
 3 railing. So maybe there is a five-foot area where
 4 the concrete where you can back around and get in
 5 this area but most people will be crossing with the
 6 crosswalks.
 7 MR. NIERSTEDT: Brad, my question is
 8 if I go across that crosswalk where am I -- do that
 9 same thing you did earlier -- where am I walking to
 10 get a cart?
 11 THE WITNESS: You would walk up the
 12 ramp into the side.
 13 MR. NIERSTEDT: Okay. And where is
 14 the entrance to the building?
 15 THE WITNESS: The black triangle where
 16 the --
 17 MR. NIERSTEDT: So you are going to
 18 get a cart and come back out to get to the front
 19 door. Is that going to be a little congested there?
 20 THE WITNESS: No, it's not that
 21 difficult. Same thing that happens in ShopRites
 22 where you have inside, you walk right in the front
 23 door, you pull the cart out and go right in. Or
 24 Home Depot has the same thing.
 25 MS. VILLAGGIO: And Kings.

BRAD BOHLER, P.E.**22**

1 MAYOR TODISCO: What kind of material
 2 are we thinking for a screen? Brick?
 3 MR. VINEGRA: It would be the same
 4 material as the front of the building, masonry.
 5 MAYOR TODISCO: Okay. So if we could
 6 specify that just to make sure that the front looks
 7 as good as it could, that would be great.
 8 THE WITNESS: So I have two more
 9 changes to the site and I will talk about the signs
 10 briefly.
 11 MR. VINEGRA: Is the engineer fine
 12 with screening it a similar masonry material as the
 13 front of the building?
 14 THE WITNESS: The architect will
 15 handle that question. A little out of my realm
 16 there.
 17 MR. VINEGRA: Sorry, didn't know you
 18 had the architect here.
 19 COUNCILMAN McCORMACK: Can I
 20 interrupt?
 21 MR. VINEGRA: Sure.
 22 COUNCILMAN McCORMACK: So if we're
 23 talking about a brick wall, we are assuming that
 24 that brick wall would be three to four feet high?
 25 MR. VINEGRA: The architect is going

BRAD BOHLER, P.E.**23**

1 to...
 2 COUNCILMAN McCORMACK: With that said,
 3 where I would like to continue with that is so in
 4 the event of winter and snow and ice, how long would
 5 it take for that snow and ice to escape that area
 6 and be unsafe for somebody pulling the cart out? So
 7 I would hope that the area would be a wall of some
 8 type but where there's air movement so the ice or
 9 snow can... Something on that sort without being a
 10 solid wall. So I just want to get that in.
 11 THE WITNESS: Sure. So we'll have our
 12 architect talk about that. She will have some time
 13 to doodle on that for us.
 14 COUNCILMAN McCORMACK: Sure.
 15 THE WITNESS: At the last hearing
 16 there was a request, and Mr. Nierstedt brought it
 17 up, that some of the islands on the site didn't have
 18 the trees that were previously planted or there was
 19 some stumps around the outside of the actual parking
 20 lot. So we propose to replace those trees within
 21 the parking lot.
 22 So that's 16 trees being
 23 replaced -- not replaced, I'm sorry, being installed
 24 to replace the ones that are missing. And then ten
 25 trees along the frontage to basically fill in the

BRAD BOHLER, P.E.**24**

1 holes that were along the front of the building. So
 2 they're shown in the bigger green circles on the
 3 plans, those are the proposed trees.
 4 MS. VILLAGGIO: Is that within the
 5 parking lot itself, the trees?
 6 THE WITNESS: Yes.
 7 MS. VILLAGGIO: The ones that get hit
 8 all the time and get knocked down?
 9 THE WITNESS: There's eight in the
 10 parking lot and then there's another eight along the
 11 exterior.
 12 MS. VILLAGGIO: My personal feeling is
 13 I know -- I understand Bill likes the trees in the
 14 parking lot.
 15 MR. NIERSTEDT: Well it's a code
 16 requirement.
 17 MS. VILLAGGIO: Within the parking
 18 lot?
 19 MR. NIERSTEDT: Yes, islands included.
 20 The reason the trees are knocked down is because the
 21 board granted a variance before to allow a smaller
 22 width landscape strip.
 23 If the board were not to grant that
 24 variance and actually require what's in the code, we
 25 would have a wider area and the trees wouldn't be

BRAD BOHLER, P.E.**25**

1 hit, which I would love to discuss with Mr. Bohler
 2 but I don't think he wants to go there.
 3 MS. VILLAGGIO: Go ahead.
 4 THE WITNESS: So I think the next
 5 exhibit would be A-3. And this is a colorized
 6 version of our signage that is proposed.
 7 (Exhibits A-3, Colorized Signage Plan,
 8 is marked.)
 9 THE WITNESS: So we're now proposing
 10 to replace the pylon sign that is to the northeast
 11 side of the property with a monument sign. It has
 12 "Welcome to Garwood" on top. It's 15 feet high.
 13 It has the Lidl signage panel up top
 14 and then there's a white space below that. That's
 15 for future tenant or tenants that would come into
 16 the site. And then the address is also on the
 17 actual base of the pylons -- sorry, the monument
 18 sign.
 19 So overall that sign is 96 square
 20 feet. It's 15 feet high. So 15-foot high is a
 21 variance. Because it's a monument sign, it's a
 22 variance for the clearance below the actual sign is
 23 a requirement.
 24 We also substituted out our signs on
 25 the building, which is on the right side of this

BRAD BOHLER, P.E.**26**

1 plan. So there's still four signs up front. It
 2 used to say the Lidl logo, which is the same, it has
 3 not changed. It now says "Food Market" as opposed
 4 to before it said "Rethink Grocer."
 5 So that's a slightly smaller sign
 6 package. Each facade, so that combination facing on
 7 the east side and also the south side, each facade
 8 sign went down to 35 square feet with the change.
 9 So it's a reduction of about 70 square feet overall
 10 proposed for the base of the signs.
 11 MR. NIERSTEDT: Mr. Hehl, I know your
 12 planner is going to discuss the variances for any
 13 sign, but Ms. Fleming brought up in the report all
 14 the issues with the sign. First off, I would like
 15 to discuss them for a moment while the engineer is
 16 here.
 17 First off, I and I think other board
 18 members expressed their clear preference to get rid
 19 of the pylon sign and have the monument, so I think
 20 we're very happy you are proposing a monument sign.
 21 So let's put that out there to begin with.
 22 I'm also very happy in terms of the
 23 signs on the building. The code, when it was
 24 written, didn't expect or anticipate a building of
 25 this size. The signs have to be in comparison or

BRAD BOHLER, P.E.**27**

1 likeness in relationship to the building wall, so
 2 I'm okay with that.
 3 It's the 96 feet that gets me. How is
 4 that chosen, selected? Are the -- the planner
 5 made a -- I just made that mistake again and said
 6 engineer -- the planner made a comment in her report
 7 indicating that, as I have said for years, that
 8 people don't go down the block and say, oh, there's
 9 a ShopRite, let's stop, oh, there's Lidl, let's
 10 stop. They know where they're going. Why do we
 11 need a sign 96-foot?
 12 THE WITNESS: Sure. So some of the
 13 calculations in the area includes the Welcome to
 14 Garwood sign, part of it, as well as the base in
 15 there as part of the calculation. The reason the
 16 base is higher and elevated is because as you come
 17 down on South Avenue, there is that concrete guide
 18 wall for the river, the stream, some vegetation
 19 there as well. So we are trying to elevate that so
 20 you could actually see the sign as you come across
 21 that area. So that adds to the square footage for
 22 sure on that area.
 23 MR. NIERSTEDT: What if you were to
 24 take the white square or rectangle?
 25 THE WITNESS: Lidl would be about 81

BRAD BOHLER, P.E.**28**

1 square feet. And from a visibility perspective,
 2 there will be probably another 10 or maybe two and a
 3 half, I don't know what the future plans are for
 4 this use. The signs are comparable. It's a smaller
 5 panel so as you have more panels it's a little bit
 6 more time to react and look at that and read and
 7 understand what that is.

8 So that's really the request is, as
 9 you break these down into further tenants, I'm not
 10 suggesting more tenants here but if there are
 11 further tenants, it will take more time to read
 12 through those tenants and understand where you're
 13 coming to.

14 And you may be right about going to
 15 the supermarket or Lidl but there might be another
 16 tenant here that is a passerby trip and that would
 17 guide towards that square footage. That's all I
 18 have.

19 MR. HEHL: And if there are any
 20 specific questions related to the revised Harbor
 21 report, we would certainly be prepared to address
 22 any of those.

23 MAYOR TODISCO: Question on the sign
 24 on the building itself.

25 THE WITNESS: Yes.

BRAD BOHLER, P.E.**30**

1 that is out there. I was out there this afternoon,
 2 I saw there's a couple of areas that need --
 3 MS. VILLAGGIO: Yeah, there's...

4 THE WITNESS: So that's noted on the
 5 plan, I just neglected to mention that.

6 MS. VILLAGGIO: Okay. Are you guys
 7 okay with that?

8 MS. FLEMING: Replacing the damaged
 9 parts of the fence?

10 MR. VINEGRA: In the front there?

11 MS. FLEMING: Yeah.

12 MR. VINEGRA: Oh, yeah. I was
 13 thinking -- I'm looking at the right-of-way first,
 14 I'm sorry -- the chain link fence is along the river
 15 with the slats in it, there's some damaged parts in
 16 there right now. Yeah, the fence is when we did the
 17 river project I guess it's 15 years ago.

18 MS. VILLAGGIO: It's been a -- that's
 19 old, it's older.

20 MR. VINEGRA: You can make a request
 21 to repair or replace.

22 MS. VILLAGGIO: Yes, repair or replace
 23 any damage.

24 THE WITNESS: And some of the panels
 25 cannot be repaired so they would have to be

BRAD BOHLER, P.E.**29**

1 MAYOR TODISCO: But before I get to
 2 that I do have to say I do appreciate that it says
 3 "Welcome to Garwood." I know you looked over here
 4 when you pointed that out. It was appreciated.

5 Was there any consideration to putting
 6 "Garwood" on the building as well, either above or
 7 below the "Lidl Food Market"?

