

PLANNING BOARD
BOROUGH OF MONTVALE
COUNTY OF BERGEN

-----X
BLOCK 3302, LOT 1 :
HORNROCK PROPERTIES MPR, LLC :
One Sony Drive :
-and- :
Also designated on the Borough of:
Park Ridge tax map as Block 301, :
Lot 1, preliminary site plan :
-----X

Tuesday, March 19, 2019
Council Chambers
12 Mercedes Drive
Montvale, New Jersey
Commencing 9:15 p.m.

B E F O R E:

JOHN DePINTO, CHAIRMAN
FRANK STEFANELLI, VICE CHAIRMAN
JOHN CULHANE
ROSE CURRY, COUNCIL PRESIDENT
JIMMY D'AGOSTINO
MICHAEL N. GHASSALI, MAYOR, absent
WILLIAM LINTNER
MAGGIE O'NEILL
DANTE TEAGNO
ROBERT ZITELLI

ROBERT REGAN, BOARD ATTORNEY
ANDREW HIPOLIT, BOROUGH ENGINEER, absent
CHRISTOPHER DOUR, P.E., P.P.
JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL
CHRISTOPHER GRUBER, CONSTRUCTION SUBCODE OFFICIAL
DARLENE GREEN, PLANNER

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1 CHAIRMAN DePINTO: Okay. Next we have
2 Block 3302, Lot 1 Hornrock Properties MPR, LLC, the
3 applicant, relating to premises designated as Block
4 3302, Lot 1, as designated on the Borough of Montvale
5 tax map being more commonly known as One Sony Drive,
6 the property, and also designated in the Borough of
7 Park Ridge tax map, Block 301, Lot 1, preliminary site
8 plan application.
9 Good evening.

10 MR. WOLFSON: Good evening, Mr. Chairman,
11 Board members, board professionals, Peter Wolfson Day
12 Pitney on behalf of the applicant.

13 We're here for the continuation of our hearing
14 for preliminary major site plan relating to the
15 property as described by the Chairman.

16 The public hearing for the application began on
17 January 2 of this year as you recall. It was further
18 heard February 19th of this year and then carried at
19 that time to tonight's meeting without further notice.

20 In the interim the applicant submitted an
21 extensive --

22 CHAIRMAN DePINTO: Let me just have Mr.
23 Alampi --

24 MR. ALAMPI: May I make my appearance?

25 CHAIRMAN DePINTO: -- introduce himself.

1 Make your appearance, please.

2 MR. ALAMPI: Again, Chairman and Board
3 Members, Carmine Alampi for the Borough of Park Ridge.

4 I do have an initial jurisdictional question
5 once again on the notice but I'll let Mr. Wolfson
6 complete his first remarks.

7 CHAIRMAN DePINTO: And, Mr. Alampi, the
8 gentleman sitting next to you?

9 MR. ALAMPI: I'm sorry. This is Brian
10 Intindola from Neglia Engineering. He's our traffic
11 consultant.

12 CHAIRMAN DePINTO: Very good. Thank you.

13 And, David, why don't you step forward.

14 And, again, just for the record and the tape,
15 please introduce yourself.

16 MR. O'SULLIVAN: My name is David
17 O'Sullivan, 252 Capri Terrace, Park Ridge, New Jersey.

18 I did want to make a few comments prior to the
19 applicant proceeding tonight.

20 First I wanted to indicate my disappointment
21 with the Borough of Montvale after the last Planning
22 Board meeting where multiple parties discussed issues
23 with communication and documents not being provided.
24 Along with my own comments concerning two of my three
25 recent OPRA requests not being responded to in

1 accordance with OPRA requests, I really thought
2 Montvale was taking transparency seriously.

3 Last week, when I filed my OPRA request for
4 additional documents filed by Hornrock, I received a
5 quick response from Montvale with what I thought were
6 all of the revised documents filed by the applicant,
7 Hornrock. In addition, Montvale provided some
8 additional documents to me which postdated my OPRA
9 request which I very much appreciated.

10 Unfortunately, while reviewing some of these
11 documents yesterday, it became clear to me that some
12 of the more important documents dealing with site
13 engineering and traffic that predated my OPRA request
14 were not provided to me.

15 After request to Montvale officials last evening
16 I received the additional documents a few hours prior
17 to this meeting. The Borough's response to my request
18 to cancel the Hornrock application for tonight was
19 denied because the documents were provided within the
20 7 day time frame required by OPRA laws.

21 However, at the last Planning Board meeting it
22 was discussed that the applicant would submit the
23 revised documents both electronically and hard copy to
24 facilitate disbursement to all parties. It shouldn't
25 have been difficult to ensure that all documents

1 should have been provided or made available to me last
2 week when I filed my OPRA request as per this Board's
3 direction. It would have allowed an issue to
4 residents such as myself the appropriate time to
5 review the numerous documents that were remitted by
6 Hornrock.

7 I believe the lack of document production, as
8 requested by this Board at the last meeting created a
9 jurisdictional defect and I ask the Board take the
10 Hornrock application off the agenda for tonight's
11 meeting.

12 Thank you.

13 CHAIRMAN DePINTO: Thank you.

14 Mr. Regan.

15 MR. REGAN: Mr. Wolfson, when were the
16 documents filed?

17 MR. WOLFSON: They were filed the 7th as
18 per the conversation at the end of the last session
19 which was more than 10 days ahead as required by the
20 Municipal Land Use Law and as I'm sure all of you on
21 the Board, sitting with the Board are aware of the
22 Municipal Land Use Law requires that the applicant
23 submit substantially revised plans or new materials 10
24 days ahead.

25 The burden is on the interested party to check

1 in not necessarily through an OPRA request but through
2 an appointment with the secretary to the Board to come
3 and examine the file.

4 Those plans were here more than 10 days ahead of
5 time.

6 MR. REGAN: So the 10 day standard or
7 requirement was adhered to?

8 MR. WOLFSON: It was.

9 MR. REGAN: And, Mr. O'Sullivan, your OPRA
10 request was dated what?

11 MR. O'SULLIVAN: It was dated March 12th.

12 MR. REGAN: And when was the response.

13 MR. O'SULLIVAN: I think the response was
14 that same day. I got most of the documents.

15 The problem with that, I didn't receive any of
16 the site engineering or traffic documents.

17 MR. REGAN: Is there any reason why you
18 didn't come to the municipal building to review the
19 documents.

20 MR. O'SULLIVAN: Well, on a prior OPRA
21 request when I requested drawings that were not
22 available electronically I was advised by the
23 representative of Montvale that I should come in to
24 actually view them. In this situation, since I wasn't
25 advised that some of these drawings were available

1 here, I wasn't advised to come in to review documents.

2 MR. REGAN: Well, it's not the
3 responsibility of the Board secretary/land use
4 administrator to notify every citizen or resident who
5 is interested in an application that there are
6 documents here, come down to Borough Hall to see them.
7 The affirmative obligation was yours to make an effort
8 to review the documents.

9 It appears to me that Mr. Wolfson has complied
10 with the 10 day requirement and Ms. Hutter complied
11 with the 7 day requirement or OPRA. So I don't see
12 any basis to adjourn the public hearing this evening.

13 MR. O'SULLIVAN: Well, if I could, my
14 request was for all additional drawings and I wasn't
15 advised -- they gave me all the architectural drawings
16 that were revised and submitted and I wasn't advised
17 that any documents related to site engineering had
18 been submitted to the Borough.

19 MR. REGAN: Did you come down to Borough
20 Hall to review the file?

21 MR. O'SULLIVAN: No, I did not.

22 MR. WOLFSON: We indicated -- we had a
23 whole dialogue at the end of the last session about
24 how we were going to, we were requested by the Board
25 to submit fully revised plans. We rushed to do that

1 and at the agreed upon date to do that. So there was
2 full discussion on the fact.

3 MR. REGAN: Nobody is acting in secret.
4 The documents were here.

5 MR. WOLFSON: Furthermore, Mr. Chairman,
6 as my client has all along, continued gratuitously to
7 provide copies to Mr. Alampi who is representing Park
8 Ridge as well as the attorney for Woodcliff Lake who
9 we have had on-going discussions.

10 MR. REGAN: Mr. Chairman, also, in looking
11 at the settlement agreement between the Borough and
12 Hornrock, Article 5 details obligations of the
13 Planning Board which include, among other things, the
14 obligation to expedite the processing of the
15 developer's application. We're already a couple, more
16 than two months into the process, 2 1/2 months into
17 the process. I don't think we're close to finishing
18 this evening but I think to carry the application to
19 another date, from what I think there's really no
20 legal basis that it be carried, would also contravene
21 the settlement agreement that the Borough had made.

22 CHAIRMAN DePINTO: Okay. Mr. Alampi, do
23 you have any comments?

24 MR. ALAMPI: I do.

25 I understand what Mr. O'Sullivan is saying,

1 caught between the MLUL requirements and the OPRA
2 requests and he pursuing the OPRA request did not
3 receive the full complement of the documents.

4 MR. REGAN: He got them today, Mr. Alampi,
5 seven days out.

6 MR. ALAMPI: I didn't interrupt you.

7 MR. REGAN: Okay. You're saying something
8 that's incorrect.

9 MR. ALAMPI: I'm just repeating what he
10 just said. I said there's a conflict of the MLUL 10
11 day period and the 7 day period under OPRA.

12 But I will acknowledge that Mr. Wolfson's firm
13 did provide to me and I assume to Woodcliff Lake and
14 to the public comprehensive site changes going to the
15 engineering, architectural plans and the letters.

16 The problem is that in reviewing what was
17 submitted to me on March 6th, there are numerous
18 references to other earlier reports that were not
19 included in the package. So I think that we have some
20 issue with regard to how comprehensive are the filings
21 to the general public. If there were proceedings --
22 for example, tonight, I received electronically after
23 5:30 or so the comment letters of your four, four
24 consulting review letters by Maser Engineering and the
25 Fire Department. Now I know that they were done as

1 quickly as possible.

2 I'm not criticizing Montvale but I received them
3 electronically. You provided me with the hard copy
4 tonight to look at. So I'm getting them on the
5 evening of the hearing.

6 I guess it could have been done a day or two
7 earlier but it's as good as it gets so I don't really
8 have any problem with anyone playing hide and seek.
9 But it was difficult to work under that time
10 constraint because the reports were filed by Mr.
11 Wolfson's firm by March 7th, I believe, which is the
12 deadline that he has to meet to stay on tonight's
13 agenda.

14 But I notice I didn't get the police report.
15 There's a letter in the back that says by the police,
16 captain, Captain McDowell who says we continue to
17 raise the same objections in the attached letter.
18 Well, there is no attached letter. It's not back
19 here. So that's not Mr. Wolfson's fault.

20 But what I'm saying, I'm saying what Mr.
21 O'Sullivan is saying, we're not getting a complete
22 package of all the reports, the correspondence and
23 communications.

24 So there were letters to the Borough attorney of
25 Woodcliff Lake in response. I saw that tonight in the

1 back. That wasn't provided to me. Perhaps they don't
2 have to provide it to me. But the police letter that
3 I still don't have is something I should have gotten.

4 These issues culminate in some awkwardness in
5 trying to get the package out as best they can. But I
6 will agree, Mr. Regan, if there is a 10 day filing,
7 that the filing was met and on file. I'm not
8 disputing that.

9 I raise these other issues because it's
10 confusing to a person that's not experienced as a
11 professional in land use administration to know about
12 all these reports and letters because they're not part
13 of the whole file. But what I'm finding is the
14 Montvale letters are not being sent to us through Mr.
15 Wolfson's office. He's just sending us the
16 applicant's document but not the comment letter.

17 CHAIRMAN DePINTO: Right. I think the
18 applicant's responsibility is to provide you with
19 plans and reports that are produced by his clients or
20 his witnesses. I don't believe Mr. Wolfson is
21 responsible for providing you or Mr. O'Sullivan with
22 municipal documents.

23 MR. ALAMPI: They would be --

24 CHAIRMAN DePINTO: I believe that is the
25 responsibility of the municipality.

1 And to that end, I will go over with Ms. Hutter
2 what has been provided to both Mr. O'Sullivan and you,
3 Mr. Alampi, to make certain that your files are as
4 complete as the Borough files are.

5 MR. ALAMPI: I appreciate that, Chairman.

6 But generally the Chair directs that there be
7 full exchange of documents to the parties in
8 opposition. It includes, by implication, comment and
9 review letters.

10 MR. WOLFSON: Mr. Chairman, if I might.

11 CHAIRMAN DePINTO: Sure.

12 MR. WOLFSON: First of all, it's a
13 gratuitous agreement by my client to provide copies of
14 anything we submit to the Board. There's no legal
15 requirement for that at all but my client insists that
16 we do that in good faith. We've done that.

17 In terms of the obligation, as has been stated
18 already by the Board's professional, it's up to the
19 public including the attorney for Park Ridge to
20 monitor the situation and the file as it's, as it
21 grows in your office and get in and look at it.

22 CHAIRMAN DePINTO: I understand. I
23 understand what that is but the practice of the
24 Montvale Planning Board is to try to be as cooperative
25 as possible with any interested party, whether they

1 are counsel for adjacent municipality or a resident of
2 Montvale or any other town, we try.

3 Unfortunately, Ms. Hutter was not present at the
4 last meeting. She was out of the town. We did have
5 someone filling in and I think something might have
6 fallen between the cup and the lid. And that's
7 probably the reason why you did not get all the
8 documents that you should have received. We will make
9 certain that you do.

10 MR. ALAMPI: Many of those comment letters
11 are, the ink is still wet on them. They were just
12 done so I don't have any issue.

13 CHAIRMAN DePINTO: Right.

14 MR. ALAMPI: I do want to raise, Chairman,
15 an issue that came to my attention as a result of
16 reading the planning report from your town planner.

17 Apparently, in the review from the February
18 letter, the planning report that's March 14th, 2009,
19 there are some variances implicated in this
20 application.

21 CHAIRMAN DePINTO: Excuse me one second.

22 MR. REGAN: We haven't marked that.

23 CHAIRMAN DePINTO: We haven't marked that
24 as evidence yet.

25 Have we marked the February report for the

1 Board?

2 So that would be Ms. Green's report of February,
3 Mr. Alampi.

4 MR. ALAMPI: I'm dealing with the March
5 14th.

6 CHAIRMAN DePINTO: What is the earlier
7 report that you have?

8 MR. REGAN: I don't think that has been
9 marked, Mr. Chairman.

10 CHAIRMAN DePINTO: Well, we haven't marked
11 March 14th.

12 MR. REGAN: We haven't marked the earlier.

13 MR. ALAMPI: Right.

14 MR. WOLFSON: The planning report by
15 Darlene Green of December 5 was marked as B-3.

16 CHAIRMAN DePINTO: As B-3.

17 MR. ALAMPI: That was December. Right.
18 Is that the only one?

19 CHAIRMAN DePINTO: Darlene, do you have
20 anything other than your December report?

21 MR. REGAN: B-3 was the December report.

22 MR. WOLFSON: Right.

23 MR. ALAMPI: And that may be the only
24 report.

25 MR. REGAN: B-4 was the Police Department

1 report of 1/23. B-5 was a report of 2/14/19.

