

REGULAR MEETING OF THE EAST NEWARK PLANNING BOARD
COUNCIL CHAMBERS
BOROUGH HALL
34 SHERMAN AVENUE
EAST NEWARK, NEW JERSEY 07029
JANUARY 25, 2024
MINUTES

PUBLIC STATEMENT

ADEQUATE NOTICE OF THIS MEETING BEING HELD ON THIS 25TH DAY OF JANUARY, 2024 HAS BEEN PROVIDED BY THIS BOARD TO ALL APPLICABLE PARTIES, AGENCIES AND AUTHORITIES. THIS MEETING IS BEING HELD AND CONDUCTED IN ACCORDANCE WITH P.L. 1975, CHAPTER 231 OF THE LAWS OF THE STATE OF NEW JERSEY.

AGENDA

1. Approval of Minutes for October 26, 2023, Regular Meeting
2. New Business: Case 2024-01, Kasego Corp, for property located at 500 Passaic Avenue, Block 13, Lot 2.01, in the Borough of East Newark, NJ.

SECRETARY CALLED MEETING TO ORDER AT 7:14 P.M. THE PLEDGE OF ALLEGIANCE WAS RECITED. THE SECRETARY CALLED THE ROLL CALL.

| MEMBERS | PRESENT | ABSENT |
|--------------------------|---------|--------|
| MAYOR DINA M. GRILO | X | |
| COUNCILMEMBER CHRIS REIS | X | |
| BILLY EREZUMA | X | |
| RAY GRAHAM | X | |
| KELLY CORBLIES | | X |
| MICHAEL MANCINI | X | |
| CATERINA GUIMARAES | | X |
| ERIC MULRENAN | X | |
| DONNA O'DONNELL | | X |

As seven (7) members of the East Newark Planning Board are Present, a QUORUM was established.

ALSO PRESENT: GARY J. CUCCHIARA, ESQUIRE, BOARD COUNSEL; DON NORBUT, BOARD ENGINEER, PETER VAN DEN KOOY, BOARD PLANNER AND MARY C. GAINES, SECRETARY TO THE PLANNING/ZONING BOARD.

MOTION TO ACCEPT AGENDA FOR THE REGULAR MEETING OF JANUARY 25, 2024.

MOTION BY BOARDMEMBER MULRENAN

SECONDED BY BOARDMEMBER MANCINI

ALL IN FAVOR VOTING AYE, MOTION WAS CARRIED

APPROVAL OF MINUTES

WHEREAS, copies of the minutes of the following meeting has been provided to the members and reviewed by the members of the East Newark Planning Board:

Regular Meeting October 26, 2023.

NOW THEREFORE, BE IT RESOLVED, that all of the aforementioned minutes of said meeting be and are hereby approved.

MOTION BY BOARDMEMBER REIS
SECONDED BY BOARDMEMBER MANCINI

REIS-AYE, EREZUMA-AYE, GRAHAM-AYE, MANCINI-AYE, MAYOR GRILLO-AYE MOTION CARRIED

RESOLUTIONS: None

OLD BUSINESS: NONE

NEW BUSINESS:

Case 2401 for Kasego Corp., 500 Passaic Avenue, Block 13, Lot 2.01, East Newark, NJ

Please refer to attached transcript prepared by Ronda L. Reinstein, Certified Court Reporter of the State of New Jersey with the firm of Laura A. Carucci, C.S.R., R.P.R., LLC.

Mayor Grilo is recused since she is within 200 feet of the property.

OPEN TO THE PUBLIC: Chairman Graham asked if there was anyone from the public that wishes to be heard on this matter.

NO COMMENTS FROM THE PUBLIC

CLOSE TO THE PUBLIC. Motion by Board Member Mancini, seconded by Board Member Guimaraes to close the meeting to the public. All members voting AYE, meeting was closed to the public.

Motion made by Mr. Reis, seconded by Mr. Mancini to approve the application as presented and subject to the stipulations with respect to the bollards as a condition of approval.

Roll Call: REIS-AYE, EREZUMA-AYE, GRAHAM-AYE, MANCINI-AYE,
GUIMARAES-AYE, MULRENAN-AYE MOTION CARRIED

Mr. Graham stated that he would like a motion to authorize Gary Cucchiara to prepare the Board's Annual Report.

Motion made by Reis, seconded by Mr. Mancini and all members voting AYE, Motion was carried. Mr. Cucchiara stated that he would have it for the next meeting of the Board.

MOTION TO ADJOURN MEETING:

MOTION BY BOARDMEMBER GUIMARAES
MOTION SECONDED BY MAYOR GRILO
ALL IN FAVOR SAYING AYE.
MOTION CARRIED

MEETING WAS ADJOURNED AT 7:57 P.M.

RESPECTFULLY SUBMITTED, MARY C. GAINES, SECRETARY TO THE EAST
NEWARK PLANNING/ZONING BOARD

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BOROUGH OF EAST NEWARK
PLANNING BOARD
THURSDAY, JANUARY 25, 2024
COMMENCING AT 7:15 P.M.

IN THE MATTER OF:) TRANSCRIPT
) OF
CASE NO. 2401) PROCEEDING
KASEGO CORP.)
500 PASSAIC AVENUE)
BLOCK 13, LOT 2.01.)

B E F O R E: BOROUGH OF EAST NEWARK PLANNING BOARD,
THERE BEING PRESENT:

- RAYMOND GRAHAM, CHAIRMAN
- KELLY CORBLIES, VICE CHAIRMAN (ABSENT)
- MAYOR DINA A. GRILO
- CHRISTOPHER REIS, MEMBER
- MICHAEL MANCINI, MEMEBR
- CATARINA GUIMARAES, MEMBER
- ERIC MULRENAN, MEMBER
- DONNA O'DONNELL, ALTERNATE #1 MEMBER (ABSENT)

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
201-641-1812
LauraACarucciLLC@gmail.com

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

SCARINCI, HOLLENBECK, LLC
BY: GARY CUCCHIARA, ESQUIRE
1100 Valley Brook Avenue
Lyndhurst, New Jersey 07071-0790
Counsel for the Planning Board

KOCH, KOCH, BENNETT & BUONO, LLC
BY: GARY BENNETT, ESQUIRE
70 Midland Avenue
Kearny, New Jersey 07032
Counsel for the Applicant