8 BOARD MEMBER: A bigger sign.

9 MAYOR TODISCO: Well, was it discussed
 10 is all I'm asking.

11 THE WITNESS: Can we have the owner's
 12 rep talk about that?

13 MAYOR TODISCO: Sure. Appreciate
 14 that.

15 MR. FRASER: You don't know if it was
 16 discussed?

17 THE WITNESS: No. I'm just the
 18 engineer.

19 MS. VILLAGGIO: What about the fence?
 20 I know I made a comment last meeting with regard to
 21 the fence.

22 THE WITNESS: Sorry, I missed that.
 23 So the current fence is chain link. We still have
 24 the proposal for chain link on the new side along
 25 the building but we will repair any fence damage

BRAD BOHLER, P.E.**31**

1 replaced. That's for sure.

2 CHAIRMAN GREET: Just to get back to
 3 the tenants and openings on that point. You have
 4 four slots for tenants underneath there?

5 THE WITNESS: Right now it's showing
 6 the box.

7 CHAIRMAN GREET: Just the box?

8 THE WITNESS: Yes. Again, we don't
 9 know what we're going to have here.

10 MR. VINEGRA: You keep advertising
 11 future pad.

12 MS. VILLAGGIO: Where is that going to
 13 go, the --

14 MR. VINEGRA: Have you ever spoken
 15 about that?

16 MS. VILLAGGIO: -- the monument sign?

17 MR. VINEGRA: The engineer may not
 18 know anything about it.

19 THE WITNESS: There's nothing drawn
 20 and submitted, so I don't really know.

21 MR. VINEGRA: I think that's where
 22 they're giving some room. Because I've called down
 23 to Florida to Gator Properties and had some
 24 discussions with the owner: Why don't you take the
 25 sign down. You don't have any approvals. You keep

BRAD BOHLER, P.E.**32**

1 marketing something you don't have approvals for it.
 2 MR. FRASER: For future needs.
 3 MR. VINEGRA: Right. The sign is
 4 supposed to be a temporary sign, it's been up for
 5 four years, so you're marketing something that is
 6 temporary.
 7 MR. FRASER: Didn't we find that in
 8 the prior application, a 30-year porch is temporary?
 9 MR. VINEGRA: Well maybe, going back
 10 to the sign, maybe the menu sign has some room for a
 11 future tenant that is not part of this building,
 12 that's a future outlying parcel. Because they have
 13 been marketing because there's so much parking on
 14 the site.
 15 MR. NIERSTEDT: It's very interesting
 16 with the parking. I'm not raising this to go either
 17 because it's an existing condition, we're not about
 18 to change it. It's interesting how every parking
 19 space is actually below required and how every
 20 backup aisle is actually below required. So it's
 21 interesting to -- you know, a change of tenancy like
 22 this, you're not going to go and redo the whole
 23 parking lot.
 24 MR. VINEGRA: Well, he is. Part of
 25 this application is to mill and resurface the entire

BRAD BOHLER, P.E.**33**

1 lot; is that correct?
 2 MR. NIERSTEDT: That was not done that
 3 long ago.
 4 MR. VINEGRA: There's a lot of
 5 cracking there. Part of this application is to mill
 6 and pave the entire lot.
 7 THE WITNESS: And re-stripe.
 8 MR. VINEGRA: And then re-stripe. So
 9 they can go back to 9-by-18, Bill.
 10 MR. NIERSTEDT: Every parking space
 11 out there right now is not conforming. It's
 12 slightly smaller than what's required. They've
 13 reduced the parking spaces already. If we made them
 14 go 9-by-18, you would probably lose a couple more.
 15 Parking lots, such as ShopRite or Pathmark where you
 16 have carts and you have car doors open, you usually
 17 want a wider space. Do we want to make them
 18 9-by-18?
 19 MR. VINEGRA: I do like the 9-by-18.
 20 THE WITNESS: That's a fine comment
 21 but it's literally one-inch difference between
 22 what's required and not. So you're not going to
 23 gain -- it's an odd spot that you have so --
 24 MR. NIERSTEDT: Lose one spot in each
 25 row.

BRAD BOHLER, P.E.**34**

1 THE WITNESS: There's not a realistic
 2 gain out of that. So you're going to lose
 3 potentially I would say six parking spaces or 12 for
 4 an inch.
 5 MR. NIERSTEDT: I agree with you but
 6 the backup aisle is also not conforming. It's
 7 supposed to be 24 and it's 22, which makes for tight
 8 parking. And you have an awful lot of accidents in
 9 parking lots. I assume you're going to give us
 10 Title 39 and all that --
 11 THE WITNESS: Right.
 12 MR. NIERSTEDT: -- but at the same
 13 time, you know -- I'm not going to make a big deal
 14 out of it. If you can stripe it nine, that would be
 15 great.
 16 THE WITNESS: We'll look at it. I
 17 mean we are proposing nine-foot spaces along the
 18 front. This area it does allow for that.
 19 MR. NIERSTEDT: The heavily used area?
 20 THE WITNESS: Yes. So that's where we
 21 have the nine-foot spaces. It's the rear spots that
 22 are not.
 23 MR. FRASER: So the bigger cars are
 24 supposed to park in the front?
 25 THE WITNESS: Sure. I guess that

BRAD BOHLER, P.E.**35**

1 comment makes sense. But from an actual
 2 perspective, it's this much difference, it's like an
 3 inch. So it's unnoticeable, it's not noticeable for
 4 anybody, for that matter. I mean the reality is if
 5 you have an F-150, it's going to be tough to fit any
 6 parking space in your code so...
 7 MR. CAPOBIANCO: It's a foot, isn't
 8 it?
 9 THE WITNESS: No, it's an inch. The
 10 requirement is nine, we have 8.9 feet.
 11 MR. NIERSTEDT: So, it's three inches.
 12 THE WITNESS: .1 feet, so it's one
 13 inch.
 14 MR. FRASER: 1.1 inch.
 15 MR. CAPOBIANCO: I thought it was
 16 eight feet.
 17 MAYOR TODISCO: My only hesitation on
 18 that would be with future tenants to maximize the
 19 parking.
 20 Also we are in talks, from the Borough
 21 perspective, with the owner, Gator, for using this
 22 parking lot for snow for this winter. But, you
 23 know, if all went well and use it for some more in
 24 the future, you know, might not be a bad idea so...
 25 But even with that said, future

BRAD BOHLER, P.E.**36**

1 tenants come in, every spot may count, is it worth
 2 it? I don't know.
 3 MS. VILLAGGIO: It's point...
 4 CHAIRMAN GREET: Yeah.
 5 MAYOR TODISCO: Right. Personally I
 6 don't think it's worth it.
 7 MS. VILLAGGIO: My car will be okay in
 8 there.
 9 MR. VENA: That's all that matters.
 10 MS. VILLAGGIO: I don't have an F-150.
 11 MR. VINEGRA: Going back to what Bill
 12 said, the parking spaces along the brook, they're
 13 showing to be 20 feet 6 inches in depth. Do you see
 14 that?
 15 THE WITNESS: Yes.
 16 MR. VINEGRA: Why is that dimension
 17 being utilized?
 18 THE WITNESS: Existing curb line
 19 locations, so we're matching the curb lines.
 20 MR. VINEGRA: No, but I'm saying leave
 21 the curb out of it and just add that half a foot
 22 almost to the backup aisle and just make it a
 23 9-by-18, now you have a 24-foot backup aisle.
 24 THE WITNESS: Oh, you mean just for
 25 that one row? We can do that, that's fine.

BRAD BOHLER, P.E.**37**

1 MR. VINEGRA: So then you have a
 2 24-foot backup aisle.
 3 THE WITNESS: Sure.
 4 MR. VINEGRA: So a lot is being done
 5 here to save a bunch of crumbly islands that are
 6 junk. There's one, two, three, four, five, six,
 7 seven, eight, nine -- there's nine islands that are
 8 tiny, tiny junk old islands. I'd say scrap them and
 9 do 24-foot aisles. You can get all these aisles
 10 24-foot and redo the islands. These islands are
 11 just old, deteriorated pieces of concrete.
 12 MR. NIERSTEDT: I would support that
 13 100 percent because you could probably end up with
 14 better islands, islands that allow the trees to
 15 live. Do them according to NJDEP Best Practices and
 16 actually have them lower than the parking lot so
 17 that the water actually goes to the trees rather
 18 than being pushed away from trees because of the
 19 curb.
 20 Mr. Hehl, Mr. Bohler, if you would
 21 like to -- if you're open to working with
 22 Mr. Vinegra to not so much redesign that -- not so
 23 much stripe based upon what is existing out there
 24 but to work with him to perhaps re-stripe it, since
 25 you're going to be doing it anyway to make it a

BRAD BOHLER, P.E.**38**

1 better lot, that would be great.
 2 MR. VINEGRA: There's enough distance
 3 between the curb along the brook and the curb along
 4 the rear property line along the railroad tracks to
 5 have 24-foot backup aisles. You just have to recon
 6 -- just they have to be slivered a tiny, tiny bit to
 7 make 24-foot aisles in that 18-foot parking bays.
 8 You have the dimensions because some of your parking
 9 bays are 20 and a half, another one is 19.8, another
 10 one is 24 and a half.
 11 So you have -- you can throw that
 12 extra room into the rear aisle. And then you're
 13 trying to save, like I said, nine islands. But also
 14 your islands you don't show -- on your lighting plan
 15 you don't show any lighting, foot candles.
 16 THE WITNESS: We didn't do a lighting
 17 plan. That was part of the review comments last
 18 time is we go out and study it after they're cleaned
 19 and operational.
 20 MR. VINEGRA: It says landscaping and
 21 lighting plan.
 22 MR. NIERSTEDT: Mr. Chairman, I think
 23 we've all said from the very beginning, and I won't
 24 speak for everyone else, as Kathy says I'll speak,
 25 you know, I support this application and we want

BRAD BOHLER, P.E.**39**

1 this to happen. What Mr. Vinegra is saying is
 2 basically you're going to mill and pave this parking
 3 lot anyway, you're going to stripe it anyway, so why
 4 don't we look at it, paint here or paint three
 5 inches over isn't going to do anything. Let's see
 6 if we can get 24-foot backups. Let's see if we can
 7 get 18-foot-deep stalls and make it close to a
 8 conforming lot. I don't think it's going to be any
 9 additional money on anybody until you get to islands
 10 and that's something to work with Mr. Vinegra to see
 11 what we end up with.
 12 CHAIRMAN GREET: Are you willing to do
 13 that, though?
 14 THE WITNESS: The striping for sure,
 15 we can certainly work with Mr. Vinegra on that. I
 16 can't speak to that, I would have to talk with our
 17 folks.
 18 MS. VILLAGGIO: Is there anything
 19 being done with the sidewalks, are you replacing the
 20 sidewalk --
 21 THE WITNESS: In front of our
 22 building?
 23 MS. VILLAGGIO: -- along South Avenue?
 24 THE WITNESS: No. Those are remaining
 25 as is.