2 MR. WOLFSON: The traffic review letter.

3 MR. ALAMPI: And, Chairman, I know you
4 haven't marked the March 14th letter. But in reading
5 it, it raises the issue that there are some variances.

6 Now I know that the Board very clearly told Mr.
7 Wolfson that he did not have to renote, he made a
8 proper announcement. But in light of that, I decided
9 to review Mr. Wolfson's notice and if in fact there
10 are variances that have been implicated, I don't
11 believe that his notice picks up on that. And I take
12 the position that his notice is not effective although
13 he was advised that he didn't have to file a report --
14 notice but maybe he has.

15 CHAIRMAN DePINTO: Mr. Regan, do you have
16 a copy of Mr. Wolfson's notice?

17 MR. REGAN: Not with me but I reviewed it.

18 CHAIRMAN DePINTO: Maybe he did.

19 MR. REGAN: It's the one for January 2nd,
20 the January 2nd meeting.

21 MR. WOLFSON: Mr. Chairman.

22 MR. REGAN: It says in the next to the
23 last paragraph which land use attorneys review all the
24 time and Mr. Alampi uses it in his practice, that the
25 applicant is seeking such variances, waivers and

1 exceptions and/or relief that may be required upon
2 review of the plans, testimony and other materials at
3 the public hearing. It's a common catchall provision
4 that land use attorneys use everyday.

5 CHAIRMAN DePINTO: Mr. Wolfson.

6 MR. WOLFSON: Mr. Chairman, just to
7 refresh the recollection of the Board, Mr. Alampi
8 wrote to you on December 5, 2018 an eight page letter
9 with attachment objecting to the original form of
10 notice. I responded to that with a letter of December
11 11th with a 6 page response.

12 Our response was that none were valid.
13 Nonetheless, in order to avoid a notice issue, out of
14 courtesy to the process and respect for this Board so
15 we wouldn't waste time going through the hearings and
16 have what seems to be an inevitable litigation by your
17 neighbor and eliminate an issue, we incorporated each
18 and every one of the criticisms by way of amended
19 notice.

20 MR. REGAN: In fact, Mr. Wolfson, I think
21 we had a conversation, I advised you to provide Mr.
22 Alampi with a copy of that.

23 MR. WOLFSON: I did in fact. I never
24 heard back from him.

25 MR. ALAMPI: I have it. I told you I have

1 it.

2 CHAIRMAN DePINTO: I told you I read it.

3 MR. REGAN: There were no objections
4 raised until now.

5 MR. WOLFSON: Correct.

6 And if I further might to the question about
7 variances, the testimony will show tonight that we're
8 proposing one variance at this time. Any of the other
9 variances can be eliminated.

10 CHAIRMAN DePINTO: Okay. Well, I guess it
11 boils down to the following. And I'm going to ask the
12 vote of you gentlemen, for your opinion.

13 Mr. Alampi, are you suggesting or recommending
14 or requesting that the hearing not continue this
15 evening to allow you time to review documentation that
16 you received up to and including this evening and
17 other documentation that you have not received?

18 Is that your request?

19 MR. ALAMPI: Quite honestly, I reviewed
20 the documents throughout the hearing of the first
21 application. My witness is here. It's not my
22 intention nor the intention of the Borough of Park
23 Ridge to elongate the process unnecessarily. I
24 believe we can go forward with the reports even though
25 I received them this evening.

1 CHAIRMAN DePINTO: Thank you. I
2 appreciate that position.

3 And, Mr. O'Sullivan, what is your position? Is
4 that your request?

5 MR. O'SULLIVAN: Yeah. I just thought it
6 was pretty clear at the last meeting as myself and
7 obviously yourself and some of the Board Members all
8 agreed that production of documents was critical here
9 and that you specifically requested electronic
10 documents no doubt to quickly disburse those documents
11 to anybody interested.

12 Now I being one of those individuals, I felt
13 like I didn't get a fair shake here and I think I'm in
14 the unfair position of not having had the opportunity
15 to review them and ask questions.

16 CHAIRMAN DePINTO: On the part of the
17 Borough I apologize for you not receiving those
18 documents. But, again, as I indicated, Ms. Hutter was
19 not present. She was out-of-town. Something did slip
20 in between the cup and the lid. We will have to make
21 up -- you do advise Ms. Hutter of anything that's
22 missing. I assure you they will be provided to you
23 but please accept my apologies on behalf of the
24 Borough.

25 MR. O'SULLIVAN: I appreciate it,

1 Chairman.

2 CHAIRMAN DePINTO: With that said, why
3 don't we move forward.

4 MR. WOLFSON: Mr. Chairman, just for
5 clarity of the record, I want to be extremely clear
6 the entire process has been totally consistent with
7 the Municipal Land Use Law. This Board, I think
8 admirably, has a courtesy policy of sharing
9 information affirmatively to those that come forward
10 and ask for it. It's not a legal requirement. The
11 failure to do it in part or in full is no way a defect
12 in this process.

13 CHAIRMAN DePINTO: Very good. Thank you.

14 MR. WOLFSON: Thank you.

15 Okay. On to the case.

16 I have back with me seated here Brett Skapinetz
17 who I will recall.

18 CHAIRMAN DePINTO: Excuse me one second,
19 Mr. Wolfson.

20 Lorraine, can you hook up that camera to project
21 that screen? Do we have that little tool?

22 MR. REGAN: Mr. Chairman --

23 COUNCILWOMAN CURRY: I think Mayor
24 Ghassali has the way to do it.

25 CHAIRMAN DePINTO: No. You don't have to

1 be the Mayor.

2 MR. REGAN: Mr. Chairman, Mr. Dour is
3 substituting for Mr. Hipolit. He hasn't been sworn in
4 on this application.

5 Do you swear or affirm that the testimony you
6 give in this proceeding shall be the truth so help you
7 God.

8 MR. DOUR: Yes, I do.

9 MR. REGAN: Let the record reflect that
10 the Board's acting engineer has been sworn. Thank
11 you.

12 CHAIRMAN DePINTO: Yes, Mr. Alampi.

13 MR. ALAMPI: Chairman, I have just one
14 housekeeping note. There is a discussion, I think Mr.
15 Regan was going to research the issue of affordable
16 housing units and the parking spaces. I understand
17 the affordable units will not have podium parking and
18 they have just the surface, unsheltered surface
19 parking.

20 There was some discussion about fees. We were
21 going to get a review. I don't know if --

22 MR. REGAN: That any approving resolution
23 would provide the affordable units don't pay for
24 parking on the exterior parking.

25 MR. ALAMPI: That's how you're going to

1 handle it?

2 MR. REGAN: I dealt with it. I'm a
3 Special Master in a counties.

4 MR. ALAMPI: Yes, you're a Special Master
5 in East Rutherford?

6 MR. REGAN: And Carlstadt.

7 MR. WOLFSON: Mr. Alampi, I'm sure your
8 client would appreciate the benefit of your doing the
9 research as well.

10 MR. ALAMPI: It would.

11 MR. WOLFSON: For the record --

12 CHAIRMAN DePINTO: Why don't we continue?

13 MR. WOLFSON: Perhaps we should move in
14 the supplemental series of Board reports for
15 completeness.

16 Should we do that at this time?

17 CHAIRMAN DePINTO: Why don't we do this?
18 Rather, rather than move on to that, I would like to
19 hear from the design engineer what changes were made
20 to the plan as a result of the last hearing, the
21 comments that you received from the Board
22 professionals at that time. Then any new Board
23 exhibits which would be reviewed by municipal agencies
24 or professionals we'll deal with.

25 MR. WOLFSON: Okay.

1 CHAIRMAN DePINTO: I would like an
2 overview of the revised plan showing the changes that
3 were made.

4 MR. REGAN: Are we marking the revised
5 plans?

6 CHAIRMAN DePINTO: We can mark this into
7 evidence.

8 MR. WOLFSON: Yeah. Our submission of
9 March 6th contains a number of materials. It has an
10 extensive cover letter that included item by item
11 responses to the then existing review letters from the
12 Board. We had a storm water management facility
13 operation and maintenance manual dated, revised March
14 2019. We had a storm water management summary revised
15 March 2019. It had -- it supplied an additional copy
16 to the one that was originally submitted of a survey
17 because that was referenced in some of the materials.
18 It had revised architecturals and revised site plan
19 packages all dated March 6th.

20 MR. REGAN: Okay. Why don't we go through
21 them one-by-one and mark each one so we don't have to
22 interrupt your witness.

23 MR. WOLFSON: Okay.

24 MR. REGAN: Do you want to start with the
25 letter of March 6?

1 MR. WOLFSON: Yeah. I have this up to
2 A-16.

3 MR. REGAN: This would be A-16 is next.
4 That's correct.

5 MR. WOLFSON: A-16 is the letter from
6 Dynamics.

7 MR. REGAN: Yes. That was marked at the
8 last meeting so we're up to A-16. We'll make the
9 3/6/19 Dynamic letter as A-16.

10 MR. WOLFSON: Correct.

11 MR. REGAN: And revised site plan drawings
12 with a revision date of 3/6 A-17?

13 MR. WOLFSON: Yes.
14 Revised architectural, A-18?

15 MR. REGAN: A-18.

16 MR. REGAN: Storm water report?

17 MR. WOLFSON: Sure. The storm water
18 management summary could be A-19.

19 The storm water management facility's operation
20 and maintenance manual could be A-20.

21 And the survey by DPK Consulting with a 7/30/18
22 date could be A-21.

23 MR. REGAN: What's the date?

24 MR. WOLFSON: 7/30/18.

25 MR. REGAN: 7/30/18. Okay.

1 MR. WOLFSON: Thank you for that.

2 CONTINUED DIRECT EXAMINATION BY MR. WOLFSON:

3 Q Brett, can you lead us through the revised
4 plans as per the Chairman's request.

5 A Yes. Good evening. For the record, Brett
6 Skapinetz, Dynamic Consulting.

7 The Board recalls two meetings ago I went
8 through detailed testimony with respect to the plans.
9 At the last meeting I brought an exhibit, an exhibit
10 that illustrated essentially the major changes that
11 were to be made to the plan as a result of that first
12 meeting primarily revolving around comments from the
13 Fire Department as far as access on a couple sides of
14 the building which resulted in us changing the storm
15 water management design, two above-ground basins down
16 to one now on the west side of the building.

17 Then we depicted some other smaller changes in
18 the plan including adding in an alternate access from
19 within Park Ridge not just from the main drive aisle
20 that we had in the original plan but the secondary one
21 to the parking lot at the southeast corner of the east
22 building.

23 We also illustrated modifications to the parking
24 arrangement out of comments received related to ADA
25 access so we redistributed some parking in the front,

1 the main entrance of the building.

2 But I was only given a handful of minutes to
3 kind of go through that generally because we did not
4 submit a full set of plans. It was just that exhibit
5 to show you those changes, those alterations that were
6 discussed at length obviously at the first meeting
7 which brought us to, as we mentioned earlier, the
8 necessity for me to provide fully detailed plans by
9 that March 7 date which we did. They were prepared
10 along with the comment letter, full response letter to
11 each of the professionals as well as the other
12 Departments of the Borough that provided comments up
13 to that point. That was Exhibit A-16.

14 Along with all the supplemental information as
15 just mentioned, that was provided, prepared by our
16 office.

17 So what I would like to do is, I have a new
18 exhibit fully colorized to illustrate the changes but
19 it's not much different than the last exhibit which
20 I'm not sure what that number was in that the bulk
21 changes, that movement of the basin, the additional
22 access, the reconfiguration of parking, that all
23 stayed the same.

24 We basically took that plan, that exhibit and
25 created the more detailed set to address the comments.

1 That's the technical comments that you wouldn't
2 necessarily see here in this one exhibit that are
3 within the plan set itself. But, I'll mark this.

4 Q A-22.

5 A Mr. Wolfson marking this Exhibit A-22.

6 Q Do you want to just describe it?

7 A Yes. This is entitled site plan rendering
8 with preparation date of March 19th, 2018.

9 And, as I pointed out, it shows -- well to go
10 back it shows the same configuration of the building
11 as testified in the first meeting, generally the same
12 arrangement of parking but with the changes as I just
13 noted a couple times, a single basin to the west
14 versus one to the west and north, reconfiguration of
15 parking at the main entrance of the building, we'll
16 call that the middle southern face to redistribute ADA
17 accessible parking.

18 We also provided interior walkways that was
19 requested to provide pedestrian walkway from parking
20 spaces further away to be able to get to the building.

21 And, the access point on the southeast corner of
22 the building or improvement area is located in Park
23 Ridge but it provides the access from within Park
24 Ridge, the secondary means of access for emergency
25 vehicles to get into the proposed development.

1 And that secondary access is essentially the
2 access by a chain and bollards to which the department
3 would essentially have a Knox Box or a key to be able
4 to access that point. It would not be a free movement
5 access for vehicles to come and go on a routine basis.

6 Those are the primary changes to the plan.

7 It may be more appropriate for me to just jump
8 into the review comments at this point.

9 CHAIRMAN DePINTO: Why don't we identify
10 the letters that you're going to be addressing?

11 And we ask, you have a letter from Maser.

12 MR. WOLFSON: We have an engineering
13 review letter of March 18th, 2019.

14 CHAIRMAN DePINTO: Okay. Why don't we
15 start with that one.

16 MR. REGAN: I think we can mark it as B-6.

17 MR. WOLFSON: B-6.

18 CHAIRMAN DePINTO: And, Mr. Dour, are you
19 familiar with the content of that exhibit, B-6, dated
20 March 18?

21 MR. DOUR: Yes, I am, Mr. Chairman.

22 CHAIRMAN DePINTO: Why don't you address
23 the concerns set forth in this review letter.

24 THE WITNESS: Sure.

25 Mr. Chairman, if I may, with the submission of

1 our revised plans --

2 CHAIRMAN DePINTO: Right.

3 THE WITNESS: -- we did have a previous
4 review letter from Maser which we used as the basis of
5 reconfiguring our plans for the submission. We
6 addressed a vast majority of their comments so if you
7 like --

8 CHAIRMAN DePINTO: Can you address the
9 majority of the comments based upon the previous
10 technical review letter of Maser?