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

MARY GAINES
Board Secretary

PETER VAN den KOOY, P.P.
Acuity Consulting Services
Board Planner

DON NORBUT, P.E.
Remington & Vernick Engineers
Board Engineer

WILLIAM EREZUMA
Borough Official

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I N D E X

WITNESS SWORN TESTIMONY

| | | |
|--------------------------------------|----|----|
| CHRISTIANO PEREIRA R.A., AIA | 16 | |
| Voir Dire Examination by Mr. Bennett | | 16 |
| Direct Examination by Mr. Bennett | | |
| Board/Professional Questions | | |
| Mr. Norbut | | 26 |
| Mr. Mancini | | 27 |
| Mr. Cucchiara | | 29 |
| PETER VAN den KOOY, P.P. | | 43 |

E X H I B I T S

NO. DESCRIPTION IDENT/EVID

| | | |
|-----|--|----|
| A-1 | Application dated, 1/10/24 | 8 |
| A-2 | Proof of Publication and Service of Notice | 8 |
| A-3 | Architectural Plan Entitled "Proposed Outdoor Structure," Prepared by CPA Architecture, Last Revised 1/10/24 | 9 |
| A-4 | Deed from Simelog Properties, LLC And Daving, LLC to Simelog Properties, LLC, Dated 3/31/22 | 9 |
| A-5 | Resolution No. PB10-19, Dated May 2, 2019 | 9 |
| A-6 | Architectural Renderings | 18 |
| B-1 | Report of Remington & Vernick Engineers, Dated 1/22/24 | 9 |
| B-2 | Report of Acuity Consulting Services, Dated 1/25/24 | 10 |

1 CHAIRMAN GRAHAM: Good evening,
2 everybody. This is the regular meeting of the East
3 Newark Planning Board held in the Council Chambers on
4 the 25th of January 2024.

5 Adequate notice of this meeting has
6 been provided by the board and all applicable
7 parties, agencies and authorities.

8 This meeting is being held and
9 conducted in accordance with Chapter 231 of the laws
10 of the State of New Jersey.

11 MAYOR GRILO: The secretary will do
12 roll call.

13 MS. GAINES: Roll call.

14 Ms. Corblies, excused.

15 Mr. Reis?

16 MR. REIS: Present.

17 MS. GAINES: Mr. Erezuma?

18 MR. EREZUMA: Present.

19 MS. GAINES: Mr. Mulrenan?

20 MR. MULRENAN: Present.

21 MS. GAINES: Mr. Graham?

22 CHAIRMAN GRAHAM: Present.

23 MS. GAINES: Ms. Guimaraes?

24 MS. GUIMARAES: Present.

25 MS. GAINES: Mr. Mancini?

1 MR. MANCINI: Present.

2 MS. GAINES: Ms. O'Donnell, excused.

3 Mayor Grilo?

4 MAYOR GRILO: Present.

5 MS. GAINES: It is also noted that Gary
6 Cucchiara, Don Norbut and Peter Van den Kooy is also
7 present.

8 Thank you.

9 The time is 7:14. The date is
10 January 25th, 2024.

11 CHAIRMAN GRAHAM: I'd like to make a
12 motion to accept the agenda.

13 I need somebody to make the motion and
14 a second.

15 MR. MULRENAN: I'll make a motion.

16 MR. MANCINI: Second.

17 CHAIRMAN GRAHAM: Okay, there you go.

18 MS. GAINES: All in favor?

19 MR. MECCA: All those in favor?

20 (Whereupon, all present eligible
21 members respond in the affirmative.)

22 MS. GAINES: Any opposed?

23 (No response.)

24 MS. GAINES: Motion carries.

25 CHAIRMAN GRAHAM: Next I need a motion

1 to approve the minutes of our October 26, 2023
2 regular meeting.

3 MR. REIS: I'll make a motion.

4 MR. MULRENAN: I'll second.

5 MS. GAINES: Mr. Reis?

6 MR. REIS: Aye.

7 MS. GAINES: Mr. Erezuma?

8 MR. EREZUMA: Aye.

9 MS. GAINES: Mr. Graham?

10 CHAIRMAN GRAHAM: Aye.

11 MS. GAINES: Mr. Mancini?

12 MR. MANCINI: Aye.

13 MS. GAINES: Mayor Grilo.

14 MAYOR GRILO: Aye.

15 MS. GAINES: Motion carries.

16 CHAIRMAN GRAHAM: We have no

17 resolutions.

18 There's no old business, to my

19 knowledge.

20 So this brings us up to new business.

21 MS. GAINES: Correct.

22 CHAIRMAN GRAHAM: Okay.

23 Do I need a motion for --

24 MS. GAINES: No.

25 We have -- Mr. Bennett is here to

1 present the case.

2 CHAIRMAN GRAHAM: Okay, great.

3 Carry on.

4 Carry on, Mr. Bennett.

5 MR. BENNETT: Good evening,

6 Mr. Chairman, Mayor and Members of the Board, Gary

7 Bennett, B-E-N-N-E-T-T.

8 I'm appearing on behalf of the Kasego
9 Corporation, who is the owner of the property and
10 operator of Tops Diner.

11 The board is fully familiar with it.
12 It represents a new addition to the Borough of East
13 Newark. I was here several years back seeking
14 permission on behalf of the board to allow the owners
15 of Tops to create this beautiful new facility.

16 Like many facilities, and like many
17 projects, everything can be planned out to a T, but
18 once you get up and operating, you find out there's a
19 few little tweaks that have to take place.

20 And that's what we're here before you
21 this evening for. And it involves the outdoor dining
22 portion of it.

23 Before going into the application and
24 presenting a little bit more information, I know
25 Mr. Cucchiara always likes to mark exhibits in

1 advance, so if we could take care of that initially,
2 that way when we're referring to them, they will have
3 numbers associated with them.

4 MR. CUCCHIARA: Thank you, Mr. Bennett.

5 What I was going to propose is to mark
6 as A-1 the application dated January 10, 2024.

7 (Whereupon, A-1 Application dated,
8 1/10/24, is marked as Exhibit A-1 for
9 identification.)

10 MR. CUCCHIARA: A-2 would be the Proof
11 of Publication and Service of Notice of the hearing
12 which has been submitted to Ms. Gaines, the Board
13 Secretary.

14 (Whereupon, Proof of Publication and
15 Service of Notice is marked as Exhibit A-2
16 for identification.)

17 MR. CUCCHIARA: A-3 would be the
18 architectural plans entitled "Proposed Outdoor
19 Structure," prepared by CPA Architecture, which I
20 believe is last revised January 10, 2024, or was that
21 the 12th? I can't...