BRAD BOHLER, P.E.**40**

1 MR. VINEGRA: I'm going to go back
 2 really briefly to the island and why I think they're
 3 probably going to be moved. Without a lighting
 4 plan, how do we know -- you know, most times you try
 5 to put the light post in the island. A lot of times
 6 when we design a site, you put the island where the
 7 light post is going to be, but without a lighting
 8 plan, I don't know where the light post is going to
 9 be.

10 MR. NIERSTEDT: Right. We haven't
 11 talked about redesigning the lighting. We indicated
 12 lighting was out there with Pathmark, it was
 13 acceptable and nobody is talking about redoing it.

14 MR. VINEGRA: The problem is that
 15 lighting without evidence is most likely
 16 substandard. And that's one issue with health and
 17 public safety where you want to go with new LED
 18 lighting, it's more efficient.

19 I don't know if you have half a foot
 20 candle on the whole site. So if you are going to
 21 have a brand new tenant in there, it has to meet the
 22 current requirements. Has to meet. And without
 23 seeing a lighting plan I don't know if the light is
 24 going to meet the current requirements for health
 25 and public safety.

BRAD BOHLER, P.E.**42**

1 money and getting the lighting. I mean the lighting
 2 might just be able to be resolved because I'm sure
 3 what's out there is what, metal halides?

4 THE WITNESS: Yes.

5 MR. NIERSTEDT: You'll probably go to
 6 LED which will probably meet code anyway.

7 MR. VINEGRA: I don't know without
 8 seeing a plan.

9 MR. NIERSTEDT: I know you don't know
 10 that, correct.

11 MR. VINEGRA: So that's the problem.

12 MR. NIERSTEDT: Mr. Bohler, were you
 13 planning on switching to LED and seeing what kind of
 14 lights you get?

15 THE WITNESS: No, cleaning and
 16 maintaining.

17 MR. NIERSTEDT: Cleaning and
 18 maintaining. Then you have to find out what's out
 19 there.

20 MR. VINEGRA: No because that to me is
 21 not a proper answer. If what's out there is .2-foot
 22 candles and there's people getting hurt, there's
 23 been case law about boards and municipalities being
 24 sued for approving a substandard plan. I don't want
 25 to go there but there is case about health and

BRAD BOHLER, P.E.**41**

1 The pedestrian ways have to be lit a
 2 little higher than two-foot candles. The parking
 3 lot has to be lit at an average of two-foot candles
 4 and, you know, so... And the islands would be placed
 5 where the light poles are.

6 MS. VILLAGGIO: I would suggest, based
 7 upon Victor's comments, that, you know, when you
 8 come back, possibly come back with a lighting plan.

9 MR. HEHL: Certainly we received that
 10 feedback and will discuss it with the applicant.

11 MS. VILLAGGIO: It's a basic lighting
 12 plan.

13 CHAIRMAN GREET: In the same vein I
 14 like the idea about getting rid of the islands and
 15 using trees, so that it drains into...

16 MR. NIERSTEDT: Mr. Chairman, I mean I
 17 appreciate what Victor brought up because, you know,
 18 I keep going back to we want this to happen. Now if
 19 I told you how many people have said to me what's
 20 happening with the Lidl application, it's like I
 21 think we want this.

22 As Mr. Bohler says, re-stripping isn't
 23 going to cost anybody any additional money. Just
 24 figure out how it works out. We get the islands,
 25 yeah, that's where you're going to start costing

BRAD BOHLER, P.E.**43**

1 public safety.

2 MR. NIERSTEDT: So the bottom line is
 3 you're looking for a lighting plan?

4 MR. VINEGRA: Yeah. And of every
 5 application that's a retail facility. We've
 6 never -- we've never approved something open to the
 7 general public.

8 CHAIRMAN GREET: I agree with you.

9 MR. VINEGRA: Especially with night
 10 hours without seeing that it meets the ordinance
 11 because it could be a waiver or a variance from
 12 requirements of the ordinance. So how can you make
 13 that determination?

14 Cleaning it is not the answer. I mean
 15 I would have to see -- we would have to see
 16 evidence. They can go out there with a foot candle
 17 meter and do a study. But there is no study on this
 18 project.

19 MS. VILLAGGIO: You heard my
 20 suggestion. Come back with it based upon my
 21 comments.

22 MR. VINEGRA: And that's an old
 23 comment, it's not like a new comment.

24 MS. VILLAGGIO: I know.

25 CHAIRMAN GREET: Well I think we're

BRAD BOHLER, P.E.**44**

1 finished with the lighting at this point in time.
 2 Do you have anything more?
 3 THE WITNESS: I'm done.
 4 MR. HEHL: Again, certainly he can
 5 respond to other items but no further questions for
 6 Mr. Bohler at this time.
 7 CHAIRMAN GREET: Before you go, just
 8 anybody else have any questions? I'll open it up to
 9 the general public for any questions specific of
 10 this witness.
 11 MR. BRENNAN: Good evening, Mr. Chair,
 12 members of the board. My name is Jeff Brennan. I'm
 13 an attorney admitted to practice in the State of New
 14 Jersey. I represent Fred and Faith Balsamo, 233
 15 Locust Ave, Garwood. Just a couple of questions for
 16 Mr. Bohler.
 17 MR. HEHL: Sure.
 18 MR. NIERSTEDT: Is that within
 19 200 feet of the property?
 20 MR. BRENNAN: It's not, no.
 21
 22 C R O S S E X A M I N A T I O N
 23
 24 MR. BRENNAN: Mr. Bohler, you
 25 testified in regard to the location of the carts and

BRAD BOHLER, P.E.**45**

1 that they are now placed in the front of the store;
 2 is that correct?
 3 THE WITNESS: Yes.
 4 MR. BRENNAN: Is there any reason why
 5 they couldn't be put inside?
 6 THE WITNESS: I'm not the architect.
 7 I won't be able to answer that question.
 8 MR. BRENNAN: So you don't know?
 9 THE WITNESS: You would have to ask
 10 the architect.
 11 MR. BRENNAN: Okay. With respect to
 12 snow and ice, one of the board members made a
 13 comment, are you aware of how often that area is
 14 going to be monitored and operational? I mean, I
 15 don't want to repeat what the board's comments were
 16 but essentially I'll ask you the same question: Is
 17 there any reason that you can think of not to make
 18 it a conforming parking lot if you're starting from
 19 scratch?
 20 THE WITNESS: We're not starting from
 21 scratch. We are keeping the curb lines in place, so
 22 we agreed to work with Mr. Vinegra on providing, as
 23 best as possible, compliant striping.
 24 MR. BRENNAN: Okay. But what about
 25 the islands?

BRAD BOHLER, P.E.**46**

1 THE WITNESS: We'll look at that. I'm
 2 not 100 percent sure on that one yet.
 3 MR. BRENNAN: And the aisle widths?
 4 THE WITNESS: Again aisle widths we'll
 5 look at that from a striping perspective.
 6 MR. BRENNAN: Well can you think of
 7 any reason, sitting here right now, why you won't
 8 make it conforming?
 9 THE WITNESS: Sure. It's the
 10 dimensions that we have are variance requests that
 11 are existing conditions and they are de minimis with
 12 regards to the actual dimensions. So an inch over
 13 nine feet is not noticeable.
 14 MR. BRENNAN: Okay. But aren't you
 15 more than 100 spaces over parked on the site?
 16 THE WITNESS: Sure.
 17 MR. BRENNAN: That's all I have.
 18 MR. NIERSTEDT: Can you say the name
 19 and address of the client?
 20 MR. BRENNAN: Sure. Fred and Faith
 21 Balsamo, B-A-L-S-A-M-O, 233 Locust, L-O-C-U-S-T,
 22 Avenue.
 23 MR. HEHL: Just quick, are they here
 24 this evening?
 25 MR. BRENNAN: They're not.

47

1 Mr. Balsamo is sick and he actually texted me right
 2 before the meeting.
 3 MR. HEHL: Okay. And I just wanted --
 4 what is their proximity to this development?
 5 MR. BRENNAN: Approximately a quarter
 6 mile.
 7 MR. HEHL: And are they going to
 8 express what their particular concerns are with
 9 respect to --
 10 MR. FRASER: Mr. Hehl, I think the
 11 questions are proper. I don't think it's an
 12 appropriate time. He's not a witness, you don't get
 13 to question him.
 14 MR. BRENNAN: Thanks, Counsel.
 15 MR. HEHL: Okay.
 16 MR. FRASER: Nice try, though.
 17 CHAIRMAN GREET: Anyone else from the
 18 public who wishes to have any questions for this
 19 witness? Seeing none, I'll close that portion of
 20 the hearing.
 21 MR. HEHL: I would like now to call
 22 upon our architect, Chelsea Rawson.
 23 MS. RAWSON: Good evening.
 24 MR. HEHL: You have to be sworn first.
 25 C H E L S E A R A W S O N ,

1 having been duly sworn, testifies as follows:
 2 MS. FRASER: Could you state your
 3 name?
 4 MS. RAWSON: Absolutely. Chelsea
 5 Rawson.
 6 MR. HEHL: Speak up.
 7 MS. RAWSON: I know I'm quiet.
 8 Chelsea Rawson, R-A-W-S-O-N. And I am at 923 Mary
 9 Street, Williamsport, Pennsylvania.

10
 11 DIRECT EXAMINATION

12 BY MR. HEHL:

13 **Q.** And if you can give the board and the
 14 public the benefit of your work, educational
 15 experience, area of expertise and any licenses that
 16 you hold?

17 **A.** Sure. I am licensed in New Jersey as
 18 well as other states on the East Coast. I have been
 19 licensed for a little over a year.

20 **Q.** And have you -- and the licenses are
 21 in full force and effect?

22 **A.** Yes.

23 MR. FRASER: And those licenses are in
 24 what field?

25 THE WITNESS: Architecture.

1 and then adding a Trespa wood cladding. It's like a
 2 wood panel, like a laminate, that goes along with
 3 Lidl's branding.
 4 And then as you continue around the
 5 other face, the same Trespa panel there to keep with
 6 the branding. And then as we open up the vestibule,
 7 we will be rewrapping those columns in the EIFS and
 8 the masonry to match what's there existing to tie it
 9 back to the building.