11 THE WITNESS: That's correct.

12 CHAIRMAN DePINTO: But this review letter
13 of March 18, have you had an opportunity to review it?

14 THE WITNESS: I have, yes.

15 CHAIRMAN DePINTO: What new conditions or
16 requests were set forth in this review letter?

17 THE WITNESS: Yeah. I would like to just
18 touch base on those, ones where I'm asked to provide
19 testimony or ones where I need to note some additional
20 detail with respect to --

21 MR. REGAN: Just tell us the page and
22 paragraph, please.

23 THE WITNESS: Okay. Will do.

24 A Again referring to the March 18th, 2019
25 letter by Maser Consulting, the first part would be

1 Page 4 under general comments. And we'll start at No.
2 13.

3 And this, I just ask that I provide additional
4 testimony with respect to the revision of the ADA
5 parking arrangement. And that's shown in the revised
6 plan by the new stalls at the closest point to the
7 main entrance of the facility.

8 No. 14 below it talks about, the comment at No.
9 14 says the applicant, we have revised the plans to
10 show compliant route of travel for the ADA spaces as
11 well as some interior access.

12 As I mentioned, for the residents to walk to
13 sidewalks to get to other walkways immediate to the
14 building but spaces will remain, the residents will
15 need to cross drive aisles and the applicant should
16 provide testimony. Yes, we do have that situation.

17 For example, on the western end of the building
18 we have two drive aisles, three rows of parking so
19 effectively someone parking in the western most stalls
20 of that group would walk through the adjacent stall,
21 across a drive aisle, between another set of stalls to
22 a sidewalk. This is not uncommon for most
23 developments of this nature.

24 Certainly we are dealing with a development that
25 is not a retail establishment with high turnover. We

1 can go right down the road to the new Wegmans'
2 development. The situation is very common there, no
3 walkways in between. And that is one where there is
4 much higher turnover. I do not see this situation
5 being a detriment. I think that it's, again it's
6 pretty common.

7 But as we noted, we did provide a walkway for
8 the southwestern most stalls which are the furthest
9 ones away. There is a sidewalk that runs continual
10 that provides little walking distance to either side
11 for residents to access that point and walk to the
12 building.

13 MR. DOUR: Mr. Chairman, I think that
14 reference was specifically, was related to the parking
15 garage. The one ADA space was across from the
16 elevator.

17 THE WITNESS: Okay.

18 MR. DOUR: That was really that, that was
19 the comment.

20 The other one that you mentioned before was the
21 original plan showed an ADA space on the west side of
22 the building --

23 THE WITNESS: That's right.

24 MR. DOUR: -- for access to that side
25 door. That's been removed so now, just so the Board

1 is clear, all the ADA access including any affordable
2 ADA access will only be through the front door.
3 That's what the plans are.

4 THE WITNESS: Okay.

5 CHAIRMAN DePINTO: And, Chris, you find
6 that acceptable?

7 MR. DOUR: It doesn't provide flexibility
8 and, quite honestly, I don't recall where the A -- the
9 elevators are only actually right by the front.

10 THE WITNESS: That's right.

11 MR. DOUR: So anybody that is in an ADA
12 unit other than on the first floor, that's in an
13 affordable unit would have to use the elevator anyway
14 so they would have to use the front.

15 But the, the other issue was the ADA space
16 downstairs in the elevator at grade. That one is
17 across the drive aisle and that should be relocated
18 closer to the elevator so that would permit anybody
19 using that space.

20 CHAIRMAN DePINTO: We're going to hear
21 from Mr. Minno with respect to that parking.

22 Is that correct, Mr. Wolfson?

23 MR. WOLFSON: Yeah. He'll address that,
24 Mr. Chairman.

25 CHAIRMAN DePINTO: Okay.

1 CHAIRMAN DePINTO: Okay. Chris, did you
2 have anything else on that?

3 MR. DOUR: No, nothing further.

4 CHAIRMAN DePINTO: Okay. Why don't we
5 continue?

6 A The next comment, now there are some
7 comments, additional ones and just to start with No.
8 17 on that same Page 4, which does need to be
9 addressed again, I'll reserve that for Mr. Minno among
10 with a few others. I'm just talk going to talk to the
11 engineering comments.

12 So now moving to Page 5, No. 21, there was a
13 comment related to the zoning table that has been
14 revised and, yes, it has been revised, part of the
15 updated set of plans with no significant changes to
16 setbacks or other values within the zone table.

17 MR. DOUR: Let me just ask. So the data
18 on this sheet, the fact that it's colorized, is
19 that -- what sheet would that be on the main set of
20 plans so, just to confirm that the numbers that are on
21 this exhibit are going to be the same as what we've
22 already got, that the Board has reviewed.

23 THE WITNESS: It's going to be the same as
24 Sheet 3.

25 MR. DOUR: Okay.

1 A The next comments raised with regard to
2 No. 24 about the signage and that we will comply with
3 ordinance requirements with respect to all signs.
4 There is a question about the canopy sign which
5 required detail, Mr. Minno would provide that. But it
6 was our intention to meet the ordinance as we are for
7 the other signs on the project, to meet the ordinance
8 requirements. We're not seeking any variance.

9 Next on Page 6, No. 27. We are, we were
10 requesting a waiver from providing a tree location
11 plan. We are asking so because, No. 1, in your
12 ordinance we did not -- typically we would do so when
13 we see a tree replacement type ordinance to count the
14 trees and show them all. We did notice in your
15 checklist it said it was supposed to pick up all trees
16 that are 6 inches and greater. We felt that because
17 of the majority of the development being within the
18 parking lot, the trees being removed were primarily
19 toward the west and impacted more of the Parkway than
20 any other surrounding property, that we would seek the
21 waiver, at least request the waiver from the Board for
22 that.

23 However, we are willing, if all, if it's
24 acceptable to the Board, we could provide a 100 foot
25 by 100 foot typical area of trees to be able to

1 triple --

2 CHAIRMAN DePINTO: With what this Board
3 requires because I think for the Board to determine
4 the adequacy of the proposed landscape plan, I think
5 it's in the best interests of the Borough to know
6 what's there otherwise. So, yes, at a subsequent
7 meeting we would appreciate you submitting it.

8 THE WITNESS: That's fine. Not a problem.

9 A Next then Page 7, No. 29. We are to
10 locate, I guess, a building of significant historic
11 value within the vicinity of the site. And when we
12 went to the DEP geoweb website.

13 If we go to the rest stop, there's a building
14 that actually is depicted off the geoweb, in the rest
15 stop that has some historic value. That's the only
16 building within the general area of this site and it's
17 located about 300 feet to the north.

18 CHAIRMAN DePINTO: In the rest area?

19 THE WITNESS: It's in the rest area. It
20 really is. And I can't, I can't drive through there.
21 I can't make out which building it would be because
22 you have the main rest stop building, you have the gas
23 station building.

24 CHAIRMAN DePINTO: We'll grant you a
25 waiver.

1 MS. O'NEILL: The only one I could think
2 of off the top of my head, the HPO actually had the
3 old Mercedes headquarters listed as a potentially
4 eligible building. Obviously it's not anymore. But I
5 was unaware of the one at the rest stop. I spent a
6 lot of time on that website.

7 THE WITNESS: At the rest stop.

8 CHAIRMAN DePINTO: Okay. What else?

9 A Next No. 32 that we should discuss, the
10 use of hairpin striping in the parking garage and
11 elsewhere on the site. We're not proposing that. We
12 didn't see that there was any specifics to hairpin
13 striping nor any elsewhere. So we're, we're not and
14 don't necessarily need to provide it.

15 CHAIRMAN DePINTO: Chris, what is the
16 benefit of hairpin striping versus other methods of
17 striping.

18 MR. DOUR: The lane width of, the width of
19 the parking spaces is the exact same but it really
20 confines or kind of moves the driver into the center
21 of the space so it's, it's a little bit better design.

22 CHAIRMAN DePINTO: Personally, I like the
23 hairpin. It puts me where I'm supposed to be versus
24 where I normally land. So I think it's a good --

25 Is there a problem with providing it?

1 THE WITNESS: No. I actually see it in
2 places with higher turnover and so forth. The spaces
3 are narrower, especially in retail situation but when
4 doing the residential here where people are neighbors
5 and they're going to park in their spot.

6 CHAIRMAN DePINTO: Give me a reason why
7 you would not do it. I haven't heard it.

8 THE WITNESS: It's not necessarily --
9 there's not a reason, a bad reason to do it. It's
10 just, again --

11 CHAIRMAN DePINTO: It's easier to say yes,
12 sir.

13 THE WITNESS: Yes, sir.

14 CHAIRMAN DePINTO: Okay. Let's keep
15 going.

16 THE WITNESS: We'll move on.

17 A The -- we should provide the top of
18 fencing on top of retaining wall. Yeah. We did not
19 provide a full detail yet of the wall design with
20 fencing on top yet but we are prepared to do so as
21 part of the final plans.

22 MR. WOLFSON: Remembering that we're only
23 seeking preliminary approval.

24 CHAIRMAN DePINTO: I understand.

25 The fence will be more elaborate when you seek

1 final.

2 THE WITNESS: It will not be a chain link
3 fence.

4 CHAIRMAN DePINTO: It would be a good
5 looking fence.

6 THE WITNESS: A good looking fence.

7 CHAIRMAN DePINTO: Got it.

8 A Next No. 35, which is related to the lot
9 to the northeast of our, in Park Ridge where we show
10 our utilities cutting through, actually it's just off
11 the -- I'm going to go to the upper left hand corner
12 of our plans so as Sony Drive enters into our site.
13 There is a, per the town tax maps, a lot which is just
14 to the west of Sony Drive that is triangular in shape
15 and we show our utilities cutting through there.
16 We're looking to take advantage of that unimproved
17 space to bring the utilities through. It makes for
18 none disturbance of the road, less conflict with other
19 utilities that are within Sony Drive to bring those
20 utilities there.

21 So it's our understanding that, at a minimum,
22 it's a lot owned by the town so we're doing additional
23 research. It may actually be right-of-way of the
24 Borough of Park Ridge which would also allow it.

25 MR. DOUR: It is Park Ridge not Montvale.

1 CHAIRMAN DePINTO: So Montvale does not
2 have jurisdiction over it.

3 THE WITNESS: That's correct.

4 CHAIRMAN DePINTO: So the connection with
5 an application in Park Ridge for the site plan
6 approval, you're going to be showing the usage of that
7 triangular piece?

8 THE WITNESS: That is correct.

9 MR. WOLFSON: If I could just clarify.
10 The note said that it was owned by the Park Ridge
11 utilities as well as Verizon, PSE&G and Cablevision.
12 Those utilities are merely utilities to be noticed on
13 the notice line. It's not owned by those utilities as
14 well.

15 CHAIRMAN DePINTO: But the registered
16 owner is the Borough of Park Ridge.

17 MR. WOLFSON: Correct.

18 A Next Page 8, No. 38, testimony regarding
19 the paving of Sony Drive into the site. It's not our
20 intention to touch the paving until we get to
21 Montvale. So we're looking to repave within Montvale
22 for the main drive coming in which is where our
23 proposed grading changes will take place.

24 CHAIRMAN DePINTO: So up until the point
25 of Sony Drive reaching the Montvale boundary line,

1 there will be no repaving?

2 THE WITNESS: Actually, in my, I, I -- in
3 my plan we have about 10 foot, sorry, 20 feet just
4 before the Park Ridge line where we're blending in and
5 we're working our way into Montvale, that we'll start
6 our paving.

7 CHAIRMAN DePINTO: So all pavement within
8 the Borough of Montvale will be new pavement?

9 THE WITNESS: That's correct.

10 CHAIRMAN DePINTO: Okay. Thank you.

11 A Next, Page 9, No. 46, this is regarding
12 the soil movement permit. We're only seeking
13 preliminary and certainly will look to file that.

14 No. 47 is related to soil import, again related
15 to the soil movement permit. Obviously, we're
16 agreeing to have it tested.

17 No. 48, was we have a note -- we have noted that
18 we're not impacting any wetlands or flood hazard area
19 or areas on this site as a result of the development.

20 We have a valid Letter of Interpretation from
21 the DEP showing there are no wetlands within Montvale
22 or buffer areas that will be impacted nor are there
23 any flood hazard areas within the Borough of Montvale.
24 So this is clean when it comes to development for a
25 DEP standpoint.

1 CHAIRMAN DePINTO: I presume that will be
2 submitted along with the application for final site
3 plan approval?

4 THE WITNESS: Yes.

5 A Next No. 10 -- sorry Page 10, No. 54.

6 This is a sort of a repeat of No. 33 which I
7 adjusted based on, regarding the retaining wall, its
8 final design, the inclusion of the fence. We will
9 certainly provide the final details to the wall design
10 as part of final.

11 No. 57 on the same page. This, again this is a
12 repeat to the one I just talked to you; prior to that,
13 No. 48, in that we do have the LOI and we're not
14 impacting any wetlands or streams as part of this
15 project.

16 Page 11, No. 58. This is a comment related to
17 the overflow spillway for our proposed basin. If you
18 look at A-22 we have our proposed basin to the west of
19 the proposed building. It's sort of in a light gray
20 color. It has a spillway that heads directly to the
21 north toward our boundary line and the man-made ditch
22 which naturally where that end of the site flows.

23 We will agree to modify that overflow spillway
24 so it turns slightly to the east and directed more
25 towards the man-made channel.

1 As it's situated now, I think some of the
2 concern is raised over the fact that it really has
3 some distance once it hits the property line before it
4 gets to that channel. If we shift it to the east
5 we'll get it right to the edge of that channel and
6 we'll do that as part of our revisions to the plans.

7 MR. DOUR: Correct.

8 CHAIRMAN DePINTO: Chris, did you have
9 comments?

10 MR. DOUR: That's fine. That's exactly
11 what we're looking for.

12 CHAIRMAN DePINTO: Thank you.

13 A No. 59 and 60 I'll defer. That's related
14 to the Fire Department letter, so the last one that we
15 just received.

16 CHAIRMAN DePINTO: And when you've
17 completed your testimony, I'm going to call upon the
18 Fire Department. They have representatives here this
19 evening.

20 A No. 61 is asking that we provide locations
21 for snow storage. We will provide a snow removal plan
22 as part of a final revision.

23 MR. DOUR: Well, actually, just to
24 clarify, a removal plan but if there's going to be
25 areas you're going to be stockpiling the snow on the

1 property --

2 THE WITNESS: You want to show where those
3 will be?

4 MR. DOUR: Yes. There are areas that are
5 on the plan. Actually, in looking at the plan, we
6 want to move some landscaping a little bit, shift,
7 provide more area so it is available on the site.

8 Typically with these size developments where
9 there's none, it's being shipped off the site. Now,
10 on that same note, there, I guess the key really will
11 be to do that because we want to be able to provide it
12 on-site as much as possible and then the rest of it
13 will be, end up being shifted off.

14 Do you need, as part of the snow removal plan,
15 just some indication or notes as to the fact that it
16 will be hauled off site in situations?