22 MR. PEREIRA: The 10th.

23 MR. CUCCHIARA: The 10th, okay.

24 (Whereupon, Architectural Plan Entitled
25 "Proposed Outdoor Structure," Prepared by CPA

1 Architecture, Last Revised 1/10/24 is marked
2 as Exhibit A-3 for identification.)

3 MR. CUCCHIARA: A-4 would be a deed
4 from Simelog Properties, LLC and Daving, LLC to
5 Simelog Properties, LLC, dated March 31, 2022.

6 (Whereupon, Deed from Simelog
7 Properties, LLC and Daving, LLC to Simelog
8 Properties, LLC, Dated 3/31/22 is marked as
9 Exhibit A-4 for identification.)

10 MR. CUCCHIARA: A-5 would be the
11 resolution adopted by the Planning Board in which
12 Kasego Corp. doing business as Tops Diner was the
13 applicant.

14 The resolution number was PB-10 --
15 PB10-19, dated May 2, 2019.

16 (Whereupon, Resolution No. PB10-19,
17 Dated May 2, 2019 is marked as Exhibit A-5 for
18 identification.)

19 MR. CUCCHIARA: And I would also
20 propose the board exhibits, which would be B-1 would
21 be the report of the board's engineer, Remington &
22 Vernick Engineers, dated January 22, 2024.

23 (Whereupon, Report of Remington &
24 Vernick Engineers, Dated 1/22/24 is marked as
25 Exhibit B-1 for identification.)

1 MR. CUCCHIARA: And the report of the
2 board's engineer, the substitution, because the
3 regular board engineers who were appointed tonight
4 Gruel Heyer had a conflict tonight.

5 MS. GAINES: The planner.

6 MR. CUCCHIARA: Planner.

7 Did I say -- what did I say, engineer?
8 Sorry, sorry.

9 The planner had a conflict of interest.
10 They were involved in the first application involving
11 Kasego and Tops Diner.

12 By Acuity Consulting Services dated
13 today January 25, 2024.

14 That's B-2.

15 (Whereupon, Report of Acuity Consulting
16 Services, Dated 1/25/24 is marked as Exhibit
17 B-2 for identification.)

18 MR. CUCCHIARA: I don't know if you
19 have any additional exhibits, Mr. Bennett?

20 If you do, as you go along you can
21 certainly --

22 MR. BENNETT: Yeah, I don't at this
23 point.

24 If we determine that there are some,
25 we'll surely mark them independently.

1 I do not have a copy of B-1. I didn't
2 -- I didn't get the Remington & Vernick.

3 But I have had a chance to talk to the
4 engineer this evening. I don't think there's any
5 need for me to see it in detail.

6 As we go over it, if there's questions
7 that arise, either I'll answer them or my client will
8 answer, or our architect will be in a position to
9 field them.

10 MR. CUCCHIARA: Mr. Van den Kooy, do
11 you have another copy?

12 MR. BENNETT: Oh, no, I have his.

13 MS. GAINES: I have a copy.

14 MR. BENNETT: That's all right.
15 Don gave me a copy.

16 So with that, those would be the
17 exhibits.

18 And if I could just move forward with
19 -- move forward with a brief explanation.

20 As I indicated, there's always
21 something that pops up after you get up and
22 operational.

23 Again, this facility has proved to be a
24 wonderful new facility and obviously it provides a
25 service to the surrounding area as well as the

1 residents of East Newark.

2 But the area that is in the front of
3 the building along the Passaic Avenue side has an
4 outdoor dining. That was always planned.

5 Some of that came about through
6 thoughts at the beginning of COVID. But, more
7 importantly, there's a certain segment of our
8 population that loves outdoor dining. It just
9 provides a nice opportunity to be in natural light,
10 rather than inside in a restaurant.

11 And as a result of that, it became a
12 very popular portion of the restaurant and many
13 people were utilizing it.

14 But the one thing they realized is a
15 beautiful day at the end of April can be 62 degrees
16 and sunny and in a heartbeat it can change to 58
17 degrees with the wind blowing and rain coming down.

18 The same would happen in the fall as
19 you go later into it. You get some beautiful days,
20 but occasionally they can change quickly.

21 And when that rain comes down,
22 obviously -- or wind, once you have people out there
23 dining, it creates a panic and somewhat of a havoc.

24 So it is the intent of the applicant to
25 provide basically a retractable glass awning that

1 will go over top of that area, so on those beautiful
2 days when it's 70 degrees outside and sunny and
3 there's no wind blowing there will be no need for
4 that.

5 But on times when it's not that way,
6 the dead of summer, perhaps a very hot August day
7 where it just might be too hot, you get outside and
8 the sun comes out from behind clouds and starts
9 baking people out on the front porch, this would
10 allow for that retractable area to come down over
11 that area.

12 And it will be likely seasoned with
13 HVAC so that it can adjust the temperature somewhat
14 and make it comfortable for the patrons.

15 It doesn't expand the seating. It
16 doesn't expand the parking. It doesn't expand the
17 building. It, basically, is exactly the way it was
18 laid out when we got our approvals back in 2019.

19 But what it does do is it creates two
20 areas that we felt, and I believe the Municipality
21 felt, should come back before the board to explain.
22 Number one, is when we got our original approvals,
23 despite the fact that there was a very limited
24 setback requirement off Passaic Avenue, the applicant
25 actually pushed the building back, if you will see

1 with the parking area in front, so the setback was
2 140 feet.

3 With this new awning that comes over,
4 as it comes down and hits the ground, it then becomes
5 a structure.

6 And to that extent, it reduces the
7 setback from 140 feet to 128 feet. Despite that,
8 it's well in compliance with the requirements today,
9 but it was an adjustment from the site plan that was
10 approved by this board previously.

11 The second thing is as this comes down,
12 it creates an area where you need to have a footing
13 and a landing area for it before it will come down on
14 the ground.

15 And in doing so, because of the
16 frontage of it, it creates a little bit more
17 impervious surface.

18 Th impervious surface is 31.45 square
19 feet out of that entire tract.

20 The architect will explain to you. I
21 think your board planner pointed out, very aptly, in
22 his report that it is a very de minimus -- de minimus
23 increase in the impervious coverage that really
24 doesn't affect anything.

25 But those were the two things that we

1 came back here before the board. Obviously we think,
2 and, hopefully, the board and, Mayor, you think, it's
3 a focal point of East Newark. It's a beautiful new
4 facility.