10 **Q.** And to interrupt, what you're pointing
 11 to now, is that part of what was submitted, or is
 12 that a rendering for this evening?

13 **A.** This is what was submitted previously.

14 MR. FRASER: With the color?

15 THE WITNESS: I'm sorry?

16 MR. FRASER: With the color?

17 THE WITNESS: Yes.

18 MR. HEHL: Yes.

19 BY MR. HEHL:

20 **Q.** And just when you refer, just refer to
 21 what plan, what page of the plan?

22 **A.** Okay. And these are the colored
 23 elevations and they show the Lidl grocery signage.

24 As you continue around the side we
 25 have existing glazing here that is currently covered

1 MR. FRASER: Thank you.

2 MR. HEHL: Thank you. And I would
 3 offer Ms. Rawson as an expert in the field of
 4 architecture.

5 MR. FRASER: Mr. Chairman, I recommend
 6 that this witness be accepted.

7 CHAIRMAN GREET: So be it. And I
 8 would just ask the witness for you to speak up a
 9 little bit more.

10 THE WITNESS: I sure will try. Remind
 11 me if I get quiet again.

12 BY MR. HEHL:

13 **Q.** So if you could first take us through
 14 the existing conditions at the site with respect to
 15 the structure and then what is proposed by way of
 16 the enhancements and improvements.

17 **A.** Absolutely. So it's probably better
 18 seen on the rendering that you have in front of you
 19 but kind of starting from this side working over, we
 20 have existing masonry all along this space here with
 21 an EIFS canopy above.

22 We are proposing to change a lot of
 23 that masonry on the front face to storefront to
 24 allow natural light into the store. Up above will
 25 be painting the existing EIFS so no change there,

1 with decals. We propose to continue to keep that
 2 covered with decals, nothing specific, just generic
 3 food items. No advertising specifically for the
 4 store.

5 **Q.** And I believe that part of what your
 6 firm prepared, and I see it's sitting in front of a
 7 board member here, if you can perhaps -- I know that
 8 was submitted but if you can also introduce -- and I
 9 think there's an alternate exhibit that was proposed
 10 here. Just briefly describe those to the board
 11 also.

12 **A.** The first one is the existing
 13 conditions of the building. The second one is the
 14 proposed rendering of the building.

15 **Q.** And, again, they were submitted as
 16 part of the package to the board?

17 **A.** And they show the same conditions that
 18 we're showing on the colored elevations here.

19 **Q.** And then from architectural standpoint
 20 if you can take us through the signage?

21 **A.** Sure. The signage on the front, just
 22 like Mr. Bohler had said, is the large Lidl signage.
 23 And then the other signage on the building is the
 24 decals that would be here, but it's not necessarily
 25 Lidl signage, it's just to cover the back of house

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1 we don't want the public to see.
 2 MR. FRASER: Cover what?
 3 THE WITNESS: So the freezer/coolers
 4 are inside the windows, so we just leave it open.
 5 MR. HEHL: If you can just point where
 6 that area is.
 7 THE WITNESS: That's this area right
 8 here.
 9 MAYOR TODISCO: Ms. Rawson, you
 10 said that -- I'm sorry, earlier the testimony was
 11 given that it would say "Food Market" instead of
 12 "Rethink Grocery"?
 13 THE WITNESS: And I do actually have
 14 that one but since the "Rethink Grocery" is what was
 15 submitted previously it's sort of -- I lied, sorry
 16 about that. So there's the same but showing the
 17 "Food Market".
 18 MAYOR TODISCO: Okay. And "Food
 19 Market" is definitely the one?
 20 THE WITNESS: Yes.
 21 MAYOR TODISCO: On all of the places
 22 that it would go?
 23 THE WITNESS: Yes.
 24 MAYOR TODISCO: Okay. Just wanted to
 25 make sure I had that correct. Thank you.

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1 THE WITNESS: I do, yes, I have those
 2 I believe.
 3 MR. HEHL: Yeah, but we have to mark
 4 them.
 5 BY MR. HEHL:
 6 **Q.** So if you could describe, and then I
 7 can hand these out?
 8 **A.** Sure. So this is the same rendering
 9 as previously but it shows the "Food Market"
 10 signage. And that one I don't think you need to
 11 hand out. I think everybody has a copy of that.
 12 It's the same existing.
 13 MR. HEHL: So if we could mark this, I
 14 believe we're up to -- is it A-4?
 15 MS. LEWIS: Yes.
 16 MR. HEHL: A-4. And then we'll hand
 17 out copies.
 18 That's A-4.
 19 (Exhibit A-4, Colored Rendering, is
 20 marked.)
 21 MR. FRASER: Steve, how many are we
 22 getting; just one?
 23 THE WITNESS: There's just one.
 24 There's 20 copies of the same exhibit.
 25 MR. HEHL: Is this new, too?

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1 THE WITNESS: This is new also. Do
 2 you want me to mark it A-5?
 3 MR. HEHL: A-5, please, yes.
 4 (Exhibit A-5, Colored Elevation, is
 5 marked.)
 6 BY MR. HEHL:
 7 **Q.** So if you can again identify what A-5
 8 is and the change from the previous?
 9 **A.** A-5 is the colored elevation showing
 10 the "Food Market" signage.
 11 **Q.** As opposed to the rethink?
 12 **A.** As opposed to the "Rethink Grocery".
 13 **Q.** And if you could just briefly again
 14 take the board through the aesthetic improvements
 15 that are being made to the facade as part of this
 16 application and, as an architect, its visual impact
 17 on the site.
 18 **A.** So, again, we're repainting the top
 19 canopy here that's EIFS now, giving that a fresh
 20 coat of paint and lightening that up. And then
 21 adding the brand new tower here which will tie back
 22 to Lidl's branding and it will also kind of bring a
 23 little bit of life to that corner there.
 24 **Q.** And then I believe that the existing
 25 columns are going to be capped with EIFS?

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1 **A.** Correct. Where we're removing the
 2 storefront along here that's covered with the
 3 decals, we'll wrap the columns back to match and,
 4 like you had said earlier, maybe a screening for the
 5 cart storage.
 6 **Q.** Yeah, and if you could, there was a
 7 question regarding that, if you could perhaps
 8 describe where that would be located?
 9 **A.** So that would start probably at this
 10 column line and run back along, and we would do a
 11 half wall as well.
 12 MAYOR TODISCO: Do you envision that
 13 having an opening at the bottom or something --
 14 THE WITNESS: Sure, for snow or rain.
 15 MAYOR TODISCO: -- for snow or rain?
 16 Great.
 17 THE WITNESS: And that would be sloped
 18 so that water would run away from the building.
 19 MAYOR TODISCO: Very good.
 20 BY MR. HEHL:
 21 **Q.** And that could be done to match the --
 22 **A.** I would assume we would just use the
 23 same masonry that's there and continue that look.
 24 MS. VILLAGGIO: I have a question.
 25 MR. HEHL: Sure.

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1 MS. VILLAGGIO: With regard to the
 2 building itself, you indicated that you're going to
 3 paint the top portion with paint and wood; is that
 4 right? Like a wood on top with paint?
 5 THE WITNESS: Correct.
 6 MS. VILLAGGIO: You're going to paint
 7 the stucco whatever is presently there.
 8 THE WITNESS: Correct.
 9 MS. VILLAGGIO: You most likely
 10 wouldn't be able to answer this question but I'm
 11 going to put it out there anyway, what about the
 12 portion of the building that is not being rented?
 13 THE WITNESS: I can't speak to the
 14 landlord's plans for that other side until he gets a
 15 tenant lined up.
 16 MS. VILLAGGIO: Because, you know, you
 17 know, this portion is going to look nice and then
 18 you have the old beige portion and it would take
 19 away from the newness of the building itself.
 20 THE WITNESS: Right. And I can't
 21 speak for the landlord, but I would assume that if
 22 he's trying to get tenants in there, he's going to
 23 want it to look clean, so...
 24 MR. HEHL: And we also hope that you
 25 get a brand new great tenant like this that will

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1 CHAIRMAN GREET: I don't know whether
 2 or not it was entertained or thought about and it
 3 may not be for you, it may be more for the engineer.
 4 But just out of curiosity, with the incline ramp,
 5 and I know it's going to have an overhang, but we
 6 get some severe winters here with snow and ice and
 7 that kind of thing built up. Has there been any
 8 thought given to putting in some kind of a heated
 9 walkway up that ramp?
 10 THE WITNESS: We haven't discussed
 11 that but there's actually a ramp there now.
 12 CHAIRMAN GREET: I know that. I know
 13 there is.
 14 THE WITNESS: I would be interested to
 15 find out how they were handling that operationally.
 16 CHAIRMAN GREET: Well I know it wasn't
 17 heated. My question to you is that, you know, would
 18 you, being a new tenant coming in, would that be
 19 entertained?
 20 THE WITNESS: That was not discussed.
 21 MAYOR TODISCO: Two comments I have to
 22 follow up to what Ms. Villaggio just said about the
 23 -- and I understand what you're saying about taking
 24 on the landlord's work, but if Lidl were to continue
 25 the great aesthetics that it has and the landlord

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1 help attract other tenants.
 2 MS. VILLAGGIO: I understand that.
 3 You know, like I like the actual look of the
 4 building, you know, what you're planning on doing if
 5 it's approved, which I hope it's approved, I have to
 6 say that. But then you got this other 50-foot
 7 portion, and I don't even know if it's 50 feet, I'm
 8 just taking a guess, and it's going to be the old
 9 beige.
 10 THE WITNESS: Right.
 11 MS. VILLAGGIO: So hopefully the other
 12 portion of the store will be rented out so it would
 13 be one...
 14 THE WITNESS: As an architect I would
 15 hope, that's clean and nice looking.
 16 MS. VILLAGGIO: Is there any way that
 17 they could paint the other portion that's...
 18 THE WITNESS: I don't know, you know,
 19 I don't know that Lidl would be willing to take on
 20 the landlord's work like that.
 21 MS. VILLAGGIO: I just wanted to put
 22 it out there.
 23 THE WITNESS: Absolutely.
 24 CHAIRMAN GREET: I have a question.
 25 MS. VILLAGGIO: Thank you.