17 MR. DOUR: Yes, that would be the best way
18 to address it.

19 THE WITNESS: Okay. Next number, Page 13,
20 No. 75. We did have this, this is regarding time of
21 concentration.

22 MR. WOLFSON: If I could interrupt you.
23 You may have a couple on Page 12.

24 THE WITNESS: I'm sorry. Yep, you're
25 correct. I flipped and turned.

1 A No. 62 on Page 12. As indicated, yes, we
2 did go from two basins to one single basin. We
3 increased an area of volume to be able to handle all
4 the storm water generated, the additional storm water
5 generated by the development.

6 Q And the impetus for that exercise was from
7 the Fire Department, the original comment looking for
8 better access around the perimeter of the building?

9 A That's right. Certainly as you can see on
10 the western side, we went from, I think it was
11 roughly, I think it was 15 to 20 feet to 40 feet on
12 the west side and then the northerly side of the
13 building the basin was removed completely.

14 MR. O'SULLIVAN: I'm sorry. What did you
15 say, the basin was removed?

16 THE WITNESS: The basin was removed on the
17 north side.

18 MR. O'SULLIVAN: I didn't hear what you
19 said. You are behind the post.

20 THE WITNESS: I'm sorry.

21 MR. O'SULLIVAN: That's all right.

22 THE WITNESS: No. 66 asks about providing
23 drainage cleanout locations. We were not showing any
24 on the storm water sanitary lines coming out of the
25 building for the storm line. We continue to, we

1 believe we don't need it. It's an 18 inch line that
2 will be the lines interior to the building. We
3 brought it to that point. So with that large of a
4 line, we normally wouldn't provide a cleanout there.

5 On the, on the sanitary lines there's two 8 inch
6 lines coming out. On those we'll add cleanout
7 notations to be placed right at the edge of the
8 building.

9 MR. DOUR: Okay.

10 THE WITNESS: No. 67 on Page 12, we will
11 provide the test pit locations on the plan as part of
12 any revision.

13 MR. DOUR: Just one thing, when you do do
14 the test pits and we can talk later about that, there
15 was some comment from one of the members of the Fire
16 Department that the area in the northwest where your
17 emergency outfall is that corner that there had been
18 some fill, historic fill and this is, of course, this
19 is just known, he knows from his history of the town.
20 So I would say that you probably should do several
21 test pits in that area just to verify the structural,
22 the ability of that to accept these improvements.

23 THE WITNESS: No, I would agree, we will
24 look to do when we -- we have to take a couple more
25 supplemental pits for the western basin. Though in

1 the northern face where most of our pits have been
2 taken, obviously no groundwater and we had very good
3 permeability. So being not far from that location
4 it's our expectation, although we did take a look at
5 the design from a C-soil standpoint which is what the
6 soil manual calls for here.

7 But, we'll do an additional test pit in the
8 northwest corner to take care of that.

9 But clearly, just so you know, that's just from
10 a structural standpoint which is our primary concern
11 with the historic fill, it's primarily put around the
12 building. And that will be a supplemental study that
13 isn't going to be done now but will be done later for
14 construction.

15 MR. DOUR: Okay. Thank you.

16 THE WITNESS: Next I have miscellaneous
17 comments on Page 14.

18 MR. WOLFSON: Have you handled 75 and 76?

19 THE WITNESS: I handled 75.

20 76 talks about non structural strategies with
21 respect to the basin and providing testimony. This is
22 related to the basin design.

23 We're providing non structural, non-mechanical
24 devices. Water quality is handled through this basin
25 which will have a sand bottom and allow for

1 infiltration of a water quality storm. Anything after
2 that will fill up and will be controlled by the outlet
3 structure.

4 Another strategy, when we look at the project as
5 a whole, we're allowed 60 percent impervious coverage.
6 We're at 56 percent so we're under the full allowable
7 coverage.

8 And certainly we have done our best to try and
9 minimize disturbance of wooded areas surrounding the
10 parking areas on the site.

11 MR. WOLFSON: Before you go on to the next
12 one, there's a notation in No. 74 about File Map 7981
13 that established the drainage easement, and I have
14 that here. I would like to mark it as A-23. It
15 consists of four sheets in sequence so that the record
16 is complete.

17 May I approach?

18 CHAIRMAN DePINTO: Yes.

19 Mr. Skapinetz, let's go back to the basin for
20 one second.

21 THE WITNESS: Sure.

22 CHAIRMAN DePINTO: When runoff goes into
23 the basin, the basin is so constructed with the sand
24 bottom that the runoff will permeate into the sand
25 basin and the basin will remain dry except for that

1 time after a major rainfall?

2 THE WITNESS: That's correct.

3 CHAIRMAN DePINTO: If the water level in
4 the basin were to go up because of the storm, how high
5 would you anticipate that water would rise within its
6 basin?

7 THE WITNESS: It will be about 4 1/2 to 5
8 feet of water because our outlet structure is set up
9 where the overflow spillway, the weir --

10 CHAIRMAN DePINTO: Would be at that point?

11 THE WITNESS: Yeah, it would be the max
12 level that you would see and that is about 4.7 feet.

13 CHAIRMAN DePINTO: And how long would it
14 take for 4.7 feet to permeate into the soil?

15 THE WITNESS: Well, that's, that's -- it
16 wouldn't all permeate to the soil. Remember the
17 outlet structure is set up, which is in the northeast
18 corner only -- our water quality storm, okay, which is
19 only a few inches of water is what would fully
20 infiltrate in.

21 Now, in a larger storm, you are going to get
22 both, you're still going to have water that will
23 infiltrate in but the majority of the water is going
24 out through the outlet structure. And, that's a
25 combination of orifices that are on the edge of the

1 structure so when you go by one of these you see the
2 circles varying from 3 inch to larger, that helps us
3 to basically navigate, control the runoff, the rates
4 of runoff under the various storms meet the DEP
5 requirements as far as reductions so --

6 CHAIRMAN DePINTO: Are you proposing to
7 fence the basin?

8 THE WITNESS: Yes, we have a fence that
9 fully surrounds that basin for protection. Because of
10 the depth we need to provide that fence there.

11 CHAIRMAN DePINTO: Okay. Very good.
12 Thank you.

13 THE WITNESS: And so then I was to Page 14
14 where we get to miscellaneous comments 91 through 97,
15 all of which we would agree to. It's either a matter
16 of me tweaking a couple more notes or, again, they're
17 just items we would agree to with respect to any final
18 approval, typical conditions for the most part.

19 Then to Page 15 -- sorry. Let me go -- yeah.
20 Let me go to Page 15. It actually I'll go to 97,
21 miscellaneous comments.

22 Just so the Board understands, as far as other
23 jurisdictions are concerned, I mentioned from DEP
24 standpoint we have a Letter of Interpretation. For
25 Bergen County, we don't impact the County roadway

1 here. We're not on a County road.

2 But then with respect to Bergen County Soil
3 Conservation, that application has been filed and is
4 under review. And, ultimately, should we pass our
5 preliminary and through final, we'll then need to go
6 back to the DEP for our sewer and water permits for
7 this project. Because of its size, we need a
8 treatment works approval and a BSDW, Bureau of Safe
9 Drinking Water permit are for water extension.

10 And then, lastly, on Page 15, items No. 99 and
11 100. Those refer to the Police Department and
12 Montvale Environmental Commission memos which are
13 separate which we'll touch base to.

14 MR. WOLFSON: Do you want us to turn to
15 the planners?

16 CHAIRMAN DePINTO: No, not yet.

17 I would like to go to the Montvale Police
18 Department Board exhibit -- Fire Department, I'm
19 sorry, dated March 15.

20 MR. REGAN: B-7.

21 CHAIRMAN DePINTO: Which we're going to
22 mark as B-7.

23 And, Mr. Wolfson, do you have a copy of the Fire
24 Department --

25 MR. WOLFSON: We do.

1 CHAIRMAN DePINTO: -- review letter.

2 MR. WOLFSON: We do, sir.

3 CHAIRMAN DePINTO: Okay. And there are
4 representatives of the Fire Department.

5 Do you want to step forward?

6 CHAIRMAN DePINTO: Good evening.

7 MR. ABRAHAMSON: Good evening, Thomas
8 Abrahamson representative of the Montvale Fire
9 Department.

10 MR. REGAN: I need to swear you in.

11 Do you swear or affirm the testimony you give
12 shall be the truth, so help you God.

13 MR. ABRAHAMSON: So help me God.

14 MR. REGAN: State your full name, and
15 spell your last.

16 MR. ABRAHAMSON: Tom Abrahamson, A B R A H
17 A M S O N.

18 MR. REGAN: Thank you.

19 MR. ABRAHAMSON: I thought we were pretty
20 cut and dry. There wasn't too much.

21 If I can show you the one hydrant on the map,
22 try to explain, our secretary member didn't type this
23 up real great.

24 Again, the 8 inch main, I don't know how much of
25 a rejection letter you had.

1 The other question is not on here. The north
2 side, can we get a roadway in there, a stabilized base
3 to run this by?

4 THE WITNESS: Will it need to be a paver
5 or just a stabilized base?

6 MR. ABRAHAMSON: We prefer paved but
7 stabilized base, we'll go back to my committee and
8 we'll see what we can do.

9 THE WITNESS: No objection to providing
10 something on the north face.

11 MR. ABRAHAMSON: Something. I'll give you
12 the dimensions for the outriggers on the ladder truck.

13 All right. We have a hydrant in here somewhere.
14 I don't have my glasses on, a hydrant up in here. If
15 we do go with a stabilized base or the roadway to the
16 north side, we'd like the hydrant moved all the way
17 out to the corner here so we have it both sides.

18 THE WITNESS: Okay.

19 MR. ABRAHAMSON: There was one added,
20 standpipes over here, they somewhere in here I thought
21 they were.

22 THE WITNESS: Yes.

23 MR. ABRAHAMSON: Hydrant there and you had
24 one down in here.

25 And the only other thing we had was, where is

1 your hot box?

2 THE WITNESS: Over here.

3 MR. ABRAHAMSON: Okay. Before the hot box
4 is a 12 inch main, we would like a hydrant for any car
5 fires within the parking lot. We can get a truck in
6 automatically there and not have to go to the building
7 to go back to the car fire.

8 And just your, the flow calculations and I think
9 that's just about it.

10 THE WITNESS: Okay.

11 CHAIRMAN DePINTO: So the big issue, Tom,
12 is accessibility on --

13 MR. ABRAHAMSON: Yes. Absolutely. Let me
14 see what John's got to say, we'll take a vote and we
15 prefer a roadway back in this north side since you're
16 not going to have the retention basin any longer, that
17 we could come in here and now we've covered 3 1/2
18 sides rather than 2 1/2 sides of the building.

19 CHAIRMAN DePINTO: Let me ask you a
20 question.

21 From a firematics point of view, if there were
22 no roadway or stabilized base for trucks, how would
23 you fight a fire?

24 MR. ABRAHAMSON: The inside which has been
25 addressed before but it would all be ground ladders

1 since the building is 50 foot high, we don't have the
2 a 50 foot ladder anymore. I think we're 32 or 40 is
3 our largest.

4 CHAIRMAN DePINTO: So you're saying we
5 have no alternative but to give you truck
6 accessibility?

7 MR. ABRAHAMSON: Yes.

8 CHAIRMAN DePINTO: On the north side of
9 that building?

10 MR. ABRAHAMSON: Right.

11 CHAIRMAN DePINTO: And your preference
12 would be for it to be?

13 MR. ABRAHAMSON: Just for stabilization of
14 the weight of the truck when you put the outriggers
15 down on the pads, a stabilized base especially since
16 you have a retention basin fairly close to the area.

17 CHAIRMAN DePINTO: Are you familiar with
18 any other buildings in Montvale where you have that
19 stabilized base?

20 MR. ABRAHAMSON: We never used them.

21 CHAIRMAN DePINTO: You never use them?

22 MR. ABRAHAMSON: The Enclave at Hovnanian
23 project, Saddle River Road.

24 MR. DOUR: The Reserve.

25 MR. ABRAHAMSON: The Reserve. Okay.

1 There's one there on the west side of the building.

2 We're never going to use it.

3 CHAIRMAN DePINTO: And what about -- you
4 don't trust them?

5 MR. ABRAHAMSON: We don't trust it. We
6 don't trust them.

7 CHAIRMAN DePINTO: Your vehicles --

8 MR. ABRAHAMSON: It might, you might be
9 able to put an engine in there in an emergency but, as
10 far as setting a ladder truck up in there I know I
11 wouldn't want any guys, if I was running the ladder, I
12 wouldn't want any guys on the ladder in an area like
13 that.

14 CHAIRMAN DePINTO: In an area like that?

15 MR. ABRAHAMSON: You're putting over
16 80,000 pounds on four 2 foot by 2 foot pads.

17 CHAIRMAN DePINTO: Chris, what's your
18 opinion on this?

19 MR. DOUR: Well, the Hovanian project has
20 got the pavers, the open, the grass pavers so you're
21 right, you could get the truck through there but when
22 you want to put any of the outriggers on its not
23 really designed for that. It's designed to cross
24 over.

25 MR. ABRAHAMSON: It's designed for an

1 access.

2 CHAIRMAN DePINTO: So if you were to put a
3 paved drive or emergency access there how wide would
4 it have to be?

5 MR. ABRAHAMSON: I have to get you the
6 exact number. It's 16 feet or most, 8 feet for the
7 truck roughly and 4 foot for each outrigger.

8 I have to go through the specs on the truck and
9 I'll get it for you.

10 CHAIRMAN DePINTO: Okay.

11 MR. ABRAHAMSON: All right.

12 CHAIRMAN DePINTO: Okay. Very good.
13 Thank you for your comments.

14 MR. DOUR: The other concern we mentioned
15 was the 8 inch line for the water main.

16 THE WITNESS: We're okay with that.

17 MR. DOUR: And the concern as far as the
18 flow test, that you have adequate water. In the event
19 of a fire, the sprinklers are going off, will the Fire
20 Department have adequate pressure.

21 MR. ABRAHAMSON: That's one of the
22 questions. The main thing with, and basically is
23 because everything needs a hot box now. Suez heads
24 against the wall, Suez -- there is just so much that
25 can go wrong with those things and because it's now

1 private property and they want it in the beginning of
2 the property and not on the building, we have no
3 choice in the matter. And that's why we would like
4 the one hydrant pre hot box on the 12 inch coming in.

5 CHAIRMAN DePINTO: Okay. Very good.
6 Thank you.

7 MR. DOUR: The only thing we ask is that
8 we have a detail on the hot box, the location.

9 MR. ABRAHAMSON: Right now it's right on
10 the corner of Lifetime Gym and I don't even know if
11 it's in Park Ridge or Montvale.

12 THE WITNESS: That, as you know, is going
13 to be between us and Suez in figuring out size and how
14 that's going to be set up.