5 So to the extent that these minor
6 things are there that might easily just perhaps be
7 redone, the feeling was this board had approved it,
8 this board should acknowledge and, hopefully, approve
9 these minor changes.

10 So with those opening remarks and
11 comments, I'd like to have Chris Pereira from CPA
12 come up and be sworn so he can provide you -- kind of
13 walk through and explain in more detail and a little
14 bit more sophisticated language than my layman's
15 terms.

16 MR. PEREIRA: Yeah, sure.

17 Good evening.

18 MR. CUCCHIARA: Raise your right hand,
19 please.

20 In the testimony that you're about to
21 give in this proceeding, do you swear or affirm to
22 tell the truth, the whole truth, and nothing but the
23 truth?

24 MR. PEREIRA: Yes, I do.

25

1 CHRISTIANO PEREIRA, R.A., AIA, LEEP AP BD+C
2 6401 Park Avenue, Suite 201, West New York, New
3 Jersey, having been duly sworn, testifies as
4 follows:

5 MR. CUCCHIARA: And could you state
6 your name for the record, indicate your firm and its
7 location, please?

8 MR. PEREIRA: Sure.

9 My name is Christiano Pereira. It's
10 Christian with a O at end. I gave you a card.
11 P-E-R-E-I-R-A.

12 My firm is CPA Architecture. We're
13 located at 6401 Park Avenue in West New York, New
14 Jersey.

15 VOIR DIRE EXAMINATION

16 BY MR. BENNETT:

17 Q. Chris, you're a licensed architect in
18 the State of New Jersey?

19 A. I am.

20 Q. And you have been since?

21 A. Since 2012.

22 Q. And your license is in good standing?

23 A. Yes.

24 Q. And you've testified, have you not,
25 before zoning boards and planning boards throughout

1 the State of New Jersey?

2 A. A few hundred.

3 Q. And you've been in qualified in your
4 capacity as an architect?

5 A. Yes, I have.

6 MR. BENNETT: I would offer him in that
7 capacity, Mr. Chairman.

8 CHAIRMAN GRAHAM: Yes.

9 MR. PEREIRA: Thank you.

10 MR. BENNETT: Thanks.

11 DIRECT EXAMINATION

12 BY MR. BENNETT:

13 Q. Chris, if you would, walk the board
14 through the plan. And I know the plan that you have
15 in front of you I believe is the same one you
16 provided to me that I submitted to the board.

17 A. That's correct.

18 Q. To the extent that you refer to any
19 exhibit that isn't already in the record -- I think
20 Mr. Cucchiara dropped off at A-5 -- at A-5.

21 So this -- so as long as this is the
22 same plan that was there --

23 A. Yeah.

24 Q. -- that will be part of the record as
25 A-5. Refer as you might to the sketch in the back if

1 it's a different number.

2 A. I believe it was A-3, right? Because I
3 marked it.

4 Q. Oh, I'm sorry.

5 A. The architectural plan.

6 Q. That's correct.

7 A. A-3.

8 So and I marked -- I do have an exhibit
9 that I do want to -- if you want to for me to mark
10 this.

11 Q. Mark it as A-6.

12 A. It's a couple renderings, just to
13 explain what the structure looks like.

14 MR. CUCCHIARA: Are they four
15 renderings, or more?

16 MR. PEREIRA: Renderings of the
17 structure. Not necessarily of the building, itself,
18 but of the structure that we're proposing to put
19 there.

20 MR. CUCCHIARA: All right. So we'll
21 mark the renderings A-6.

22 MR. PEREIRA: A-6. Perfect.

23 (Whereupon, Architectural Renderings
24 are marked as Exhibit A-6 for
25 identification.)

1 BY MR. BENNETT:

2 Q. Okay. Chris, if you would just orient
3 the board to where this change is proposed and walk
4 them through it, please.

5 A. Yeah, sure.

6 So let me start with my A-100.

7 Mr. Bennett did a great description
8 already.

9 Q. I'll hold this for you.

10 A. Yeah. I was trying to...

11 Q. I've played the part of an easel
12 before.

13 A. Okay.

14 MR. CUCCHIARA: Do you want to put it
15 on the --

16 MR. PEREIRA: You know what, yes,
17 you're right.

18 Let's do that.

19 MR. BENNETT: See if that works. If
20 not, I'm happy to hold it.

21 MR. NORBUT: Mr. Bennett, if I could
22 ask you to just tilt it so we can all see it. That
23 would be great.

24 MR. BENNETT: Sure, yeah.

25 MR. PEREIRA: Okay, that's it.

1 MAYOR GRILO: We need to start having
2 it projected on the wall. Do they do that? Right.
3 A projector and put it on the wall.

4 MR. BENNETT: Can you see that like
5 that?

6 This is just the plan that we submitted
7 to you. This will be referred to first.

8 MR. PEREIRA: You do have a clip.
9 There you go. Fantastic.

10 Thank you. Okay. Let me turn this.

11 Okay. So this is the site plan that we
12 forwarded to the board with some information on the
13 impervious coverage that we are increasing by a
14 whopping 0.03 percent. It's 31 square feet. It's
15 literally three of these desks pushed together.

16 And the reason, as discussed by
17 Mr. Bennett, is, as the structure for the enclosure
18 comes down and we need to provide some footage for
19 it, we have about 5 inches as the width of the post.
20 So as it comes down, it reduces that planting area.

21 By the way, we're not eliminating the
22 stairs. There's a planting area in the front. We're
23 not eliminating it. We're just reducing it by about
24 5 inches so we can put those footings in for those
25 posts.

1 And then the planting area will still
2 remain in front of there.

3 So let me just describe a little bit
4 more of what this structure is.

5 It's -- as Mr. Bennett mentioned, it's
6 a structure that will allow us to the have a
7 retractable roof that on rainy days, or very
8 hot days, or very cold days, we can close that.

9 You will see on the renderings we have
10 in the back, that enclosure on the roof is a canvas
11 material that retracts back. And when you enclose it
12 or you operate to enclose the space, it has some
13 integrated LED lights on it. It looks very nice.
14 It's very clean.

15 And then the posts that come down,
16 they're very small, you know, posts. They will be,
17 you know, black in color. And then as you we set
18 those posts, we have those enclosures which are
19 glass.

20 It's a glass panel that spans post to
21 post. And the panels collapse down.

22 So in the open position, you have a
23 glass panel with three panels, you know, collapsed
24 together. That's about 4-feet high. And as you
25 operate them, they close the space. Those panels go

1 up, and it's three of them then enclosed. It's
2 almost like a garage door, like a guillotine.