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1 were to reimburse, it would just be so much more
 2 favorable-looking. So I just want to echo that. If
 3 that could be taken back to the property owner, that
 4 would be appreciated.
 5 Also, I fully support the engineer
 6 comments about the covering of the windows facing
 7 South Avenue. So was that agreeable that it is
 8 limited to generic food items and not advertising --
 9 THE WITNESS: Correct.
 10 MAYOR TODISCO: -- or no?
 11 And also that it has the permitted
 12 deviation for place making for the Borough if the
 13 Borough were to approach Lidl about something?
 14 Maybe, for example, if there was even a joint effort
 15 on a can drive, that could be advertised that way?
 16 THE WITNESS: The concern about that
 17 was that since there's built-in freezer/coolers on
 18 the back side, it's going to be really difficult to
 19 change those decals out on a regular basis.
 20 MAYOR TODISCO: Okay.
 21 MS. FLEMING: I would definitely say
 22 because resolutions do tie to the land, I was
 23 thinking long-term and that goes with change of
 24 tenants, that I didn't want it to be that no time
 25 ever would the Borough not be able to do that, but

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1 also tenant approval, property owner approval.
 2 MAYOR TODISCO: Right. Would you be
 3 willing to have that, just to make sure we're not
 4 tied up on our end, as Lee stated?
 5 THE WITNESS: I'll let Lidl speak to
 6 that.
 7 MS. VILLAGGIO: Will there be
 8 testimony from the --
 9 MR. HEHL: Correct.
 10 THE WITNESS: I'll speak to the
 11 operations side. It would be really difficult to
 12 get in and change that out frequently, if at all.
 13 MAYOR TODISCO: Right. It says, of
 14 course you would not be obligated to even if the
 15 Borough approached you, but it would just make sure
 16 that we don't get hung up so...
 17 THE WITNESS: Yeah, I'll let them
 18 speak to that.
 19 MR. NIERSTEDT: Mr. Chairman, just one
 20 positive comment. I'm very happy to see that
 21 they're opening up the parking lot side of the
 22 building to glass windows. That's -- I'm very happy
 23 to see that.
 24 MAYOR TODISCO: I concur.
 25 CHAIRMAN GREET: Any other questions

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1 of this witness? Seeing none, I'll open it up to
 2 the general public again for specific questions of
 3 this witness.
 4 MR. BRENNAN: Mr. Chairman, did you
 5 want me to re-introduce myself or is it sufficient
 6 for the record --
 7 CHAIRMAN GREET: I think it's fine, go
 8 ahead. Correct.
 9 MR. FRASER: That would imply that I
 10 recall the gentleman's name.
 11 MR. BRENNAN: I'm sorry?
 12 MR. FRASER: That would imply that I
 13 recalled your name. I apologize. So do it one more
 14 time, you won't have to do it next time.
 15 MR. BRENNAN: Jeff Brennan,
 16 B-R-E-N-N-A-N, attorney for Fred and Faith Balsamo.
 17 MR. FRASER: Thank you.
 18
 19 C R O S S E X A M I N A T I O N
 20 MR. BRENNAN: Ms. Rawson, I apologize.
 21 I was having a difficult time hearing you, so some
 22 of the questions may be duplicative.
 23 You said you were licensed for one
 24 year?
 25 THE WITNESS: Yes.

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1 MR. BRENNAN: Have you ever appeared
 2 in front of this board before?
 3 THE WITNESS: No.
 4 MR. BRENNAN: Have you ever appeared
 5 before any boards in the State of New Jersey before?
 6 THE WITNESS: In the State of New
 7 Jersey, no.
 8 MR. BRENNAN: I'm sorry, what?
 9 THE WITNESS: Not in the State of New
 10 Jersey, no.
 11 MR. BRENNAN: But you're licensed in
 12 New Jersey?
 13 THE WITNESS: Correct.
 14 MR. BRENNAN: Has your qualifications
 15 ever been rejected by any board?
 16 THE WITNESS: No.
 17 MR. BRENNAN: With respect to the
 18 stickers, I believe that's what you called it, are
 19 they included in your signage calculations?
 20 THE WITNESS: We did include those in
 21 our variance and actually the engineer can speak to
 22 that.
 23 MR. BRENNAN: Okay. And what is the
 24 material actually? Do you know what it's made of?
 25 THE WITNESS: They would be a vinyl

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1 decal from the inside.
 2 MR. BRENNAN: And what is actually on
 3 the opposite side of one of the stickers?
 4 THE WITNESS: On the other side of the
 5 decals? You mean floor plan-wise?
 6 MR. BRENNAN: Right.
 7 THE WITNESS: Freezer/cooler units.
 8 MR. BRENNAN: Is there any reason why
 9 the freezer/coolers couldn't be transposed to the
 10 interior demising wall?
 11 THE WITNESS: Due to the operations of
 12 the store, it was thought best to have them in the
 13 certain spots that they're in.
 14 MR. BRENNAN: So you would rather have
 15 the stickers on the window?
 16 THE WITNESS: Correct. Well there's
 17 stickers there now as well.
 18 MR. BRENNAN: Okay. Thanks, that's
 19 all I have.
 20 CHAIRMAN GREET: Thank you. Anyone
 21 else from the general public? Seeing none, I'll
 22 close that.
 23 MR. HEHL: I would now like to call
 24 upon John Harter, our traffic engineer.
 25 J O H N H A R T E R,

1 having been duly sworn testifies as follows:
 2 MR. FRASER: State and spell your name
 3 and give your address.
 4 THE WITNESS: John Harter,
 5 H-A-R-T-E-R. My professional address, 35 Technology
 6 Drive in Warren, New Jersey.
 7

DIRECT EXAMINATION

8 BY MR. HEHL:

9 **Q.** And, Mr. Harter, if you can please
 10 give the board your area of expertise, licenses you
 11 hold, educational experience and whether you have
 12 testified before this board or other boards in the
 13 State of New Jersey and been accepted as an expert
 14 in your field of traffic engineering.
 15

16 **A.** Yes, I have a Bachelor of Science in
 17 Civil Engineering from Lehigh University. I have
 18 been at Atlantic since graduating in 1993, so just
 19 over 25 years. I am licensed in this state and
 20 several others. I've appeared in Garwood before in
 21 the past and over 150 municipalities in the state.
 22 And I have been accepted as an expert in traffic in
 23 all those instances.

24 MR. FRASER: And your licenses are all
 25 current?

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1 THE WITNESS: Yes.
 2 MR. HEHL: And I would offer
 3 Mr. Harter as an expert in the field of engineering
 4 and traffic.

5 CHAIRMAN GREET: Yes.

6 THE WITNESS: Thank you.

7 CHAIRMAN GREET: Thank you.

8 BY MR. HEHL:

9 **Q.** Mr. Harter, you are obviously well
 10 familiar with the site. If you could take the board
 11 through your analysis from a traffic standpoint of
 12 this project.

13 **A.** Sure. Usually we would do a more
 14 thorough study for a case where we do traffic counts
 15 and, you know, do analysis for levels of service but
 16 in this case because it's redevelopment of a
 17 property that is already in existence, access is
 18 being maintained and generally the parking and site
 19 circulation, we just looked at the site plans
 20 prepared by Bohler and assisted it with questions
 21 related to traffic circulation and access, and then
 22 also looked at Trip Generation and just did an
 23 analysis of what we would expect for the project.

24 And we analyzed this similar to NJDOT
 25 because there's different methods of calculating

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1 trip generation. But the way DOT would look at a
 2 use like this is they would consider the former use
 3 as a grocery store. They would look at all the
 4 square footage and use research from the Institute
 5 of Transportation Engineers, the ITE, and calculate
 6 trip generation projections based on that.

7 In the proposed condition, since the
 8 supermarket would be reduced in area, there would be
 9 a second tenant, DOT would then look at it as a
 10 shopping center land use, which has a lot of
 11 research done as well.

12 And when you look at that, the
 13 comparison of those two uses, supermarket is
 14 generally one of the most intensive of land uses in
 15 the retail realm per square footage. So when you
 16 break it out and look at it as a shopping center,
 17 the proposed condition, the numbers actually drop
 18 fairly considerably. And just based on the building
 19 area 51,000 square feet, the p.m. peak-hour trips
 20 are shown to drop by about 150 and then Saturday a
 21 little bit more than that, so pretty significant
 22 drop in traffic.

23 Obviously the Lidl is quite a bit
 24 smaller and will initially be built and operating by
 25 itself, it will be quite a lower generator than the

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1 prior supermarket tenants.

2 The site access is proposed to be
 3 maintained. The western driveway consists of a
 4 full-movement driveway, 30 feet in width. And the
 5 eastern access point has a left turn restriction
 6 that is physically restrictive with an island and
 7 signage and we intend to maintain that access as it
 8 is today.

9 The site is -- in terms of the on
 10 site, we have already -- I think it's been
 11 acknowledged that we have more parking than is
 12 needed but it's my opinion it's beneficial to
 13 maintain as much parking as we can because we don't
 14 know what that second tenant may be or second and
 15 third in the future, so it's my recommendation to
 16 keep as much parking as we can.

17 I agree with Fred Bohler's
 18 interpretation, site engineer on the de minimis
 19 parking dimensions. They're roughly on order of one
 20 to two percent below what your requirements are.
 21 They have been in place for a long time and used by
 22 really for the same market as Lidl will be serving
 23 as well. But I think Mr. Bohler has indicated
 24 they'll go back and look at re-striping and likely
 25 meet those standards of the Borough of 9-by-18s.

1 That really covers I think the issues
 2 that I saw on the project. Pretty straightforward
 3 from my perspective.
 4 There was a review letter back in May
 5 from the police just talking about the left-turn
 6 restriction at the eastern driveway. And it sounds
 7 like in the past this has contributed some more
 8 volume of the left being in times, I guess, backed
 9 up when it was a full supermarket on-site. So the
 10 police just commented that I guess at times they had
 11 a police officer out to direct traffic at key points
 12 in time. And they said that, going forward, that
 13 the applicant could consider that again if those
 14 volumes were to occur.
 15 MS. VILLAGGIO: Yeah, I think they
 16 were on Saturday and possibly Sunday.
 17 THE WITNESS: I wouldn't think with
 18 the Lidl on its own that would be necessary but
 19 we'll -- I think we wait and see how, you know, what
 20 the activity on the site is.
 21 CHAIRMAN GREET: So you're not adverse
 22 to doing that?
 23 THE WITNESS: Right.
 24 You know, Steve, I think that covers
 25 the main traffic items.