15 MR. ABRAHAMSON: And the Triboro thing
16 there, the same way.

17 MR. DOUR: We have other issues where the
18 hot box is fairly, it's right there and it's in your
19 face and it's not, it's not very good looking but
20 it's --

21 MR. ABRAHAMSON: It's very damageable. A
22 car could run it over and take all the water out.
23 So...

24 CHAIRMAN DePINTO: Okay. Very good.
25 Thank you.

1 MR. WOLFSON: So, Mr. Chairman, basically
2 I'm hearing that we have an agreement on the concerns
3 that have been raised in the latest memo.

4 CHAIRMAN DePINTO: I believe we do.
5 However, I'm going to poll the Board to see if they
6 have any questions and then we'll move on.

7 I'll open it to the public, then we'll move on
8 to the planner's report.

9 Bob, why don't you take that.

10 And, with that said I think I'm starting with
11 Mr. Teagno.

12 Mr. Teagno, any questions with respect to the
13 testimony you have heard from the design engineer or
14 from Chris Dour?

15 MR. TEAGNO: No, I have no questions.

16 CHAIRMAN DePINTO: Thank you.

17 Mr. Culhane.

18 MR. CULHANE: No questions, Mr. Chairman.

19 CHAIRMAN DePINTO: Thank you.

20 Mr. Fette.

21 MR. FETTE: Nothing at this time.

22 CHAIRMAN DePINTO: Thank you.

23 Mr. Stefanelli.

24 MR. STEFANELLI: Same here. No questions.

25 CHAIRMAN DePINTO: Thank you.

1 Ms. O'Neill.

2 MS. O'NEILL: I have no questions.

3 I did briefly look at the historic resource
4 mentioned and if anyone wants to joke, at one point
5 the rest stop was considered a contributing structure
6 to the Garden State Parkway Historic District. It has
7 since been deemed not contributing. So that's what
8 that is.

9 The Garden State Parkway is an eligible National
10 Register Historic District.

11 So if you guys are buying that piece of land
12 using State funds on it, you don't have to worry about
13 it.

14 MR. WOLFSON: I bought a cheeseburger
15 there tonight.

16 MS. O'NEILL: Did you use State money to
17 do it?

18 No, no further exceptions or questions.

19 CHAIRMAN DePINTO: Thank you.

20 COUNCIL PRESIDENT CURRY: I just want to
21 make sure that what the volunteer Fire Department
22 said, regarding not trusting the pad, the truck,
23 whatever the things that go down, that that's going to
24 be addressed, whatever it was that he was not trusting
25 and that is going to be a paved area.

1 THE WITNESS: It will be a paved area.

2 COUNCIL PRESIDENT CURRY: And it will look
3 pretty?

4 THE WITNESS: It will be a paved area.

5 COUNCILWOMAN CURRY: Thank you.

6 CHAIRMAN DePINTO: Thank you.

7 Mr. Lintner.

8 MR. LINTNER: No questions at this time,
9 Mr. Chairman.

10 CHAIRMAN DePINTO: Thank you.

11 Mr. D'Agostino.

12 MR. D'AGOSTINO: No questions either.

13 CHAIRMAN DePINTO: Thank you.

14 Mr. Zitelli.

15 MR. ZITELLI: Just if we do put that pad
16 in that paved area, I imagine that's going to reduce
17 our greenery also.

18 CHAIRMAN DePINTO: Yeah. I think it's
19 going to effect coverage, there's no question about
20 it. But I think, in the interests of public safety, I
21 think it's a valid concern.

22 MR. ZITELLI: I agree. I just had to
23 raise that.

24 CHAIRMAN DePINTO: We have an alternative
25 and it would be adjusted by relief because of its

1 requirement.

2 THE WITNESS: What I think, on that note,
3 for a 16 foot strip it's a blip when we come to the
4 increase in impervious coverage based on the overall
5 site.

6 MR. REGAN: You don't think it will
7 trigger a variance?

8 THE WITNESS: No.

9 And with respect to landscaping, we do show
10 trees on the lower end which would not be impacted.
11 But I also know that we have comments both in
12 landscaping and planning to be addressed which calls
13 for the enhancement of landscaping which we certainly
14 can work on to add to that area to help mitigate that.

15 CHAIRMAN DePINTO: Okay.

16 MR. ZITELLI: Mr. Chairman, I don't know
17 if we want to do it right now, the Environmental
18 Commission has a couple comments on this.

19 Do you want to wait for landscaping?

20 MR. WOLFSON: Yeah. Mr. Chairman, while
21 he's up, he has comments on a number of the reports.
22 Do you want to finish his review of the letters?

23 CHAIRMAN DePINTO: No. Let's, let's get
24 this report from landscaping -- from environmental.

25 MR. REGAN: Mark that B-8.

1 CHAIRMAN DePINTO: Yeah. Please.

2 MR. ZITELLI: Unfortunately, it's not
3 dated. But I know when Ms. Hutter got it I think it
4 was February 5th it was received.

5 MR. WOLFSON: The first line of it, it is
6 undated, the first line of substance is on January 21,
7 the Montvale Environmental Commission met, the same
8 document we have.

9 MR. ZITELLI: Do you have any -- so the
10 first comment here is just talking about screening at
11 the southern end where the border gets across to the
12 residential area of Woodcliff Lake. I imagine that's
13 okay with you?

14 THE WITNESS: That's okay.

15 MR. ZITELLI: And then in terms of some of
16 the plans one of the members felt it would be
17 important to have pollinator plants there.

18 THE WITNESS: No objection.

19 MR. ZITELLI: Okay. And then, walking
20 paths, I don't know what we can do about that. I know
21 there's already a path in there that you described to
22 us from the parking area which would make it. So --

23 MR. WOLFSON: We propose the benches but
24 don't really see where a path can fit on here.

25 MR. ZITELLI: Okay. I understand.

1 No further comments.

2 CHAIRMAN DePINTO: Very good. Thank you.

3 Okay. I polled all the Board Members. Let's
4 open it up to the public.

5 We don't have any more direct on engineering.
6 He's going to respond to planning?

7 MR. WOLFSON: He has some comments on the
8 remaining reports from the Board, yes.

9 CHAIRMAN DePINTO: Okay. Are you
10 referring to the March 18, from Gus DeBlasio, from
11 Maser?

12 MR. WOLFSON: So March 18 is traffic.

13 CHAIRMAN DePINTO: March 18.

14 MR. REGAN: Traffic and also landscaping.

15 CHAIRMAN DePINTO: There's one on
16 landscaping.

17 MR. WOLFSON: We don't have that.

18 CHAIRMAN DePINTO: Okay. Well, it's very
19 limited.

20 MR. WOLFSON: Carmine.

21 MALE SPEAKER: Carmine has more letters
22 than we do.

23 MR. ALAMPI: I got that but not police or
24 fire.

25 CHAIRMAN DePINTO: It indicates the

1 applicant has complied with the majority of the
2 requests in the December 27, '18 review letter.
3 However, they're seeking all shrubs should be
4 increased in height to a minimum of 24 inches. At
5 this height they are much less prone to pedestrian and
6 mechanical injury.

7 MR. WOLFSON: Done.

8 MR. REGAN: Mr. Chairman, let's mark that
9 B-9.

10 CHAIRMAN DePINTO: B-9. It says BMGG
11 green growth box requires to be increased in height
12 from 15 inches to 18 inches to a minimum of 24 inches.

13 MR. WOLFSON: Done.

14 CHAIRMAN DePINTO: And that's it.

15 Okay. Anything else on engineering?

16 MR. DOUR: The traffic comments.

17 MR. WOLFSON: I have traffic, planning and
18 police.

19 CHAIRMAN DePINTO: Let's go to, let's go
20 to traffic.

21 MR. REGAN: B-10.

22 MR. WOLFSON: Traffic is going to be a
23 different witness.

24 CHAIRMAN DePINTO: Okay. Don't go there.

25 What's the other one, police, planning?

1 MS. GREEN: I have engineering related
2 comments. I'm sorry.

3 MR. LINTNER: The crossover is just --

4 CHAIRMAN DePINTO: You know your job.

5 MR. REGAN: Do you want to mark the
6 report, Mr. Chairman?

7 CHAIRMAN DePINTO: I guess we can.

8 MR. REGAN: B-10.

9 CHAIRMAN DePINTO: Two weeks ago I said it
10 was your shining hour.

11 MS. HUTTER: Which report?

12 MR. REGAN: Ms. Green's report of March
13 4th. Yes, sir. The March 18 traffic letter there is
14 a comment from me to address, related to truck
15 circulation.

16 MR. WOLFSON: Let's mark that.

17 MR. REGAN: Let's make that B-10.

18 CHAIRMAN DePINTO: Okay.

19 MR. REGAN: Ms. Green would be B-11.

20 So the March 18th traffic letter by Maser
21 Consulting, I refer to Page 3, No. 7.

22 MR. WOLFSON: He put something up on the
23 easel. Is this an exhibit or exactly what was
24 submitted?

25 THE WITNESS: No, it's an exhibit. It has

1 been colorized for presentation. We colorized the
2 travel paths of the proposed fire truck.

3 So this is the vehicle circulation exhibit of
4 fire truck dated 3/19/19.

5 MR. WOLFSON: I have A-24, Bob, as the
6 next one.

7 MR. REGAN: What are we going to call it?

8 THE WITNESS: Fire circulation exhibit.
9 Fire truck circulation exhibit.

10 MR. WOLFSON: That's the title on the
11 legend.

12 MR. REGAN: Is there a date?

13 THE WITNESS: Yes, 3/19/19.

14 MR. WOLFSON: You are now referring to
15 B-10?

16 THE WITNESS: That's correct.

17 So we are providing -- this exhibit was prepared
18 to illustrate how a truck would enter or leave the
19 site in two different scenarios. The first one to the
20 left shows a truck, this is the Borough fire truck.
21 We received the size of it from the Borough. We're
22 running it in, up the main drive aisle, showing it,
23 how it can circulate across the main front entrance,
24 can circulate through, around the westerly end of the
25 site, the parking area and come back through the site

1 and leave. So it showed without impacting any curb
2 lines or parking spaces.

3 On the right side of this exhibit we show how
4 that same truck entering on Sony Drive, through the
5 main entrance and, obviously, has the ability to leave
6 through that secondary fire access point I described
7 earlier in the southeast corner and then would then
8 traverse through the remainder of the Sony lot in Park
9 Ridge. The rest of the comments, there are a few
10 others to be addressed by our traffic engineer.

11 CHAIRMAN DePINTO: What else?

12 Okay. There's a letter dated March 12 from the
13 Montvale Police Department addressed to the Board
14 which references concerns of the attached letter dated
15 March 12 also.

16 MR. WOLFSON: Mr. Chairman, we have a
17 January 23 letter from the Police Department but
18 that's all we have.

19 CHAIRMAN DePINTO: You do not have a March
20 12th?

21 Mr. Alampi?

22 MR. ALAMPI: No, I don't.

23 CHAIRMAN DePINTO: Mr. O'Sullivan?

24 MR. O'SULLIVAN: No.

25 CHAIRMAN DePINTO: Okay. Let's move on

1 while we get some copies made of that.

2 Any Board Members with questions, I guess
3 starting with Mr. Stefanelli.

4 Do you have any questions of the design engineer
5 or Mr. Dour with regard to the testimony this evening?

6 MR. STEFANELLI: I'm good. I have no
7 questions.

8 CHAIRMAN DePINTO: Thank you.
9 Ms. O'Neill.

10 MS. O'NEILL: I have no questions.

11 CHAIRMAN DePINTO: Thank you.
12 Ms. Curry.

13 COUNCIL PRESIDENT CURRY: No questions.

14 MR. LINTNER: No questions.

15 CHAIRMAN DePINTO: Thank you.
16 Mr. D'Agostino.

17 MR. D'AGOSTINO: No questions.

18 CHAIRMAN DePINTO: Thank you.
19 Mr. Zitelli.

20 MR. ZITELLI: No, no questions, Mr.
21 Chairman.

22 CHAIRMAN DePINTO: Thank you.
23 Mr. Teagno.

24 MR. TEAGNO: No questions.

25 CHAIRMAN DePINTO: Thank you.

1 Mr. Culhane.

2 MR. CULHANE: No questions.

3 CHAIRMAN DePINTO: Mr. Fette.

4 MR. FETTE: Nothing at this time.

5 CHAIRMAN DePINTO: The Chair will
6 entertain a motion to open the meeting to the public.

7 CHAIRMAN DePINTO: Ms. O'Neill, seconded
8 Mr. Culhane.

9 All in favor?

10 (Aye)

11 Let's start with Mr. Alampi.

12 With regards to the testimony of the design
13 engineer, any questions?

14 MR. ALAMPI: Yes.

15 CROSS-EXAMINATION BY MR. ALAMPI:

16 Q Brett, you referenced the other
17 jurisdictions, design and application with them?

18 A Yes, we did.

19 Q All right. It's not listed in the Maser
20 report. You didn't take that --

21 A We did submit a letter of inquiry to the
22 Turnpike Authority and they responded back to us with
23 comments essentially indicating they're okay with our
24 plan.

25 MR. WOLFSON: We indicated on the record

1 at a prior hearing that we have had a number of
2 conversations with representatives from the Turnpike
3 Authority. One of the points we made to them that we
4 have a 4 foot height limit on fence.

5 CHAIRMAN DePINTO: Limit on the fence.

6 MR. WOLFSON: They agreed to that.

7 We're in basic agreement with them on all
8 points.

9 As recently as today we reached out again. We
10 asked for an email or something confirming. You might
11 not be surprised that it's hard to get some
12 confirmation out of them.

13 And we're told that they're going to go back and
14 work on that.

15 They also are considering feasibility and their
16 interest in considering an emergency access to the
17 Parkway which, as we've indicated, we don't believe is
18 necessary and is a difficult proposition based on
19 grade and other factors but we did pass that on
20 pursuant to the Board's request.

21 So we will keep hounding them but we can
22 represent that we have an agreement with them based on
23 their original review of our application.

24 CHAIRMAN DePINTO: Okay. Very good.

25 Thank you.

1 Mr. Alampi.

2 MR. ALAMPI: Just a few questions.

3 CROSS-EXAMINATION BY MR. ALAMPI:

4 Q On the site plan itself, you indicate that
5 the property line between the building and the Garden
6 State Parkway is your front yard and that the property
7 line, where the existing parking lot is, is your rear
8 yard?

9 A Yes, the Parkway front yard and you
10 mentioned the --

11 Q And the property line that's adjacent to
12 the Park Ridge boundary is your front yard --

13 A Yes.

14 Q -- is your rear yard?

15 A Yes.

16 Q Now I looked at the Code of Ordinances,
17 Chapter 128 and the definitions, front yard, corner
18 lot, et cetera.

19 Where do you have the authority to designate the
20 front and rear yard the way you did?

21 A Well, to go back, the rear yard, the rear
22 yard on this is not the boundary as you indicated of
23 Park Ridge. We have a setback shown to there but our
24 rear yard is designated to the south at --

25 Q But that would be the front of the

1 building, wouldn't it?