3 So we'll show you what that looks like
4 in a rendering.

5 But, in essence, you know, when that
6 structure is open, all you see is those posts. And
7 the roof is retracted. The glass panels are done.
8 When it's enclosed, the glass goes up. The roof goes
9 down and encloses the space. And then we do have two
10 exit doors on either end of that enclosure.

11 As mentioned by Counsel, we are not
12 increasing the seating capacity. It's whatever was
13 there, it's the same seating capacity that we're
14 proposing here, so there's no effect on the parking.

15 The small increase, as mentioned, on
16 the impervious area is de minimis, 31 square feet.
17 Again, we are maintaining the landscaping area that's
18 in front of that as a buffer.

19 I believe -- and I didn't have a chance
20 to read the entire letter, but I believe there was
21 some concern with providing some bollards for cars
22 that might be parking there and maybe, you know,
23 overrunning and hitting the structure.

24 So we had a discussion outside, and we
25 are providing bollards in front of the cars so that

1 we protect anyone that's sitting there.

2 So, again, I believe I described the
3 minor things we are encroaching upon. And of course
4 the setback from the street, as you can see here, as
5 Mr. Bennett mentioned, 140 feet is what, you know, is
6 currently there. This enclosure reduces it to 128
7 and 10 inches, which still far exceeds what the
8 requirement is for the zone. So it's a -- you know,
9 it's a very minor change to what's there.

10 The next set of drawings illustrates
11 what the current conditions are. So you have that
12 planter, as we mentioned. So this -- the dark shaded
13 gray area is the plantings of the building. The
14 sidewalk is shown in this hatched area. The light
15 gray is the canopy that overhangs now. So there's a
16 canopy that slightly hangs over. And then you can
17 see that there is the planting area outside here
18 that's not shaded. So that's the planting area.

19 So what we're proposing is, we're
20 putting the structure in connected to the building.
21 And as you see, the posts are the only things that,
22 you know, come down and encroach a little bit into
23 that planting area.

24 But, as I mentioned, we are still
25 maintaining most of that planting area. We are

1 reducing it by 5 inches across 69 feet, which is the
2 length of the structure.

3 And then there's a roof plan that shows
4 you the members -- the main members which are
5 doubled, and the single members that support that
6 roof as the roof encloses.

7 I printed a couple of pictures from the
8 manufacturer just to show you what this looks like,
9 because it's a lot easier to see than on rendered
10 images rather than trying to show you black-and-white
11 drawings and elevations.

12 BY MR. BENNETT:

13 Q. And this is A-6 you're referring to?

14 A. This is -- yes. Thank you.

15 This is A-6 I'm referring to.

16 So I'm going to start with the image on
17 the upper left corner of the page.

18 As I mentioned, the doors on either
19 side -- and, by the way, I just want to make sure,
20 this is not the building. It's not a rendering
21 superimposed to the building. It's just an
22 illustration of the structure itself, just so you see
23 what it looks like.

24 So there is a -- there is a door at
25 either end of that structure that is operable with a

1 push bar so that we can get people in and out. And
2 then the structure, as you see, is, you know,
3 vertical posts, as I mentioned.

4 And then you can see here the glass,
5 you know, top and bottom. Then you see the vertical
6 lines. And when you see it from the inside, this is
7 the structure with everything closed off.

8 And so these are the three panels that
9 I mentioned that collapse down. So when they're up,
10 it encloses everything. When they're down, the
11 bottom piece is at about 40 inches, 42 inches. And
12 then -- so you can see the next drawing, you're going
13 to have a little guardrail and then the space is
14 open.

15 And then the ceiling, you can see it
16 retracted up here. So it's the canvas that retracts
17 up towards the structure. And when it's open -- you
18 know, of course this is the structure open, right,
19 the walls and the ceiling. And when the structure
20 closes, you can see what it does. It has this
21 pearling with some LED lights integrating into it so
22 that you can, you know, have proper illumination.

23 Very nice and clean. When it's open,
24 it looks like there's nothing there. It's just like
25 a gazebo type looking thing. When it's enclosed, it

1 really conditions the air, conditions the space, and
2 really protects from rainwater. There's no rain. So
3 again, I believe that's what we have.

4 MR. BENNETT: Thank you, Chris.

5 MR. NORBUT: Is it manual or is it
6 automatic?

7 MR. PEREIRA: No. It's automatic.
8 It's operable with a push of a button. You can open
9 and close it.

10 And then you have another control for
11 the lights.

12 And we haven't done the construction
13 documents yet, but the idea is to condition the space
14 with a heating and HVAC, most likely a mini split.
15 We haven't decided yet if we're replacing all the
16 walls or if we're replacing inside the building above
17 the ceiling and punching through. So that would heat
18 the space.

19 MR. NORBUT: Is there a safety feature
20 if somebody's hand was to get caught while the
21 mechanism is coming down.

22 MR. PEREIRA: You know, that I don't
23 know. I can't speak to that. I would imagine that,
24 you know, it has a sensor, much like a garage door.

25 But the nice thing is that the walls,

1 they collapse down. And the interior piece is always
2 fixed. And the outdoor piece is the piece that
3 collapses down.

4 MR. NORBUT: I got that.

5 MR. PEREIRA: So that should make it
6 safer.

7 But, yeah, I would imagine somebody
8 needs to hold the button to make it go down. You
9 push a button and it goes down. So they need to be
10 there and watching. So I would imagine that would
11 also help on safety.

12 MR. BENNETT: Any questions of the
13 board or the board's professionals for Mr. Pereira.

14 MR. MANCINI: Will the hours of
15 operation for the outdoor seating space stay the same
16 as they are currently?

17 MR. BENNETT: Yeah.

18 The same as the diner.

19 MR. MANCINI: 8 to 11.

20 MR. BENNETT: Yes.

21 MR. MANCINI: Thank you.

22 MR. BENNETT: Anything else? Thanks,
23 Chris.

24 MR. PEREIRA: Yeah, sure.

25 MR. BENNETT: You can sit down.

1 MR. PEREIRA: Thank you.

2 MR. BENNETT: I don't want to minimize,
3 nor do I want to overdo the fact that we came here
4 with what we consider to be a minimal deviation.