1 MR. HEHL: Yes.
 2 THE WITNESS: A pretty straightforward
 3 case.
 4 MR. HEHL: I have no further
 5 questions.
 6 MR. NIERSTEDT: The only question I
 7 have is as it relates to tractor-trailers. I assume
 8 tractor-trailers are going to come to the site for
 9 deliveries. And I assume they're going to be coming
 10 down south and enter from the east.
 11 Did you by chance put a turning
 12 template on the far right or I'll say northeast
 13 turning maneuver? Because I'm not sure the
 14 tractor-trailer can actually make that turn.
 15 Kathy mentioned earlier about trees
 16 being killed by vehicles. I would just ask
 17 Mr. Bohler and Mr. Carter when we work with
 18 Mr. Vinegra to look at this parking lot, I don't
 19 know how with a 22-foot-wide backup tractor-trailer
 20 is going to make that turn, so you might end up
 21 having to redesign or relocate that island anyway
 22 just to ensure the tractor-trailer can make that
 23 turn without affecting anything.
 24 Because I mean right now, you and I
 25 have been in the business, it doesn't work with the

1 tractor-trailer. And I'm going to assume that the
 2 same maneuvers would work that worked with Pathmark,
 3 the tractor-trailer going through the rear
 4 drive-through -- I shouldn't say drive-through --
 5 aisle and then pulling forward into the egress and
 6 then back into the loading dock. Is that how it's
 7 going to work?
 8 THE WITNESS: You know, it's been a
 9 while since I have seen the exhibit that Bohler had
 10 prepared but on all Lidls, they will run the
 11 tractor-trailer at a very early stage in the process
 12 to ensure that it would work. So I know that plan
 13 has been done. We'll agree to work it out.
 14 MR. NIERSTEDT: Just take a look at
 15 it. Victor, you see the area that I'm talking
 16 about, right?
 17 MR. VINEGRA: Yes.
 18 MR. NIERSTEDT: Okay, thank you.
 19 CHAIRMAN GREET: Anyone else?
 20 MR. VINEGRA: I have a question about
 21 the sight triangles in the front with the concrete
 22 wall. Did you look at that?
 23 THE WITNESS: Victor, yes. The sight
 24 triangles are identified on the plan and I would
 25 just -- what I would say is technically to meet the

1 intersection sight distance, you would need to be --
 2 the measurement by AASHTO is actually 14 and a half
 3 feet back from the traveled way.
 4 So there's no shoulder. So in this
 5 case it would actually be the face of the curb line.
 6 And because of the wall and the fence, they were
 7 located approximately 10 feet back, so we
 8 technically can't meet the true intersection
 9 definition because you are not going to be able to
 10 see until you get to that ten-foot point back.
 11 But once you're at that location, the
 12 sight lines exceed what the sight triangles
 13 identify.
 14 MR. VINEGRA: If your front bumper is
 15 at the curb line, then how far back do you measure
 16 the sight line, eight feet back from the front
 17 bumper?
 18 THE WITNESS: Roughly, yes.
 19 MR. VINEGRA: So at that point does
 20 the wall get into the sight triangle?
 21 THE WITNESS: You're just past it at
 22 that point because of the 10-foot setback.
 23 MR. VINEGRA: Even though the wall is
 24 on municipal property, that can be removed if it had
 25 to be.

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1 THE WITNESS: I mean, that would be a
 2 pretty big --
 3 MR. VINEGRA: It's not a solid wall.
 4 It was a return that was put in. It's not tied to
 5 the river project. It was just an aesthetic knee
 6 wall. All it is is a knee wall, it's not a
 7 structural wall.
 8 THE WITNESS: Okay. From my look at
 9 it the car could have the vantage point and not be
 10 on the curb face. But it doesn't have that comfort,
 11 that buffer that the AASHTO would assume.
 12 MR. VINEGRA: If you would want a
 13 little bit of a buffer, you could ask for a
 14 municipal wall or a piece to be removed if you felt
 15 it was a safer design.
 16 THE WITNESS: Well, any time we're
 17 going to be able to meet AASHTO I think it's better
 18 for everybody.
 19 MR. VINEGRA: You know the wall I'm
 20 talking about? When we built the river project we
 21 had the contractor build a little return wall, a
 22 curved wall. But it is a little bit in the sight
 23 triangle.
 24 MR. NIERSTEDT: Are you talking about
 25 the eastern or the western driveway?

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1 THE WITNESS: Eastern.
 2 MR. NIERSTEDT: I know which one it
 3 is.
 4 MR. VINEGRA: No, more the western
 5 driveway. There's two little tiny return walls.
 6 They're not necessary really. They were done
 7 aesthetically really as a guardrail, an aesthetic
 8 guardrail.
 9 MR. NIERSTEDT: I will say there's the
 10 example that you gave in terms of the car being
 11 pulled out to the curb, what you see. You know,
 12 walking there, or on the bike okay, you know, cars
 13 have to pull out, they do pull out quite a bit to
 14 see. If the applicant is willing to work with you
 15 to make sure that sight line is clear, that would be
 16 great.
 17 MR. VINEGRA: What it would be is to
 18 remove that wall. I mean that wall again was placed
 19 there really as a structural impediment from a car
 20 going into the ditch. It can be replaced with a
 21 shorter guardrail.
 22 MR. NIERSTEDT: You mean the Garwood
 23 Brook ditch?
 24 MR. VINEGRA: Yes. So it could be
 25 replaced with a shorter guardrail.

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1 THE WITNESS: It would be preferable
 2 to have 30 inches or lower for sight lines.
 3 MR. VINEGRA: We want to keep that
 4 open, to maybe look at that in the field and do a
 5 field visit to take a look at it to make this a
 6 better project.
 7 MR. NIERSTEDT: Great.
 8 COUNCILMAN McCORMACK: Victor, are you
 9 talking about this wall?
 10 MR. VINEGRA: Yes. How high is that;
 11 is that two-block?
 12 THE WITNESS: It looks like two feet
 13 to me.
 14 MR. VENA: Four blocks and a cap,
 15 36 inches.
 16 MR. VINEGRA: It may be just below the
 17 sight distance. We'll look at that in the field.
 18 It may be just below.
 19 MR. NIERSTEDT: Just a knee wall, not
 20 structural?
 21 MR. VINEGRA: Nothing there.
 22 MR. VENA: It's only like 36 inches
 23 high, three feet.
 24 MR. VINEGRA: That's the driver's
 25 height. That's the height of the eye, so we may

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1 want to just take the top block off.
 2 MR. VENA: Take the top block off and
 3 put the cap back on.
 4 MR. VINEGRA: You could take the top
 5 block off and put the cap back on or just remove it
 6 and put a small wooden guardrail there.
 7 MR. NIERSTEDT: Let's go with Option
 8 A.
 9 MR. VENA: Because, if anything, you
 10 want to match the rail that is already there lining
 11 the bridge.
 12 MR. VINEGRA: I don't think that's
 13 solid wood block, I think it's just capped.
 14 MR. VENA: It's landscape.
 15 MR. VINEGRA: Yeah.
 16 CHAIRMAN GREET: Anyone else? Seeing
 17 none, I will open it up to the general public again
 18 for questions specific to this witness.
 19
 20 C R O S S E X A M I N A T I O N
 21 MR. BRENNAN: Mr. Harter, I just want
 22 to make sure I understood your testimony. You did
 23 not prepare a formal traffic study; is that correct?
 24 THE WITNESS: That's correct.
 25 MR. BRENNAN: Did somebody tell you

JOHN HARTER, P.E.
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1 not to do that?
 2 THE WITNESS: No. I don't believe it
 3 was a filing requirement for our checklist. And
 4 then, given the re-occupancy as a project team, it
 5 wasn't necessary, it was our...
 6 MR. BRENNAN: You said that you
 7 thought that DOT might look at this as a shopping
 8 center use; is that correct?
 9 THE WITNESS: DOT is not involved.
 10 It's a --
 11 MR. BRENNAN: I understand.
 12 THE WITNESS: South Avenue is a county
 13 road but generally there are different ways to run a
 14 trip generation, so it's often rely on the DOT
 15 policy when there's certain --
 16 MR. BRENNAN: So you looked at this as
 17 a shopping center, correct?
 18 THE WITNESS: In the proposed
 19 condition, yes.
 20 MR. BRENNAN: Okay. Do you know if
 21 Garwood's ordinance permits shopping centers?
 22 THE WITNESS: I don't know.
 23 MR. BRENNAN: Would it surprise you if
 24 I told you it doesn't? Shopping centers aren't a
 25 permitted use?

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1 THE WITNESS: I don't think it's
 2 really that relevant for my proposed condition.
 3 MR. BRENNAN: Okay. I think you also
 4 testified that it was beneficial to maintain as much
 5 parking as possible; is that correct?
 6 THE WITNESS: Yes, given the future
 7 tenants we are not certain who they may be.
 8 MR. BRENNAN: And do you know who
 9 those tenants are?
 10 THE WITNESS: No. It might just be
 11 one more tenant there.
 12 MR. BRENNAN: And do you know what the
 13 most intense parking use tenant could be in the
 14 existing ordinance?
 15 THE WITNESS: No.
 16 MR. BRENNAN: So even in that
 17 condition, if that was totally maxed out, you don't
 18 know whether or not there would still be excess
 19 parking, correct?
 20 THE WITNESS: Correct. But it's best
 21 to maintain as much as we can.
 22 MR. BRENNAN: Okay. Thanks.
 23 CHAIRMAN GREET: Anyone else in the
 24 public? Seeing none, I will close that.
 25 THE WITNESS: Thank you.

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1 CHAIRMAN GREET: Thank you.
 2 MR. HEHL: Thank you. I would now
 3 like to call upon Erica Alman.
 4 MR. FRASER: Mr. Hehl, I have a
 5 question.
 6 MR. HEHL: Yes.
 7 MR. FRASER: Do you have anyone after
 8 this witness; do you have another witness?
 9 MR. HEHL: We have our planner, John
 10 McDonough.
 11 MR. VENA: He's quick, though.
 12 MR. BRENNAN: Mr. Solicitor, I don't
 13 want to interject, but I just want to mention I also
 14 have a planner with me and I would anticipate her
 15 testimony and cross to take 45 minutes to an hour.
 16 MR. FRASER: I saw and I anticipated.
 17 The reason I was asking Mr. Hehl that question is I
 18 was just trying to project through in my own mind
 19 whether Ms. Alman is probably going to be the last
 20 witness of the evening or whether there was likely
 21 going to be another witness. I fully anticipated
 22 that you would be putting on some sort of case.
 23 MR. BRENNAN: Thank you.
 24 MR. FRASER: I'm not a solicitor, I'm
 25 a barrister.