2 A Excuse me.

3 Q That would be in the front of the
4 building?

5 A Well, as far as where the entrance is
6 located but we have the side of the building facing
7 the right -- the only right-of-way this building faces
8 is towards the Parkway. So that is our designated
9 front yard.

10 Q But you're using the right-of-way at the
11 buffer of the slope easements of the Parkway as being
12 street frontage?

13 A It's the only right-of-way that this
14 property fronts on.

15 Q That's not an improved street, is it,
16 where the property line meets the right-of-way?

17 A It's not but that doesn't necessarily mean
18 it's not a right of way. It's right-of-way up to the
19 point of that boundary.

20 Q I'm just asking for your authority.
21 That's what you're basing your authority on?

22 A That's what we base our analysis on.

23 Q Did you read the definition of a front
24 yard?

25 A In our initial analysis, yes. And,

1 obviously, it's been reviewed by the Borough's
2 professionals and they appear to concur with our
3 analysis.

4 MR. ALAMPI: I'm not going to belabor the
5 point, Mr. Chairman. I think everything should read
6 the definitions in the Code at literally -- I don't
7 believe that it supports classifying the back of the
8 building that faces the buffer of the Parkway as a,
9 the property front yard.

10 CHAIRMAN DePINTO: Mr. Regan.

11 MR. ALAMPI: And the reason it's an issue
12 is the distance of the building setback would be
13 woefully deficient in what we would call the front
14 entrance of the building.

15 CHAIRMAN DePINTO: Right.

16 MR. REGAN: I'll review it. I can't give
17 an answer directly right now.

18 MR. ALAMPI: Yeah. I ask the Board to
19 take the time. We're not going to get, to have a
20 definitive answer tonight.

21 CHAIRMAN DePINTO: We'll have Mr. Regan
22 and Ms. Green take a look at that and report back.

23 MR. ALAMPI: Thank you.

24 CHAIRMAN DePINTO: Do you have any other
25 questions?

1 MR. ALAMPI: No.

2 CHAIRMAN DePINTO: Thank you.

3 Mr. O'Sullivan, do you have any questions?

4 MR. O'SULLIVAN: I do.

5 David O'Sullivan, 252 Capri Terrace, Park Ridge,
6 New Jersey.

7 With respect to that same issue that Mr. Alampi
8 brings up. I guess my question has to do with Title
9 40:55D-35 where it discusses a building lot to abut a
10 street specifically and I won't read all of it. I'll
11 read a sentence or two.

12 A building lot to abut a street no permit for
13 the erection of any buildings or structures shall be
14 issued unless the lot abuts a street giving access to
15 such proposed building or structure.

16 So I don't think there's any access off the
17 Garden State Parkway. So I'm just a little bit
18 confused how we've gotten to the fact that the Garden
19 State Parkway is the front of this property.

20 CHAIRMAN DePINTO: Do you have a response
21 to Mr. O'Sullivan's question?

22 THE WITNESS: While I understand that
23 that's true, if that is the way that reads. I, I have
24 to double check and read that ordinance, that section
25 of it again.

1 And, I see, again with respect to the rezoning
2 on this because there were certain aspects of the
3 rezoning of this lot to allow this.

4 MR. WOLFSON: We'll, we'll come back to
5 this.

6 CHAIRMAN DePINTO: Okay. Mr. O'Sullivan.

7 MR. O'SULLIVAN: Thank you.

8 CROSS-EXAMINATION BY MR. O'SULLIVAN:

9 Q With respect to the Park Ridge side of the
10 property owned by Hornrock and, again, I think you may
11 have spoken to it but with the parking lot potentially
12 full there or impossible obstruction there, do you see
13 any issues with that largest fire truck navigating
14 that area to get to that secondary access to the
15 Montvale property?

16 A No, I do not.

17 Q Also with respect to the site design of
18 the property, I notice you are including again parking
19 on the Park Ridge side of the property for the
20 Montvale development. And I guess my question is, do
21 you think that the required parking calculations are
22 deficient, that Montvale has provided that you're
23 looking to get additional parking for the Montvale
24 property for this specific development?

25 A No, that's not the case. I went through

1 that. There was a question raised by the Board a
2 couple times, different number of spaces, what's shown
3 in Montvale supports the project on its own.

4 Q Understood. I know you meet the
5 requirements for the parking lot calculations. I'm
6 not disputing that. I guess my question is, you now
7 have excess parking stalls due to what you have put on
8 the Park Ridge side which are now separated by
9 retaining walls, those parking spaces would no longer
10 be available on the Park Ridge side of the property.
11 I think there is a retaining wall. There is a
12 difference in elevation?

13 A Yeah. You're talking about the eastern
14 edge.

15 I'll go back to A-22.

16 So you're talking about along the main drive
17 aisle we have a proposed retaining wall where there
18 is, yes, a change in grade.

19 Q How about further south? And, I
20 apologize.

21 A Further south?

22 Q If you keep going down, yep, right around
23 there, is there, is there a change in grade too?
24 Because I see a separation with landscaping and things
25 of that nature?

1 A Yes.

2 Q Those parking stalls, I guess, which is on
3 the Park Ridge side would never be used for the Park
4 Ridge side of that development.

5 Is that correct?

6 MR. WOLFSON: Respectfully, that's a
7 question that goes to the Park Ridge application and
8 not this application.

9 MR. O'SULLIVAN: I guess, ultimately, I'm
10 just curious if the calculations were designed in such
11 a manner that they meet those requirements, why take
12 more of the Park Ridge property to provide more
13 parking stalls?

14 MR. WOLFSON: Again, Mr. Chairman, that's
15 irrelevant to the proceedings before you.
16 Informationally, I would tell you that proposed as a
17 condition of approval in Park Ridge since the building
18 is essentially empty to limit as a condition and
19 restriction that it won't be occupied beyond what we
20 would represent a ratio to the remaining parking in
21 Park Ridge.

22 Again, that's irrelevant to tonight's
23 proceeding.

24 CHAIRMAN DePINTO: I agree.

25 Mr. O'Sullivan, move forward.

1 Q So with respect to storm water, I just
2 want to make sure I heard you correctly. So no longer
3 will storm water from that detention basin spill on to
4 the Lifetime property.

5 Is that correct?

6 A The water, the emergency spillway, under
7 emergency spillway conditions, that we are going to
8 direct that water to the east.

9 So it will still head in, it will head in a
10 northeasterly direction so it's not going to head
11 straight towards Lifetime.

12 Q Do you anticipate that it will still flow
13 on the Lifetime property?

14 A It's going to go into, fall into the
15 manmade ditch which straddles the property line
16 between the two properties.

17 Q And with respect to that, again I'm not
18 that familiar, is there a Class 1 water anywhere near
19 that?

20 Is there a stream that goes by there?

21 A There is a Category 1 water to the east on
22 the far eastern boundary of the site.

23 Q And you don't anticipate that would be
24 impacted by any of the work that you're doing on the
25 Montvale side?

1 A No. We're, we're designing this in
2 accordance with the State with respect to the storm
3 water design standards.

4 Q With respect to, and I know we didn't
5 speak of it, did you folks do the photometrics as well
6 for this property?

7 A We did the lighting design, yes.

8 Q I remember Chairman DePinto speaking about
9 the lighting along the property or the borderline
10 between Montvale and Park Ridge. I just wasn't sure
11 how that was mitigated. Maybe you can inform me.

12 A Sure. I was going to talk to that when it
13 came to the planning testimony but I'll mention it.

14 CHAIRMAN DePINTO: Let's hold that.

15 MR. O'SULLIVAN: Yeah. No problem. I
16 wasn't sure when it was going to come up. And I'm
17 just about done.

18 Q With respect to -- I guess I don't want to
19 belabor the issue on flow and pressure but, obviously,
20 that's going to be done. The main outside there, the
21 sewer, that is a 12 inch main?

22 A Yes.

23 Q That's available to you folks?

24 A Yes.

25 Q So with respect to the northern side of

1 the property, I think you guys were just talking about
2 putting up a 16 foot strip for the truck to access the
3 northern side of that facility.

4 Is that 16 foot strip going to be sufficient for
5 the truck to do a turn around or is the truck expected
6 to back up out of that area?

7 A It's not going -- it will have to back up.
8 There is no room for a turnaround.

9 Q It will no be able to turnaround and that
10 would be acceptable with the fire?

11 CHAIRMAN DePINTO: I believe so because
12 it's an emergency access.

13 I think to take up more green space with a
14 turnaround area sufficient to accommodate a truck that
15 may never, ever use it doesn't seem practical to me.

16 Q And my last question then just goes to
17 the, I guess, one of the issues that was brought at
18 another meeting concerning a fire truck or some type
19 of emergency vehicle stops along the roads that are
20 proposed for this development whether or not
21 additional vehicles would be able to mitigate, get
22 around there to, again, respond.

23 I know you're going to have additional, do you
24 expect any type of clutter or obstructions that would
25 prohibit additional vehicles to get there in an

1 emergency?

2 I think Mayor Ghassali had brought up a small
3 fire he heard in Montvale, had 16 vehicles respond.
4 So I was just curious how that was mitigated as well.

5 A That was the catalyst for us having to add
6 the other access point. So we did have an alternate
7 entry for emergency vehicles when they came into the
8 main drive, they didn't back up or stack up among each
9 other. They had the option to go around.

10 Q Last question. Again, with respect to --
11 MR. WOLFSON: You said that was the last
12 question.

13 MR. O'SULLIVAN: I know. I apologize.

14 Q Again, Title 40:55D-95.1, rules and
15 regulations concerning detention basins. It did
16 indicate in there, and again I know you have safety
17 devices as far as fencing to keep children and things
18 of that away, out of harms way. It also talked about
19 minimizing the grade.

20 And, I wanted to know what kind of a slope are
21 you utilizing for this particular detention basin?

22 A Well, that's one of the main reasons why
23 we're putting the fence. There is not a slope to the
24 sides of this basin. It's a sheer drop. We are
25 essentially putting a wall around it. That helps us

1 to provide or gain the volume that we need to collect
2 within that basin. So that's the main reason why we
3 have a fence and protection around it.

4 MR. O'SULLIVAN: In particular, I'd like
5 to reference Section D of that particular section of
6 code where it says provide storm water detention basin
7 be as gradual as possible but within the limits of
8 existing water quality regulations. I don't know if
9 that meets that portion of the code but I would just
10 ask that the Borough Engineer maybe look into that.

11 Thank you.

12 CHAIRMAN DePINTO: Thank you.

13 Anyone else from the public? Yes, sir.

14 MR. LAROSE: Brian Larose, 64 Clairmont
15 Drive in Woodcliff Lake. I just have one quick
16 question.

17 CROSS-EXAMINATION BY MR. LAROSE:

18 Q In terms of if you do have emergency
19 access from the Parkway, do you have an approximate
20 location of where that might be in terms of the plans?

21 A One of the concerns we have is the change
22 in grade from between our two properties.

23 Essentially what happens is, from anywhere along
24 the parking lot on the west side, it sort of rises in
25 grade a couple feet and then it drops pretty steep as

1 it heads down towards the roadway itself of the
2 Parkway. It gets worse as you head closer to
3 Woodcliff Lake.

4 So if at all it wants to be on the extension of
5 the drive aisle that runs right along the back side or
6 the southern face of the building and at that point it
7 doesn't want to be closer to Woodcliff Lake.

8 MR. LAROSE: Thank you.

9 CHAIRMAN DePINTO: Thank you.

10 Anyone else from the public?

11 Hearing none, motion to close the meeting to the
12 public.

13 VICE CHAIRMAN STEFANELLI: So move.

14 MS. O'NEILL: Second.

15 CHAIRMAN DePINTO: Mr. Stefanelli,
16 seconded Ms. O'Neill.

17 All in favor?

18 (Aye)

19 CHAIRMAN DePINTO: Ms. Green, you have a
20 comment.

21 MS. GREEN: I have an answer on the front
22 yard.

23 So in Section 128-5.17(e) as in echo, Subsection
24 1, the Code reads, minimum setbacks, Garden State
25 Parkway/front yard, there is a footnote, Footnote 42,

1 says the portion of the property fronting on the
2 Garden State Parkway shall be considered a front yard,
3 the property located in the AH26 zone. Not
4 withstanding, the property is only accessible via
5 adjacent properties located in a neighboring
6 municipality.

7 CHAIRMAN DePINTO: Okay.

8 MR. WOLFSON: Thank you.

9 CHAIRMAN DePINTO: Mr. O'Sullivan.

10 MR. O'SULLIVAN: I understand that the
11 local ordinance states that and I have read that.

12 I guess my concern would be just that MLUL,
13 State law, says something different. I don't know if
14 the local ordinance can usurp that. I think that's --

15 MR. REGAN: The MLUL only requires access
16 on the property --

17 MR. O'SULLIVAN: Yeah, access from the
18 road that's abutting it. If you're saying that the
19 front yard is there and there's no access to it, I'm
20 just saying I don't know if that's appropriate or not.

21 MR. REGAN: That's the front yard.
22 There's access elsewhere from there.

23 MR. O'SULLIVAN: No, it says access off
24 that road.

25 MR. REGAN: Well, off the property you're

1 talking.

2 MR. O'SULLIVAN: Yeah, off the Parkway.
3 There's no access off the Parkway.

4 MR. REGAN: This building will be accessed
5 by another street as well, won't it?

6 MR. ALAMPI: No.

7 MR. O'SULLIVAN: I think that's why
8 they're in Park Ridge. They're trying to get access
9 off the Park Ridge side of the property.

10 MR. WOLFSON: We understand the comment.
11 We're going to come back to it.

12 MR. O'SULLIVAN: It was brought up. I
13 just wanted to...

14 CHAIRMAN DePINTO: Okay. Mr. Alampi.

15 MR. ALAMPI: The issue that Mr. O'Sullivan
16 is raising, and I stand corrected with the footnote in
17 your ordinance, that's where the authority is.
18 However you decided to write your ordinance we have to
19 accept it.

20 But the statute, Section 35, deals with
21 development of any parcel and it must abut the street.
22 I think it says improved street so I'll check it
23 myself. But the statute, the section of the MLUL is a
24 separate question whether it's a front yard or not.

25 CHAIRMAN DePINTO: Okay. So noted. Thank

1 you.

2 MR. WOLFSON: Mr. Chairman, would you like
3 him to address the planning and comments relative to
4 engineering so we can knock him off?

5 CHAIRMAN DePINTO: Why don't we finish
6 that up and I would like to hear from Mr. Minno and, I
7 think that's all we're going to do.

8 MR. WOLFSON: Mr. Minno is not available
9 at your next meeting. So why don't we just touch on
10 the few comments? Why don't we go to the planning
11 review first? I don't know if that's been marked.