5 I can tell you that our perception of
6 it, the owner's perception of it is that this will
7 have absolutely no impact on the neighboring property
8 owners or on the municipality. It really doesn't
9 deviate in any way, impact the zoning ordinance.
10 It's not a deviation from anything major.

11 As we say, it's a very de minimus
12 increase in the square footage of impervious
13 coverage.

14 By way of what's called a C-2 variance,
15 it's somewhat of a balancing act. We think when you
16 balance it, the detriment versus the positives from
17 it, the positives from it are this protects the
18 patrons of the facility, and it allows them to be
19 safe, the health, safety and welfare of those
20 patrons. It also helps with flow throughout the
21 restaurant and keeps people all internally so that,
22 you know, when this does come down, there's not an
23 issue outside of people scrambling.

24 We think that it's a wonderful
25 improvement to the facility. We hope that the board

1 agrees that it doesn't in any way impact the
2 neighboring property owners nor impair the intent of
3 your zoning code.

4 Accordingly, we respectfully request
5 that the board act affirmatively on it and let the
6 applicant move forward with this, so that as the nice
7 weather comes around the corner, hopefully sooner
8 rather than later, that this will be in place and
9 available to the patrons.

10 Thank you.

11 MR. NORBUT: Mr. Chairman.

12 MR. CUCCHIARA: I just have a question
13 before Mr. Norbut proceeds.

14 MR. Bennett, with regard to the
15 stipulation -- Mr. Bennett. Mr. Bennett, with regard
16 to the stipulation as to the bollards.

17 MR. BENNETT: Yes.

18 MR. CUCCHIARA: I would suggest and I
19 would hope that you would stipulate on behalf of the
20 applicant that, you know, the plans should show the
21 bollards and have -- have that revision subject to
22 the approval of our board engineer.

23 MR. BENNETT: Yes.

24 We'll submit revised plans for the
25 engineer. When the construction drawing are

1 concluded, they'll be provided to the construction
2 official for his review and also to the engineer for
3 his review.

4 MR. NORBUT: And I would imagine you
5 would do something black, something attractive, that
6 would just blend in.

7 Obviously it's a...

8 MR. CUCCHIARA: Do you have any other
9 comments, Mr. Norbut?

10 MR. NORBUT: I had an issue for the
11 Chairman.

12 But no other conditional items that --
13 well, at this point. But it depends on what the
14 Chairman says to my next comment.

15 MR. CUCCHIARA: Well, in the first
16 instance, is that the applicant's case.

17 MR. BENNETT: Yeah, that is the
18 applicant's case.

19 MR. CUCCHIARA: You have the floor.

20 MS. GAINES: There are some members
21 that may live within 200 feet. It's not necessarily
22 a variance.

23 MR. CUCCHIARA: Which members are they?

24 MAYOR GRILO: I literally live a block
25 away, so that's why I'm...

1 So it's me.

2 MS. GAINES: Okay. You didn't receive
3 notice.

4 MAYOR GRILO: No. She's too far.

5 MS. GAINES: So it's just the Mayor
6 that cannot vote.

7 MAYOR GRILO: Can I make a statement
8 for the record, though.

9 MR. CUCCHIARA: Well, I think
10 Mr. Norbut has a question for Mr. Graham.

11 Mr. Norbut: Yeah.

12 So there is one other issue in my
13 letter. And I know this is a unique application. We
14 have a facility here and a business owner in the town
15 that is a great benefit to the community.

16 But recently it was brought to my
17 attention that there's an issue with left turns
18 leaving the site onto Passaic Avenue.

19 And it is in the board's jurisdiction
20 to discuss any other site-related issues that it is
21 aware of when an applicant comes in for an approval
22 of any type.

23 So again, knowing the relationship that
24 exists between the applicant and the town, there is
25 this issue -- that my understanding is -- and I don't

1 have firsthand knowledge of this -- that left turns
2 out of the site onto Passaic has been a problem
3 that's been identified by the County and the local
4 police.

5 Now, I understand the County is looking
6 into that, maybe looking to make some modifications,
7 moving back where the two lanes start to maybe
8 alleviate the issue.

9 And the local police, and I think the
10 County, will be making a recommendation maybe to
11 prohibit lefts out of the site.

12 So it sounds like it is a safety issue.
13 And I don't know if the applicant wants to address
14 that.

15 If the board wants to somehow talk
16 about conditioning this approval on the applicant
17 being favorable to working with the County and
18 working with the local police to work out something
19 that's satisfactory.

20 MR. BENNETT: Yeah, I'll address it,
21 sure.

22 MR. REIS: Can I just jump in real
23 quick.

24 MR. BENNETT: Because I wanted -- I
25 have that circled and actually wanted to talk to the

1 engineer about that.

2 So, yes, the left turns are indeed an
3 issue. It's not just left turns exiting the diner,
4 though. What we have as well are folks coming across
5 the bridge from Newark, making a right turn onto
6 Passaic Avenue southbound, also trying to make a left
7 in across the two lanes.

8 So it's two ways. We have folks making
9 a left out of the diner, and then folks making a left
10 out of Passaic into the diner. And because the diner
11 entrance/exit is behind the stop, it's across two
12 lanes of traffic.

13 So I would love it if we could just do
14 something as simple as get a sign on the bridge or
15 near the bridge saying go straight, enter Tops on
16 Central Avenue by making a right. That would just be
17 wonderful for me.

18 MR. BENNETT: I don't know that we have
19 the ability to do that.

20 But let me just address a little bit of
21 -- subsequent to approval here before the board, we
22 obviously had conditions for approval of Hudson
23 County. We made a full presentation before Hudson
24 County and received their approval.

25 The applicant made an extremely

1 substantial donation, I'll call it, or contribution
2 to the Passaic Avenue Traffic Mitigation Fund that
3 was required by Hudson County. They analyzed the
4 drawings. They analyzed then through them the County
5 engineer's office. They analyzed them through their
6 board engineer. And to the best of my knowledge,
7 there was no restriction imposed on them.

8 Now, that being said, the applicant has
9 always been or attempted to always be as cooperative
10 as possible with the municipality.

11 So they would be open to discussions
12 with that. But I don't think, given the nature of
13 our application here, that imposing without the
14 necessary input from Hudson County any type of
15 restriction that affects Passaic Avenue would be
16 appropriate.

17 I think that that's a pre-emptive issue
18 by the Hudson County Planning Commission, and they're
19 the ones that have the jurisdiction over that Passaic
20 Avenue.

21 So I think a cooperative effort between
22 the County, the local police department and the
23 applicant may come up with some solution acceptable
24 to all.