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1 MR. BRENNAN: Are you English?
 2 E R I C A A L M A N,
 3 having been duly sworn, testifies as follows:
 4 MR. FRASER: Please state and spell
 5 your name and give your address.
 6 THE WITNESS: Erica Alman, A-L-M-A-N,
 7 32 Admiral Drive, Morris Plains, New Jersey.
 8
 9 D I R E C T E X A M I N A T I O N
 10 BY MR. HEHL:
 11 **Q.** Thank you. And first, give us a
 12 little background of, first of all, your position
 13 with the company?
 14 **A.** Yes. I have been with Lidl for almost
 15 five years now and I am a real estate manager and I
 16 have covered lots of different territories but
 17 currently I'm focused on Northern New Jersey.
 18 **Q.** And for the background and for the
 19 board's interests, tell us a little bit about the
 20 company and its presence, frankly, in New Jersey and
 21 this area.
 22 **A.** Yeah. So we came to America a little
 23 over five years ago and we started in D.C. and then
 24 went south and then eventually came to Pennsylvania
 25 and New Jersey last, so we are aggressively looking

ERICA ALMAN**80**

1 to expand in a lot of these markets up here where
 2 there's great population and density.
 3 We think that we bring something
 4 different to the table than what is currently
 5 offered. We are a smaller footprint grocery store
 6 but you can do your full food shopping in the
 7 grocery store. And what we have is probably
 8 80 percent private label, 20 percent national
 9 brands.
 10 So I like to explain that you have
 11 your Heinz ketchup and you have your Lidl ketchup
 12 and that is it. There's just two choices instead of
 13 15 choices for ketchup. So it makes the whole
 14 shopping experience a lot quicker and you can get in
 15 and get out in half an hour or less and get on with
 16 your daily lives.
 17 Because we have a lot of private
 18 labels, we're able to keep costs low and still have
 19 the same quality products that anyone else would
 20 have. We have a huge organic selection, we also
 21 have a bakery. And so everything feels normal it's
 22 just on a smaller scale so that you can continue
 23 about your day.
 24 **Q.** And generally what would you expect
 25 your hours of operation to be?

ERICA ALMAN**81**

1 **A.** Typically they're 7:00 a.m. to
 2 10:00 p.m., seven days a week.
 3 **Q.** And I know you were here at the last
 4 hearing and received feedback from the board and in
 5 response to that. I know the team worked on it,
 6 particularly the signage and like with working with
 7 the Borough of Garwood.
 8 **A.** Yeah. So we're excited to come to
 9 Garwood. We really like the town. We think it
 10 offers a unique environment with the parking
 11 situation and having that parking is really a key
 12 for us for the convenience of our customers, so we
 13 really like it. And we wanted to work with you guys
 14 and hear your feedback and then come back with
 15 proposed options based off your feedback.
 16 So we want to work with you. We want
 17 to come here tomorrow if we could, sooner rather
 18 than later, and get going and bring a different
 19 product to your citizens.
 20 **MR. HEHL:** I have no further questions
 21 at this time.
 22 **CHAIRMAN GREET:** Okay. Any questions
 23 from the Board?
 24 **MAYOR TODISCO:** I think this is my
 25 opportunity on the signage. Thank you. Like I

ERICA ALMAN**82**

1 said, I really do appreciate the "Welcome to
 2 Garwood" on the monument sign. Just wondering if
 3 and what that discussion entailed on the main
 4 building?
 5 **THE WITNESS:** So we are already a
 6 pretty large sign on the building and that's our
 7 standard signage that we have up and down the East
 8 Coast. So we didn't want it to be too busy and
 9 distract drivers, so we think about the safety. And
 10 so because of that, we just focused on the monument
 11 sign and not the building sign.
 12 **MAYOR TODISCO:** Okay. Well, I do
 13 appreciate an answer, so thank you.
 14 **MR. NIERSTEDT:** Mayor, you had also
 15 raised a question about commuter spaces?
 16 **MAYOR TODISCO:** I did. I raised that
 17 back in May. Was that discussed at all with the
 18 landlord about commuter parking spaces?
 19 **THE WITNESS:** It was. Unfortunately
 20 they don't currently know exactly who the rest of
 21 their tenant or tenants will be, and so until they
 22 have that figured out and know what the full parking
 23 ratio requirements will be, you know, they can't
 24 really make that decision.
 25 **MAYOR TODISCO:** Okay, thank you.

ERICA ALMAN**83**

1 **MR. NIERSTEDT:** I would sort of take
 2 that the opposite way. Since they don't know who
 3 it's going to be, they're going to have over 100
 4 excess spaces. So in the meantime, before you know
 5 who the tenant is, can you provide some commuter
 6 spaces.
 7 **THE WITNESS:** We can certainly ask the
 8 landlord, but that was their response initially.
 9 **MR. NIERSTEDT:** When you ask the
 10 landlord, can you include the Borough in that
 11 discussion?
 12 **MAYOR TODISCO:** I would also like to
 13 interject that our police chief has been in contact
 14 with the owner and basically what I've heard tonight
 15 was consistent with what I heard from our police
 16 chief.
 17 But it's still a work in progress.
 18 Our top priority is snow emergency parking and then
 19 commuter parking secondary.
 20 **MR. NIERSTEDT:** As long as it's still
 21 out there.
 22 **MAYOR TODISCO:** It's on the table for
 23 sure.
 24 **MS. VILLAGGIO:** I have a question with
 25 regards to the size of the building.

ERICA ALMAN**84**

1 Is this basically the same size space
 2 as the one that you have in Union on Route 22?
 3 THE WITNESS: Yes. So it's slightly
 4 smaller but all of our prototypes moving forward, so
 5 if we were able to knock this down and build the
 6 prototype, it would be slightly smaller than what
 7 you see in Union.
 8 It won't feel smaller. So a lot of
 9 the reduction is in the back of our house and our
 10 loading area and we were able to maximize it and
 11 reduce it. So the Union one is 36,000 square feet
 12 and -- what is our total square footage here? I
 13 think we're right under 30,000 square feet, total.
 14 Right? 28, 28.6, so we're right under.
 15 Our current prototype is about 29,000
 16 and change. This is about 28,000 and change.
 17 MS. VILLAGGIO: Now, I don't know if
 18 you're the person to ask with regards to the actual
 19 reason why you have the freezers on the wall facing
 20 South Avenue rather than the opposite --
 21 THE WITNESS: Yeah. So if you walk
 22 into our --
 23 MS. VILLAGGIO: -- more towards the
 24 back?
 25 THE WITNESS: No, understood. And so

ERICA ALMAN**85**

1 it will wrap around to the back because it has to go
 2 to the loading area. So basically our back of house
 3 is kind of out to the loading area. And why we have
 4 it that way is based off our entrance. And we want
 5 you to walk in and see and smell our bakery right
 6 away, which if you go to the Union store you walk in
 7 and see that immediately. And that's really our
 8 prototype up and down the East Coast. We want to
 9 maintain that.
 10 MS. VILLAGGIO: Bakery?
 11 THE WITNESS: Yes.
 12 MS. VILLAGGIO: And then the left side
 13 would be all the freezers and coolers?
 14 THE WITNESS: Uh-huh.
 15 MS. VILLAGGIO: Now what's in there?
 16 Would that be actual food in there, freezer food?
 17 THE WITNESS: Yes. That's all the
 18 products that will be out in the storefront, yes.
 19 MS. VILLAGGIO: So you walk in, you
 20 see the bakery and all that?
 21 CHAIRMAN GREET: This will be on the
 22 left.
 23 THE WITNESS: Right. And then there
 24 will be a bakery cooler also behind the cooler.
 25 MS. VILLAGGIO: Checkout is where?

ERICA ALMAN**86**

1 THE WITNESS: The checkout is going to
 2 be along this front right here.
 3 MS. VILLAGGIO: So you will actually
 4 see that from the parking lot?
 5 THE WITNESS: Yes.
 6 MS. VILLAGGIO: Okay. And your fruit
 7 and all that, your fruit and vegetables, where is
 8 that being proposed?
 9 THE WITNESS: That will be sort of
 10 next to the bakery. So the same setup as Union, if
 11 you have been in it. You walk in, you see the
 12 bakery and then to your left will be the fruit and
 13 vegetables. And then to the left of the fruit and
 14 vegetables is essentially all the checkouts.
 15 So the whole front of the store will
 16 be bakery, fruit and veg, which goes back a little
 17 bit also, and then all the checkouts and then you
 18 will see the aisles.
 19 MS. VILLAGGIO: That's it for now.
 20 Thank you.
 21 THE WITNESS: Sure.
 22 CHAIRMAN GREET: Anyone else?
 23 MR. TARANTINO: Yes. So with placing
 24 all of that freezer and refrigeration equipment
 25 towards the front of the store, does that mean you

ERICA ALMAN**87**

1 are moving any of the rooftop equipment to be over
 2 that equipment?
 3 THE WITNESS: Yes.
 4 MR. TARANTINO: So will that exceed
 5 any of the parapet heights of the building?
 6 THE WITNESS: I don't think so but I
 7 am not the expert on that. Do you know that,
 8 Chelsea?
 9 MS. RAWSON: They shouldn't.
 10 THE WITNESS: Yeah, I think that they
 11 should -- they're the same size as what's existing.
 12 We're just moving them where we need them to be.
 13 MS. RAWSON: If not smaller. Their
 14 RTU package is typically more efficient, so they are
 15 actually smaller units. So it shouldn't be any
 16 larger than what's there now.
 17 CHAIRMAN GREET: So they don't go
 18 above the parapet right now; is that correct?
 19 MS. RAWSON: Right.
 20 MR. TARANTINO: I think they're
 21 currently at the back of the --
 22 CHAIRMAN GREET: So do they extend
 23 beyond whatever --
 24 MR. TARANTINO: Well I don't think you
 25 can see them from the street.