12 MR. REGAN: That's going to be B-11.

13 MR. WOLFSON: B-11. Thank you.

14 THE WITNESS: B-11, the March 4th letter
15 from Maser Consulting, the --

16 MR. ALAMPI: Excuse me. Chairman, I'm
17 going to let my witness go. We're not going to go
18 into traffic tonight.

19 CHAIRMAN DePINTO: No, we're not going to
20 have time tonight.

21 MR. ALAMPI: I'll let him go home, a half
22 day for him.

23 CONTINUED DIRECT EXAMINATION BY MR. WOLFSON:

24 Q You're going to start on?

25 A I'm going start on Page 5 under B,

1 variances.

2 So this is where I want to clarify the variance,
3 the variance that we will be seeking in that No. 1
4 under variances talks about the crosswalk design. We
5 may be provided with a little more clarity on note.

6 MS. GREEN: The detail was labeled
7 incorrectly.

8 THE WITNESS: Yes. It goes for crosswalks
9 as well.

10 A Then No. 2, variance for retaining wall
11 screening. We're screening the majority of the wall.
12 I know the one that's on the southeast corner, the
13 furthest extent of parking does not have screening
14 which we will add to ensure that that is compliant.

15 MR. REGAN: The variance will be
16 eliminated?

17 THE WITNESS: Yes, the variance will be
18 eliminated as well.

19 A Then No. 3, I know in speaking with Mr.
20 Minno and he can clarify this but we do not feel the
21 variance is required. The main entrance has the
22 articulation but I'll let Mr. Minno talk to the other
23 entrances and how we comply.

24 Then No. 4, with respect to tree plantings, we
25 expect we will provide additional tree plantings to

1 meet that requirement.

2 MR. REGAN: The variance will be
3 eliminated?

4 THE WITNESS: Yes.

5 MR. WOLFSON: Correct.

6 A So --

7 Q I indicated earlier we have one variance.

8 A That's correct.

9 Q And we had some discussion on it by
10 statute?

11 A That's right. And that would be with
12 regard to lighting. And we talked at the first
13 meeting about the need for the variance and how we're
14 going to look at doing a lighting study which we did,
15 what's out there, and the more we took a look at the
16 plan we feel, while we can try and fight to have those
17 lights meet the minimum requirement at that boundary
18 which, again, is, I'll call it an anomaly in the fact
19 that we have a common property owner, we have this
20 boundary between the two that runs right through the
21 property which ultimately creates the two lots between
22 the two towns.

23 Trying to meet that number creates, I think, a
24 safety issue and I don't want to have that in the
25 plan. It makes sense to provide the lights as we

1 showed in our design where we're going to have that
2 spillage over in Park Ridge and across the boundary in
3 a few locations.

4 Q Can you show the location we're talking
5 about on the plan?

6 A So this would be essentially from the, I
7 guess, I'm looking at the southern end of the plan,
8 the southern end of the parking lot at -- not the
9 southern most but I guess south middle, running up and
10 along the drive aisle along the eastern face of the
11 building, along that stretch of common property line
12 we will have the deviation.

13 Q Okay. Brett, since we are acknowledging
14 the one variance that we think just makes plain,
15 common sense, can you just for the record state your
16 experience and licensure as a professional planner?

17 A Sure. I am a licensed professional
18 planner in the State of New Jersey and I have been
19 qualified as such before various boards. And I intend
20 to provide the variance testimony with regards to
21 this.

22 MR. REGAN: I don't think, at the outset
23 of his testimony, you qualified him as a planner.

24 MR. WOLFSON: I ask he be accepted as a
25 planner.

1 MR. REGAN: I think he can be accepted as
2 a planner. He's been qualified before other boards.

3 Is that correct?

4 THE WITNESS: Yes, that's correct.

5 CHAIRMAN DePINTO: You recommend that we
6 accept him?

7 MR. REGAN: Yes.

8 CHAIRMAN DePINTO: The Chair will accept
9 recommendation of counsel.

10 Mr. Alampi, any difficulty with that, accepting
11 him as a planner?

12 MR. ALAMPI: No. I guess you'll swear him
13 in again?

14 MR. REGAN: I don't think he needs to be
15 sworn as an engineer.

16 MR. ALAMPI: It's okay.

17 MR. REGAN: He's going to rely as a
18 planner but tell the truth as an engineer, maybe.

19 MR. WOLFSON: There's so many lines,
20 Darlene, that could flow from that but I'll leave it
21 well alone.

22 MR. ALAMPI: But there's more lines about
23 attorneys.

24 MR. STEFANELLI: That's true.

25 Q Okay. So you want to speak quickly to

1 this one minor variance?

2 A Yeah. We can look at it two ways. I
3 think we can look at it as either a C-1 hardship,
4 again talking about the fact that we have this unique
5 situation of the -- I think it's twofold. The
6 property itself is configured. It's not a square lot
7 but the main point is the fact that we have one large
8 property with, that is owned by a common owner but for
9 the fact that we have a municipal boundary line
10 cutting through it creates this situation.

11 Or, we could also look at it from a C-2
12 standpoint in the fact that it advances the Municipal
13 Land Use Law, I think under A., which is essentially
14 for providing life, safety situation here, enhancing
15 that with respect to keeping the light levels where
16 they are along those drive aisles versus cutting them
17 back and reducing them which would have an impact
18 along several sections of that access way.

19 MR. REGAN: Public health and safety, you
20 may want to do that.

21 THE WITNESS: Excuse me.

22 MR. REGAN: Public health and safety.

23 THE WITNESS: That's really the key to the
24 C-2 argument.

25 Q And, Brett, when we gain approvals in Park

1 Ridge, essentially there will be coordination of that
2 plan with the transition between the two?

3 A That's right. I think that speaks from
4 the negative criteria where we look at what's a
5 negative impact with allowing that variance.

6 The lighting impacts stay internal to the site.
7 They absolutely will not impact the surrounding
8 property owners. The only impact again is to the
9 interior.

10 Q Anything else?

11 A No. That's all I have to say.

12 Q That's it on the planning?

13 A No.

14 Just to continue on, the planner letter, if we
15 proceed to, I want to go Page 12.

16 MS. GREEN: Sorry, 12?

17 THE WITNESS: Yes.

18 A It was No. 35 through 40 on that sheet.
19 We would agree --

20 MS. GREEN: 34?

21 MR. WOLFSON: 34 is crossed out.

22 A No. 34 we will meet that requirement,
23 yes.

24 MS. GREEN: Do you have the March 4th
25 letter?

1 THE WITNESS: Discrepancy, we have to fix
2 the discrepancy on 34.

3 MS. GREEN: Yours is reduced?

4 MR. WOLFSON: Yes. We'll do it.

5 MR. REGAN: 34.

6 MR. WOLFSON: I thought it was theirs.

7 THE WITNESS: No. It's our internal memo.
8 We'll correct No. 34 as well.

9 Then No. 41, to move on --

10 MR. REGAN: 34 to 40 will be met?

11 THE WITNESS: 34 to 40 will be met.

12 And Page 13, No. 41 at the top will also be met.

13 MS. GREEN: Great.

14 A On Page 14, No. 48, I talked to this
15 already. This is the snow storage plan which we agree
16 to provide.

17 No. 14 -- sorry. Page 14, No. 51, you did pick
18 up on the discrepancy in our plan. On the south, in
19 that southwestern corner we had labeled 14 parking
20 spaces but only 13 were shown. So it was an error we
21 did pick up, thank you. But we could mitigate that.

22 And, actually, this plan shows the change by
23 simply reducing the island on the north end of that
24 row, that's actually a row of 14 and 15 stalls before
25 you get to the drive aisle, slight squeeze there,

1 slight stretch on the southern end, we're able to get
2 that one space missing in and keep the count where it
3 needs to be.

4 And then I'll go to Page 15, No. 55. That's
5 just a repeat with respect to the crosswalks and the
6 stone and concrete, that detail will just apply,
7 that's for the crosswalks as well.

8 MS. GREEN: No. 56, the fence, do you have
9 them?

10 THE WITNESS: Yes, along the Garden State
11 Parkway.

12 MS. GREEN: Okay. Thank you.

13 CHAIRMAN DePINTO: Okay.

14 MR. WOLFSON: The only other thing that I
15 have is the Montvale Police Department. You have
16 marked B-11 which is --

17 MR. REGAN: B-12.

18 MR. WOLFSON: B-12. And, thank you.

19 Q And I verify that the back side of that
20 document is an exact replication of the January 22,
21 2019 Police Department letter that we already had so
22 they're exactly the same thing. And I think that
23 there was a response to those.

24 Right?

25 A Yeah. And we did, in our January, in our

1 response letter of March 6th. And I guess I could go
2 through each one of these.

3 CHAIRMAN DePINTO: If you can do it
4 quickly because I would like to hear from Mr. Minno
5 before I have to adjourn the meeting.

6 Q Traffic engineer?

7 A Yeah, the traffic engineer could talk to
8 No. 1.

9 As far as the site is unique, No. 2, he's
10 talking about having the site moved back and the
11 project entirely in Montvale. And it's really, given
12 the uniqueness of the site we can't change the layout.

13 Per comments from the Fire Department, No. 3, we
14 did improve the access but I guess we are now adding
15 the extension along the north side of the building
16 for, it could also be used for police vehicles as
17 well.

18 No. 4, he asks how the sites will connect and we
19 have the connections at the two locations, the main
20 drive and we clarify about the south, the secondary
21 access point was added.

22 No. 5, having Title 39 enforced can be granted.
23 We noted that in our response.

24 No. 6, our traffic engineer will take care of
25 that comment.

1 No. 7, we will take care of that, final approval
2 as far as taking care of the information and
3 clarifying that for the Police Department.

4 And then No. 8, there will be a security system
5 in place and our architect or our client could provide
6 additional detail to the Police Department regarding
7 that.

8 CHAIRMAN DePINTO: Okay. Very good.

9 Why don't you introduce Mr. Minno and we'll get
10 his direct in.

11 MR. WOLFSON: Anybody have questions?

12 CHAIRMAN DePINTO: We'll come back to
13 that.

14 MR. WOLFSON: David.

15 MR. REGAN: Mr. Minno was previously
16 sworn, January 2nd, and remains under oath.

17 THE WITNESS: Good evening.

18 MR. REGAN: We already marked this revised
19 plan.

20 CONTINUED DIRECT EXAMINATION BY MR. WOLFSON:

21 Q David. Hello, David.

22 A Hello.

23 Q So you have revised the plan?

24 A I have.

25 Q Do you want to speak to the revised

1 architectural plans and I believe you prepared an
2 exhibit in response to it at a prior hearing.

3 A I want to go through -- I'll get to the
4 exhibit when I do this but I just wanted to get
5 through the planning letter. I have three things I
6 want to address on that.

7 CHAIRMAN DePINTO: Why don't we do that
8 first.

9 A And that I will show the exhibit.

10 The first one is on Page 5, Comment B3 and E23,
11 there is a notion that there was a variance for the
12 building entry articulation. This is not necessary
13 because those entrances, as I think your planner
14 picked up, not the main entrances. They are in fact a
15 fire exit or so. There's no need for architectural
16 articulation. We want those to be recessed and be not,
17 not played up. So we don't believe that we need a
18 variance.

19 Page 6, Comment E4, this was a comment about
20 shadowing the adjacent property. And, this is why I
21 brought a new exhibit which we have not submitted.
22 I'm just going to testify to it tonight. And I have
23 some copies to hand out.

24 MR. WOLFSON: I have 25.

25 Is that right, Bob?

1 MR. REGAN: Yeah, A-25.

2 MR. WOLFSON: And this is in response to
3 the letter that we received a couple days ago so we
4 wanted to get this done for you and we did.

5 THE WITNESS: Do you want to hand those
6 out?

7 MR. WOLFSON: Yes.

8 A So referring to Exhibit A-25, this is two
9 sheets involved here. There's four different times
10 that we studied shadows and what we were looking at,
11 focusing on is our good neighbor Lifetime Fitness and,
12 in particular, the pool deck area, both the decking
13 around the pool where people might be sun bathing and
14 the pool and I know that we have a water slide there
15 as well.

16 So when you get your handout and you can see on
17 this exhibit, on all the exhibits we've indicated the
18 pool deck to the north of our building outlined in a
19 blue dashed line and the tone of blue over the pool
20 deck and the pool area.

21 And what we've done is we looked at four
22 different days and we tried to think about the pool
23 being used and we generally looked at it from Memorial
24 Day to Labor Day. And we took three representative
25 days in that time period starting on the upper left

1 with June 21st at 10:00 a.m.

2 And what we've done is we plotted the sun angle
3 and we're showing the shadow effect from that. The
4 shadow in the morning at 10:00 a.m. would be on the
5 western side of the building, not a very deep shadow.
6 On June 21st, if you look at 1:00 p.m., just afternoon
7 time, you start to see our shadow show up on both the
8 eastern side of the building and the northern edge of
9 our building. And the shadows are indicated with a
10 dotted red line. So as you look at your copy you can
11 see that.

12 And then as we move to the late afternoon, 3:00,
13 the shadow is in the -- the sun is in the west so the
14 shadow is on the east side of the building. None of
15 the shadow, at this time of year, touches that
16 Lifetime pool deck.

17 As we go to July 30th, sort of in the middle of
18 the summer season with the pool, the sun is really in,
19 you know, one of its higher arcs and 10:00 in the
20 morning, lower left-hand corner for July 30th no sun
21 effect. Again on July 30th, 1:00 p.m., we can again
22 see the shadow start to show up on the eastern side
23 and the northern side of our building but not to the
24 extent of the property line. And then late in the
25 afternoon you see a little deeper shadow, the sun is

1 in the west, a little bit deeper shadow all on our
2 property not on the Lifetime Fitness.

3 So if we go to Page 2 which actually is not --
4 maybe it's attached to one of my other boards. Here
5 it is. I got it.

6 Page 2 we move to September 2nd which is
7 actually Labor Day this year. So this is the end,
8 generally the end of most pool seasons, pools start to
9 close up, put their cover on it, Labor Day. So this
10 shows a September sun in the morning, no effect,
11 September 1:00, again the shadow moves to the eastern
12 and northern side and then a little bit deeper shadow
13 showing on our parking lot on the south end and also
14 on the northeast side.

15 So, to be fair, we wanted to show the worse case
16 scenario which would be sort of the dead of winter.
17 December 21st, in the morning, we start to see the
18 shadow even at that point at 10:00 a.m. in the morning
19 because the sun is very low as it rises in the east so
20 we start to see the sun touch the corner of that pool
21 deck. At 1:00 p.m. the sun goes into the pool deck
22 maybe 20 feet, 20 to 30 feet. And then, in the late
23 afternoon, when the sun is setting now in the
24 southwest, at a low arc, the sun, our building is in
25 fact covering the pool deck. That's the condition

1 that we have. So hopefully, in my mind, people will
2 not be sun bathing and swimming on December 21st.