25 But I would respectfully submit that I

1 don't think it should be a condition for this
2 approval but rather a subject for another day and
3 time in hopes that perhaps whatever the issues are
4 can, number one, be related directly to the diner,
5 and number two, have a logical and acceptable
6 solution that doesn't create more of a traffic issue.

7 When we testified here before the
8 board, we had a traffic engineer and traffic expert
9 testify.

10 When we appeared before the County, we
11 had a traffic engineer and an engineer testify. The
12 County has its own traffic engineer. And Mr. Crane
13 from Mr. Norbut's office, I believe, was the
14 consulting engineer at that time, Paul Crane.

15 So, you know, that's basically my
16 --

17 MAYOR GRILO: I'm going to just add to
18 that. Yeah, they're wonderful. This isn't by any
19 means. But I will say that times have changed. We
20 now have a boatload of not only apartments down from
21 Kearny, but we've got Target. Now we've got a lot.
22 So the congestion is horrendous. And the amount --
23 and even though it's a County road, it's our officers
24 that go there, right. We have one right here who can
25 attest to it and who did part of this study.

1 So we will work with them, but it's
2 really dangerous, the left. And it's even more
3 dangerous when they're coming from the Kearny side
4 coming in. So perhaps we can think or discuss just
5 an exit only. But it has become very, very
6 dangerous. We've had, you know, Billy, officers
7 there.

8 MR. BENNETT: I surely wouldn't
9 minimize that. I'm sure the applicant -- that's why
10 I say the applicant has always had his door open
11 literally and figuratively to the community.

12 MAYOR GRILO: He's probably never had a
13 better conversation with the Borough than since I
14 took office.

15 So that's like -- that's a moot point,
16 right. We love Tops. But we do want to make sure
17 that we're going to ensure the safety.

18 MR. BENNETT: I'm sure Mr. Golemis
19 would be more than happy to meet with Borough
20 officials, County officials, or anyone else that
21 wants to weigh in on the issues and perhaps propose
22 alternate issues, alternate solutions.

23 MAYOR GRILO: Yeah.

24 And Chris is...

25 MR. REIS: Gary, I do appreciate that.

1 And I do appreciate Tops and everything that they do
2 for the community and how open they are working with
3 us.

4 I do want to just make one clarifying
5 point, however. I was on the Planning Board during
6 the original application, voted to approve, was happy
7 to do so. The location of the entrance and exit had
8 changed from the planned original location that this
9 board approved. Because I actually went back and
10 looked. And the original location had it in front of
11 the stop. So they would not have been -- and I
12 understand. I heard that the County may have been
13 responsible for that.

14 MR. BENNETT: The County pushed it
15 back.

16 MR. REIS: But, yeah, I think that's an
17 issue of, like, you know, the County just doesn't
18 know the community as well as we do and didn't
19 foresee this particular issue.

20 So I did want to just make that
21 clarifying comment.

22 MR. BENNETT: You're absolutely right.
23 And, unfortunately, whenever an application has a
24 condition upon it for either the Department of
25 Transportation approval or County approval, it then

1 becomes subject to that entity preempting the local
2 board.

3 So when we went there, we were
4 absolutely happy with the way the board approved it.
5 Perhaps that would have been a better approval.

6 But again, Hudson County weighed in on
7 it after analyzing it. And they didn't ask us. They
8 told us this is the way we want it done.

9 And the board and the applicant,
10 obviously as you would in almost every application,
11 consented saying I don't have too much, I want you to
12 approve my application, if that's your requirement,
13 Hudson County, then we'll comply with it.

14 But again, there is a lot of
15 construction going on there. I know there's a road
16 widening. I know there's a lot of things going on.
17 And I understand, Mayor, fully. My office is in
18 Kearny, so I know all about those apartments that are
19 there and the traffic that has been created by them.

20 And, hopefully, there will be a
21 solution that can be arrived at between the East
22 Newark Police Department, your engineers, and the
23 County engineers along with the applicant.

24 MAYOR GRILO: Sounds good.

25 MR. CUCCHIARA: Well, if I may, the

1 last -- the resolution that approved the new facility
2 at Tops Diner provided at the end of the
3 Determination section that it would be subject to any
4 and all state, county and local requirements and
5 approvals. That should be included in this
6 resolution.

7 And certainly if the Borough, the
8 Borough police department, of course the County -- I
9 don't think the state has any jurisdiction of course
10 on this -- but, you know, can reach a conclusion on
11 that -- it may be the same conclusion that was
12 reached last time when you appeared before the
13 County.

14 But, in any event, this is the standard
15 provision that's included in most, you know,
16 resolutions that are issued by boards, and
17 particularly this board.

18 So I would -- I would include that into
19 a resolution if the board is inclined to approve the
20 application.

21 MR. BENNETT: Again, you know, I
22 understand that, and I've seen that language in
23 numerous resolutions before numerous boards. The
24 only thing I would say is, I don't believe this
25 modification to the plan in any way is going to be

1 subject to any full review by Hudson County because
2 it doesn't impact them in any way. So to the extent
3 that they weigh in, I think it would be again going
4 back to if they feel they have jurisdiction they can
5 take jurisdiction in some fashion.

6 But we're talking about a very de
7 minimus deviation from the original plan that was
8 approved, so I don't think it warrants opening the
9 full box again, but rather perhaps opening that one
10 issue to see how we might be able to collectively
11 solve it.

12 Mr. Norbut: And not to belabor the
13 point, but just really for the board's edification,
14 the County does not have the right to impose anything
15 on this board, right? This board is an autonomous
16 body.

17 And the County cannot supercede a plan
18 approved by this board. And I don't want to talk
19 legal. I'm getting out of my area. I'm going the
20 defer to Gary.

21 But just for your information, if the
22 County makes a change to a plan that this board
23 approves, because they also require approval because
24 it's on a County road, the applicant is required to
25 come back to this board, present that information,

1 modify their plan and get your approval.

2 So there is no this board approves
3 something and the County superceded it. Just for
4 your information.

5 MR. BENNETT: And again, this involves
6 the exit onto a County road, and that's the reason
7 for the modification.

8 The County, that's their road. They
9 don't have any ability to tell us where on Central
10 Avenue to put a location, and they don't have any
11 ability to tell us how to construct the building.

12 But I would respectfully submit that I
13 believe that they do have a right to dictate the exit
14 and entrance on the County roadway. Thank you.