ERICA ALMAN**88**

1 MS. RAWSON: Well the viewing angle
 2 there is really steep as well because you're looking
 3 up a hill so it's not -- you're not on a level
 4 plane.
 5 CHAIRMAN GREET: You're not at eye
 6 level.
 7 THE WITNESS: We wouldn't want you to
 8 be able to see them either, so...
 9 CHAIRMAN GREET: Anyone else? Seeing
 10 none, I will open it up to the general public for
 11 testimony of the witness.
 12
 13 C R O S S E X A M I N A T I O N
 14 MR. BRENNAN: Just a couple of
 15 questions, Ms. Alman. How many employees would you
 16 expect to be working at the store?
 17 THE WITNESS: So we typically hire
 18 anywhere from 50 to 100, depending on the volume of
 19 the store.
 20 MR. BRENNAN: And what drives the
 21 volume, the size or?
 22 THE WITNESS: No. Demographics and
 23 things like that. So typically in the beginning we
 24 hire an excess and/or they come from other stores
 25 and then we, you know --

ERICA ALMAN**89**

1 MR. BRENNAN: So it's 50 to 100 total
 2 or --
 3 THE WITNESS: Correct.
 4 MR. BRENNAN: -- one particular time?
 5 THE WITNESS: The total.
 6 MR. BRENNAN: So how many shifts would
 7 there be?
 8 THE WITNESS: I am not sure about
 9 that. I would assume two or three but I am not
 10 sure.
 11 MR. BRENNAN: Okay. How many
 12 employees would be working during one particular
 13 shift?
 14 THE WITNESS: I am not sure either.
 15 MR. BRENNAN: Okay. How many -- what
 16 would the breakdown of responsibilities be? In
 17 other words, I would imagine you would have so many
 18 cashiers, correct?
 19 THE WITNESS: Yeah. So at Lidl the
 20 employees do a lot of different things. So they are
 21 trained to work in the bakery, they're trained to be
 22 cashiers, they're trained to stock shelves so they
 23 all can do anyone's job. So they change every day.
 24 And we also have managers and assistant managers.
 25 MR. BRENNAN: But you are not sure how

ERICA ALMAN**90**

1 many employees for this store or any particular
 2 shift?
 3 THE WITNESS: No, not per shift.
 4 MR. BRENNAN: Okay. What about your
 5 delivery schedule; what would you anticipate
 6 delivery-wise?
 7 THE WITNESS: Yeah, so they're
 8 typically once per day, They are very early morning
 9 hours. And we try to do it as efficiently as
 10 possible and they come and go once a day.
 11 MR. BRENNAN: So one tractor-trailer
 12 truck --
 13 THE WITNESS: Correct.
 14 MR. BRENNAN: -- or one
 15 tractor-trailer truck and box trucks, as well?
 16 THE WITNESS: No, one tractor-trailer
 17 truck.
 18 MR. BRENNAN: Okay.
 19 THE WITNESS: So everything comes
 20 directly from our regional distribution center.
 21 There are occasions where national tenants have
 22 requirements that they deliver but typically they
 23 might be once every two weeks, once a month,
 24 depending on the volume.
 25 MR. BRENNAN: Okay. Is that a

ERICA ALMAN**91**

1 refrigerated tractor-trailer truck?
 2 THE WITNESS: The national tenants?
 3 MR. BRENNAN: No, for the one that's
 4 Lidl's?
 5 THE WITNESS: Oh, yes, ours are. Yes.
 6 MR. BRENNAN: Okay. So that carries
 7 the non-refrigerated items as well?
 8 THE WITNESS: Both, yes.
 9 MR. BRENNAN: And do you know anything
 10 about the cart collection and how that's going to
 11 occur?
 12 THE WITNESS: Cart collection, we have
 13 employees that on their shift, if that's what
 14 they're assigned to, then that's their job for the
 15 day.
 16 MR. BRENNAN: Okay. And I see you
 17 have cart corrals, so how would that work? Can you
 18 describe that for us?
 19 THE WITNESS: The person would collect
 20 the carts from the cart corral and bring them back
 21 to the front of the store.
 22 MR. BRENNAN: So that's one employee
 23 doing that or multiple employees?
 24 THE WITNESS: I am not sure how they
 25 structure it.

ERICA ALMAN**92**

1 MR. BRENNAN: Do you know anything
 2 about snow and ice removal, how that would occur?
 3 THE WITNESS: We have property
 4 management that takes care of it. So we have a
 5 landlord that will take care of it. And if there's
 6 an emergency situation then we do it on their
 7 behalf.
 8 MR. BRENNAN: Okay. Is there anything
 9 that triggers when they come out?
 10 THE WITNESS: Every time it snows and
 11 rains heavily or ices.
 12 MR. BRENNAN: But no specific
 13 measurement requirement?
 14 THE WITNESS: There probably is.
 15 MR. BRENNAN: But you don't have that?
 16 THE WITNESS: No.
 17 MR. BRENNAN: Are you aware of any
 18 discussions with the fire chief that Lidl may have
 19 had?
 20 THE WITNESS: We met with the fire
 21 chief and we have addressed a lot of his issues as
 22 well.
 23 MR. BRENNAN: Okay. Can you tell us
 24 what those were, because they were referenced in a
 25 prior hearing? I saw the transcript, but I didn't

ERICA ALMAN**93**

1 see any writing or letter from the fire chief.
 2 THE WITNESS: I don't have the list
 3 but I know that we have addressed a lot of his
 4 issues.
 5 MR. BRENNAN: But you don't know what
 6 those issues were?
 7 THE WITNESS: I have a list that I can
 8 find and get back to you on, but I don't have it in
 9 front of me, unfortunately.
 10 MR. BRENNAN: This C configuration
 11 here, do you see what I'm talking about? Can you
 12 just describe what's going to occur in this area and
 13 how that works with the store.
 14 THE WITNESS: So this is our loading
 15 dock over here. And so everything will get dropped
 16 off here and then there are going to be pallets
 17 along this corridor and storage for all of our
 18 products.
 19 MR. BRENNAN: So in this area there is
 20 going to be pallets and storage?
 21 THE WITNESS: Pallets for storage.
 22 MR. BRENNAN: Okay. How wide of an
 23 area is this?
 24 THE WITNESS: How wide is our
 25 corridor?

ERICA ALMAN**94**

1 MS. RAWSON: 17,9.
 2 MR. BRENNAN: Okay. And you're
 3 storing pallets there?
 4 THE WITNESS: Correct.
 5 MR. BRENNAN: Do you know how big the
 6 pallets are?
 7 THE WITNESS: I do not but we have
 8 worked with our supply chain and we are confident
 9 that people can travel through this corridor with
 10 the pallets there.
 11 MR. BRENNAN: And who is going to be
 12 controlling that area?
 13 THE WITNESS: Our employees.
 14 MR. BRENNAN: Okay. But you don't
 15 know what their responsibilities are or how many
 16 there's going to be?
 17 THE WITNESS: On a shift basis, no.
 18 But everyone does everything at a Lidl store, so
 19 you're not here as a cashier, you're here to do
 20 whatever your job is for that day.
 21 MR. BRENNAN: And do you know if that
 22 was one of the fire chief's concerns?
 23 THE WITNESS: Yes. We talked to him
 24 about it at length and we added plans to have a
 25 front door here so that he can get into that space

ERICA ALMAN**95**

1 if he needs to.
 2 MR. BRENNAN: Okay. Well, I
 3 understand there's a door here and that accesses
 4 this space but what about back here?
 5 THE WITNESS: We have a door
 6 right here -- we should have a door -- we had
 7 multiple doors, correct, that we addressed based on
 8 the fire chief?
 9 MS. RAWSON: Yes. Some of them are
 10 existing.
 11 MR. BRENNAN: Okay.
 12 MS. RAWSON: So there's actually --
 13 it's not on this plan but there's a door right about
 14 here.
 15 MR. HEHL: You have to speak up.
 16 MS. RAWSON: There's a door right
 17 about here, in the back middle. There's also a door
 18 on the side here. Right here.
 19 MR. BRENNAN: I'll ask you because
 20 you're up here. Do you know if there's any doors in
 21 the interior of this corridor?
 22 MS. RAWSON: No, there are not. That
 23 would be a security concern for Lidl.
 24 MR. BRENNAN: The trash dumpster,
 25 where is that? Can you show me that?

1 THE WITNESS: Sure. That is right
 2 here.
 3 MR. BRENNAN: And do you know anything
 4 about how that's going to be collected?
 5 THE WITNESS: Yeah. So we have it
 6 collected as needed, however for Lidl, we take out
 7 our recycling and our food waste on the trucks every
 8 day. So from a Lidl perspective, the trash is
 9 really anything that's nonrecyclable, that's not
 10 something that is recyclable, and also not food.
 11 Everything else gets taken out in our truck and down
 12 to our RVC.
 13 MR. BRENNAN: So there's a specific
 14 employee assigned to going through your trash?
 15 THE WITNESS: Well, we separate the
 16 food, the trash, correct.
 17 MR. BRENNAN: Right. That's all I
 18 have.
 19 CHAIRMAN GREET: Thank you.
 20 MR. HEHL: Thank you.
 21 THE WITNESS: Sure.
 22 MR. HEHL: I'm thinking do we...
 23 CHAIRMAN GREET: Wait until --
 24 MR. NIERSTEDT: He sat here.
 25 MR. HEHL: That's all right.

1 CHAIRMAN GREET: No further notice
 2 requirement.
 3 MR. FRASER: It's a continuation
 4 hearing, no further notice. Members of the public
 5 are placed on notice this application will continue
 6 on October 23rd.
 7 MR. HEHL: Great. Well, thank you for
 8 your time, and staying late as usual, and see you
 9 next month.
 10 CHAIRMAN GREET: Okay. Thank you.
 11 MR. HEHL: Thank you.
 12
 13 (Hearing adjourned at 10:35 p.m.)
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 MR. FRASER: Well, I mean, because you
 2 are going to have the --
 3 MR. NIERSTEDT: We don't have to go
 4 there.
 5 MR. HEHL: Well, I mean, at this
 6 point...
 7 CHAIRMAN GREET: You know what,
 8 personally I would prefer not to start another --
 9 MR. HEHL: We're fine with that.
 10 MAYOR TODISCO: I agree.
 11 MR. FRASER: I mean because if you are
 12 going to have the objector's planner at the same
 13 time, you are better off doing the two planners on
 14 the same night.
 15 MR. HEHL: That makes sense.
 16 CHAIRMAN GREET: Okay. With that, I
 17 think we will wrap this application up for tonight
 18 and we will continue it on October 23rd.
 19 MR. HEHL: Not the 9th then?
 20 CHAIRMAN GREET: The 9th is a holiday,
 21 Jewish holiday and there are going to be several
 22 people who will not be here.
 23 MR. HEHL: Not a problem. So it will
 24 be carried to October 23rd with no further notice
 25 requirement?



C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witness was duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the deposition as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Angela C. Buonantuono, CCR, RPR, CLR
 Notary Public of the State of New Jersey
 License No. 30X100233100
 Dated: October 15, 2019

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