3 MR. REGAN: The winter solstice.

4 A We think we've been a good neighbor and we
5 think we addressed this concern. The exterior pool
6 has a water slide adjacent to it. It's a pretty large
7 pool area but we have not effected it.

8 So it brings me to the next one, Page 11 of the
9 planner's report, Comment E30. There are two canopy
10 signs shown on our elevations and we don't -- the
11 question is are these permitted by the ordinance and
12 these are building identification signs.

13 There are standing letters on top of the canopy
14 and whatever the name of the building is going to be
15 called, that's going to be standing on there. It's a
16 building identification sign. So those are permitted.

17 I would like to jump now to the comments that
18 relate to my testimony on the engineer's letter of
19 March 18th.

20 And going to Page 4, Comment 17, this is a
21 comment on the trash pick up. And if the town does
22 provide service to other multi-family developments in
23 town then we're going to request that service. If
24 not, we're going to have a private hauler pick up our
25 trash.

1 On Page 5, Comment 19, a generator is not
2 proposed or required for this particular project as a
3 design but should the site utility conditions trigger
4 the need for a fire pump, in other words if we did not
5 in fact have enough water pressure as determined by
6 the engineers and Fire Department and others, Suez,
7 then we would provide a gas fired generator on a pad
8 located at that northeast corner of the site and we
9 would comply with the screening and noise requirements
10 that the township has for generators.

11 So we would screen that generator at the
12 northeast corner of the property.

13 Page 5 again, Comment 20, there's been several
14 questions whether we have clearance in the garage. I
15 testified to this I think twice before. We have 7
16 foot 5 underneath the pool, 7.5 feet underneath the
17 pool and 8.5 feet elsewhere throughout the garage.
18 So, it's not an issue.

19 Comment 23 on Page 5, final details, and I
20 testified to this before, details of the canopy sign
21 and all other building signs will be provided at the
22 final site plan.

23 Page 8, Comment 40, emergency vehicles that are
24 larger than the clearance that I mentioned earlier
25 will not be able to gain access to the garage. And

1 there's no code that requires us to obtain access to
2 the garage, and there are fire sprinklers as well as
3 standpipes located in the garage to fight fires.

4 Page 10, Comment 56, we gave testimony
5 previously. And then Page 15, Comment 98, we -- that
6 was a good comment. That was a good pickup comment
7 about providing warning lights for pedestrians as cars
8 would be pulling out of the garage. We have done this
9 on some of our projects where there's warning lights
10 for pedestrians so they can tell a car is coming out,
11 the garage door is open. So we will provide that.

12 I think that's the extent.

13 Q And the changes you made in the revised
14 architecture will accommodate the engineering?

15 A Yes. Yes.

16 Q So there were no material changes to the
17 appearance of the building?

18 A Right. Really the last testimony I gave
19 at the last meeting, those changes were already made.
20 And I talked about that on the plans but we in fact
21 resubmitted them all at this time so the professionals
22 had a chance to review them.

23 MR. WOLFSON: Thank you.

24 CHAIRMAN DePINTO: Okay, very good. Thank
25 you.

1 THE WITNESS: Thank you.

2 CHAIRMAN DePINTO: Ms. Green, do you have
3 any questions?

4 MS. GREEN: No. He has addressed all my
5 questions.

6 CHAIRMAN DePINTO: Okay. Very good.
7 Thank you.

8 And now Board Members questions of Mr. Minno
9 starting with Mr. Stefanelli.

10 MR. STEFANELLI: No questions.

11 CHAIRMAN DePINTO: Thank you.

12 Ms. O'Neill.

13 MS. O'NEILL: I have no questions.

14 CHAIRMAN DePINTO: Thank you. Ms. Russo

15 --

16 MS. O'NEILL: Who?

17 CHAIRMAN DePINTO: Are you going home
18 soon?

19 Ms. Curry.

20 MR. REGAN: She occupies Annmarie's seat.

21 COUNCILWOMAN CURRY: This is my seat.

22 No questions.

23 CHAIRMAN DePINTO: Thank you. What's your
24 name?

25 MR. LINTNER: I'll just jump in there. No

1 questions.

2 But I would like to thank Mr. Minno for the
3 shade analysis. It's pretty interesting.

4 THE WITNESS: It's a good question.

5 MR. LINTNER: Yes.

6 CHAIRMAN DePINTO: Thank you.

7 Mr. D'Agostino.

8 MR. D'AGOSTINO: No questions.

9 CHAIRMAN DePINTO: Thank you.

10 Mr. Zitelli.

11 MR. ZITELLI: No questions.

12 CHAIRMAN DePINTO: Thank you.

13 Mr. Teagno.

14 MR. TEAGNO: No questions.

15 CHAIRMAN DePINTO: Thank you.

16 Mr. Culhane.

17 MR. CULHANE: No question.

18 CHAIRMAN DePINTO: Thank you.

19 Mr. Fette.

20 MR. FETTE: Nothing at this time.

21 CHAIRMAN DePINTO: Okay. Thank you.

22 The Chair will entertain a motion to open the
23 meeting to the public.

24 MS. O'NEILL: So move.

25 MR. CULHANE: Second.

1 CHAIRMAN DePINTO: Ms. O'Neill, seconded
2 Mr. Culhane.

3 All in favor?

4 (Aye)

5 CHAIRMAN DePINTO: Mr. Alampi, do you have
6 questions of the planner.

7 MR. ALAMPI: I do not.

8 CHAIRMAN DePINTO: Thank you.
9 Mr. O'Sullivan?

10 MR. O'SULLIVAN: David O'Sullivan, 252
11 Capri Terrace, Park Ridge New Jersey.

12 EXAMINATION BY MR. O'SULLIVAN:

13 Q Mr. Minno, on the shade analysis, when was
14 that document produced?

15 A I think it was finished today.

16 Q Oh, okay. Great. I guess I'll put
17 another request in.

18 With respect to the analysis --

19 MR. REGAN: Could I ask a question?

20 Lawyers sometimes like to get involved in an
21 issue of relevance. What relevance does this exhibit
22 have to this whole proceeding? I enjoyed it. I
23 really did.

24 MR. WOLFSON: It was raised in the report,
25 someone asked the question and we're just trying to be

1 responsive.

2 MR. REGAN: It's really irrelevant.

3 MR. WOLFSON: I don't disagree with you.

4 MR. REGAN: Because the sun shade analysis
5 is not specific standards that, subjective standards
6 of Board members. It's ridiculous with something like
7 this.

8 I appreciate Mr. Minno's work but I think it's
9 totally irrelevant.

10 Thank you.

11 MR. O'SULLIVAN: Mr. Regan, are you
12 testifying now as a planner?

13 MR. REGAN: I'm making a point of what's
14 relevant in terms of that and how is this relevant.

15 Q With respect to my question, what
16 particular software you utilized when you did this?

17 A We generally do it in Revit software and
18 there's sort of an add-on program. I don't know what
19 the add-on program is for the sun study.

20 Q I guess with respect to trash and I know
21 we spoke about it, I know they're looking to have, I
22 guess, the town pick up. It brings up the issue of
23 whether or not you can coordinate with the hauler to
24 pick that up so it doesn't become an olfactory issue
25 for nearby residents.

1 I was curious as to whether or not where the
2 garage, where I guess the folks are entering the
3 garage are there colored pavers at that particular
4 location? You are talking about putting a light
5 there. Is there also an enhancement with colored
6 pavers to alert the drivers that there is a crosswalk
7 there as well?

8 A Not that I know of, no.

9 MR. O'SULLIVAN: Is that something the
10 Borough would contemplate as far as highlighting that
11 area for pedestrian safety?

12 MS. GREEN: I think they're doing stamped
13 concrete. There's a detail that's mislabeled.

14 MR. O'SULLIVAN: So the stamped concrete,
15 something of that nature, though. Okay.

16 MR. WOLFSON: Yes. The planner for the
17 Board raised that and we responded.

18 MR. O'SULLIVAN: Okay. Good.

19 Miss Green, maybe you can help me with this.
20 I'm looking at the front yard definition. It says a
21 required open unoccupied space within the extending
22 and full width of the lot between the front property
23 line. And I'm just going to stop there assuming for
24 the moment the Garden State Parkway is going to be the
25 front yard.

1 When it says required open and unoccupied space
2 is it okay for the detention basin and things of that
3 nature to be located within the front yard setback?

4 MS. GREEN: Typically the font yard
5 setback regulates buildings.

6 MR. O'SULLIVAN: I was just curious
7 because it said required open unoccupied space. I
8 just wasn't sure what the intent of the ordinance was
9 with respect to that definition.

10 MR. WOLFSON: Mr. Chairman, the rezoning
11 ordinance I believe supersedes that general provision.

12 MR. REGAN: It's in the ordinance
13 specifically AH 26.

14 MR. WOLFSON: Correct.

15 CHAIRMAN DePINTO: So, therefore, the
16 definition was given out of the general provisions of
17 the land use ordinance. However, there is a separate
18 ordinance adopted by the governing body in connection
19 with the specific development of this property. And I
20 guess counsel has advised us that that supersedes the
21 general reg --

22 MR. O'SULLIVAN: That's AH 26 you're
23 referring to.

24 Correct?

25 MR. REGAN: Yes.

1 MR. O'SULLIVAN: In that section of
2 ordinance is the definition for front yard. I
3 understand that the AH 26 indicates that the front
4 yard will be the Garden State Parkway but does it also
5 indicate in that section that there's another
6 definition for front yard that contradicts this
7 definition? Because, I didn't read that.

8 MR. REGAN: I don't know. I have to look.

9 CHAIRMAN DePINTO: We have to look that
10 up.

11 Darlene, are you familiar with that?

12 MS. GREEN: I'm looking at it now.

13 MR. WOLFSON: So if the gentleman's point
14 is that there are improvements in the front yard then
15 the ordinance specifically speaks to that, permits
16 improvements to be located there.

17 MR. WOLFSON: It's Section No. 2 but it's
18 on a phone. So why don't we come back with the
19 specifics?

20 MR. O'SULLIVAN: No problem. No problem.

21 CHAIRMAN DePINTO: We'll have to come
22 back.

23 MR. O'SULLIVAN: The second part of that
24 definition if it is applicable here.

25 And, Ms. Green, I don't understand this. Maybe

1 you can help me. The second part of that definition
2 it says and the main front wall of the building or
3 projection of more than 18 inches therefrom. I guess
4 I'm not understanding what is trying to be, I guess,
5 articulated there with that section of the ordinance.

6 Are you saying the building shouldn't protrude
7 more than 18 inches along the main front wall?

8 MS. GREEN: I did not write that
9 definition. That definition was before I came to
10 Montvale. But I can tell you that the way that
11 Section 5.17 is written is that the Garden State
12 Parkway is the front yard for this property.

13 MR. O'SULLIVAN: Understood. I read that,
14 too.

15 MS. GREEN: Irregardless of whether it's a
16 side wall or a front wall or a rear wall facing it,
17 the Garden State Parkway is the front yard.

18 MR. O'SULLIVAN: I understand that. I'm
19 just saying it says the front yard, it's required to
20 be open. I just wanted to know if there was anything
21 in the AH district. I don't want to belabor the
22 point. We'll find it out.

23 Secondly, again with respect to that second part
24 of the definition, if it's applicable here, maybe
25 someone can get back to me and try to explain to me

1 because I really don't understand it.

2 Thank you.

3 CHAIRMAN DePINTO: Thank you.

4 Anyone else from the public? No.

5 The Chair will entertain a motion to close --

6 I'm sorry. Mr. Alampi.

7 MR. ALAMPI: Are you going to call back
8 Mr. Skapinetz on the police report for questions?

9 CHAIRMAN DePINTO: I thought we were going
10 to address that with traffic.

11 MR. WOLFSON: He addressed the points that
12 were relevant from engineering and then our traffic
13 engineer will address the rest.

14 MR. ALAMPI: I understand that. But I
15 only had one question. It's not engineering.

16 MR. WOLFSON: Well, if it's not
17 engineering, we haven't put witnesses on.

18 MR. ALAMPI: You did. You had the
19 witness.

20 MR. WOLFSON: You said it was not
21 engineering.

22 MR. ALAMPI: No. 7 is not an engineering
23 question in Park Ridge.

24 CHAIRMAN DePINTO: What was No. 7, Mr.
25 Alampi?

1 MR. ALAMPI: It's difficult to read and
2 that the plans are difficult to read and the
3 information makes it difficult.

4 MR. WOLFSON: He commented on that. He
5 said it on the next revision.

6 MR. ALAMPI: Let me ask my question. They
7 seem to be pretty detailed.

8 Right?

9 MR. WOLFSON: I'm sorry to have
10 interrupted you complimenting my engineer.

11 MR. ALAMPI: That's all I was doing. I
12 didn't think he agreed that his plans were not
13 detailed.

14 CHAIRMAN DePINTO: Okay.

15 MR. ALAMPI: All right.

16 CHAIRMAN DePINTO: Thank you. Okay.

17 With that said, motion to close the meeting to
18 the public.

19 MR. D'AGOSTINO: So move.

20 MR. TEAGNO: Second.

21 CHAIRMAN DePINTO: So move Mr. D'Agostino,
22 seconded Mr. Teagno.

23 All in favor?

24 (Aye)

25 Okay. Obviously the meeting has to be carried

1 to our next -- well, no. It's going to be carried to
2 our meeting of April 16th.

3 Are you available April 16th?

4 MR. WOLFSON: We are available, sir. I
5 just want to confirm for the record that we have
6 completed our direct testimony and cross on our
7 engineer as well as our architect.

8 We will bring traffic for direct and cross at
9 the next session.

10 CHAIRMAN DePINTO: Very good. Thank you.

11 MR. WOLFSON: So we're carried to the 16th
12 at 7:30 here with no further notice.

13 CHAIRMAN DePINTO: No further notice will
14 be required.

15 Where is Mr. Alampi?

16 MS. HUTTER: Mr. Alampi.

17 MR. ALAMPI: I'm sorry, Chairman.

18 CHAIRMAN DePINTO: Mr. Alampi, we're going
19 to carry to April 16th.

20 MR. ALAMPI: April 16th.

21 CHAIRMAN DePINTO: The 16th.

22 MR. ALAMPI: You were trying to trick me.
23 You said come here.

24 CHAIRMAN DePINTO: No further notice will
25 be provided other than this announcement.

1 Mr. O'Sullivan.

2 Okay. Thank you very much for attending this
3 evening.

4 (The hearing adjourns 11:25 p.m.)

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1 C E R T I F I C A T E

2 I CERTIFY that the foregoing is a true and
3 accurate transcript of the testimony and proceedings
4 as reported stenographically by me at the time, place
5 and on the date herein before set forth.

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

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