15 CHAIRMAN GRAHAM: Thank you,
16 Mr. Bennett. Okay. Before we we're going to --
17 first we have to authorize the preparation of the
18 board's annual report.

19 MR. CUCCHIARA: No. That can come
20 later.

21 CHAIRMAN GRAHAM: That can come later.

22 MR. CUCCHIARA: What's before you now,
23 unless there's any other -- well, you have to open it
24 up to the public.

25 CHAIRMAN GRAHAM: I'm going to open it

1 up to the public. Okay.

2 Okay. I'd like a motion for you guys
3 to open up the meeting --

4 MR. CUCCHIARA: Well, no. All we need
5 to do, Mr. Chairman, is just if any member of the
6 public wishes to be heard with respect to this
7 application or ask any questions.

8 CHAIRMAN GRAHAM: Would anybody like to
9 speak with the open portion of the meeting.

10 (No Response.)

11 CHAIRMAN GRAHAM: So we're going to
12 close it.

13 MS. GAINES: Yeah. You just say that
14 seeing none.

15 CHAIRMAN GRAHAM: No further business,
16 somebody make a motion to close the public portion of
17 the meeting.

18 MR. MANCINI: Motion.

19 MS. GUIMARAES: I second it.

20 MS. GAINES: All in favor?

21 (Whereupon, all present members respond
22 in the affirmative.)

23 MS. GAINES: Thank you.

24 MR. CUCCHIARA: This would be an
25 opportunity, Mr. Chairman, to request any comments

1 from the board.

2 You have heard testimony on behalf of
3 the applicant.

4 MR. Van den Kooy, did you have any
5 comments that you wanted to make at this time? I
6 know your report is in evidence.

7 MR. VAN den KOOY: Yes.

8 I think the only thing that I wanted to
9 mention -- I mean, they covered it -- the variance.
10 It's very minor, the impervious coverage.

11 One of the conditions of the prior
12 approval was hours of operation. I'm not concerned
13 about this necessarily, but one of the conditions is
14 that the outdoor dining terminate by 10 p.m.

15 And the testimony was that it tends to
16 track to the same extent as the hours of operation to
17 the overall business to 11 p.m.

18 So to the extent that the board is
19 inclined, if you wanted to modify that condition of
20 the prior approval and make it the outdoor dining can
21 stay open to 11 p.m., that would be consistent with
22 the testimony.

23 Otherwise, 10 p.m. the limitation on
24 the hours of the outdoor, a relatively minor point.

25 MR. CUCCHIARA: Not that minor. Does

1 the applicant have any comments?

2 MR. BENNETT: No.

3 They just want it to coincide with the
4 regular hours.

5 So to the extent that it's an
6 additional hour, we would ask that be part of the
7 resolution.

8 MR. CUCCHIARA: Again to repeat,
9 Mr. Chairman, this would be an appropriate time to
10 ask for any comments from the board before the vote.
11 We do have a stipulation, as I described, with regard
12 to the bollards.

13 And revised plans would be submitted to
14 the board engineer for approval with regard to that,
15 again to repeat, if the application is granted.

16 We also have the issue raised by both
17 the applicant and our board engineer as well as board
18 members with regard to that left-hand turn which
19 appears in the report of our board engineer,
20 Remington & Vernick Engineers. That's Exhibit B-1 on
21 page 2 under the heading "Traffic Circulation and
22 Layout."

23 And that's the third item, Number 3, as
24 you can see there.

25 So I don't know if the board members

1 have any comments with regard to that. You've heard
2 the comments from, as I said, Mr. Norbut as well as
3 Mr. Bennett.

4 So I'll leave that to any of the board
5 members who might have comments regarding that.

6 CHAIRMAN GRAHAM: Do any board members
7 have any more comments concerning this?

8 MR. CUCCHIARA: So you can actually go
9 around, you know, to the board. If the board members
10 had no comments, then just indicate that.

11 MAYOR GRILO: Is now when I make my
12 comment since I can't vote.

13 MR. CUCCHIARA: You can make comments.

14 MAYOR GRILO: So I'll just be brief.
15 I, unfortunately, can't vote.

16 But if I could, you would have my full
17 support. I think it's beautiful. I think everything
18 that Tops has done has made it really look nice. It
19 definitely puts East Newark on the map.

20 So good luck with everything. And
21 we'll discuss the left turn.

22 But I'm all for this, so good luck.
23 And I don't oppose the extra hour either.

24 CHAIRMAN GRAHAM: Any further comments?

25 MR. REIS: Yeah.

1 I just want to say I'm fine with the
2 extra hour. I appreciate Tops being a part of this
3 community and everything they do.

4 I hope you guys are willing to work
5 with us on the left turn issue as well. I don't
6 think that needs to be conditional for this
7 particular application.

8 So my recommendation would be let's not
9 make it conditional, but let's keep the dialogue open
10 and see what we can do in the future about that.

11 CHAIRMAN GRAHAM: I'm going to close
12 the public portion of the meeting now. Do you still
13 want me to go back to the authorization?

14 MS. GAINES: No.

15 At this point, I guess if you want to
16 ask for a motion to either approve or deny the
17 application, then we'll have a second, and I will
18 call the roll.

19 CHAIRMAN GRAHAM: Would somebody make a
20 motion to accept the application.

21 MR. REIS: I'll make a motion.

22 MR. MANCINI: Second.

23 MR. CUCCHIARA: That would be subject
24 to the stipulation with respect to the bollards as a
25 condition of approval.

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Bollards, the protective.

MR. REIS: Yes.

MR. CUCCHIARA: And the resolution.

CHAIRMAN GRAHAM: We have a second.

Can we have a roll call, please?

MS. GAINES: Mr. Reis.

MR. REIS: Aye.

MS. GAINES: Mr. Erezuma?

MR. EREZUMA: Aye.

MS. GAINES: Mr. Mulrenan?

MR. MULRENAN: Aye.

MS. GAINES: Mr. Graham?

CHAIRMAN GRAHAM: Aye.

MS. GAINES: Ms. Guimaraes?

MS. GUIMARAES: Aye.

MS. GAINES: Mr. Mancini?

MR. MANCINI: Aye.

MS. GAINES: Motion carried.

MR. BENNETT: Thank you.

(Whereupon, the meeting is concluded.)

Time noted: 7:54 p.m.)

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C E R T I F I C A T E

I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth, to the best of my ability.

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.

Ronda L. Reinstein

RONDA L. REINSTEIN, CCR No. 30X100217800