

## **Minutes**

### **REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**Tuesday, July 2, 2019-7:30pm**

**Municipal Complex, 12 Mercedes Drive in Council Chambers**

Please note: A curfew of 11:15 PM is strictly adhered to by the Board. No new matter involving an applicant will be started after 10:30 PM. At 10PM the Chairman will make a determination and advise applicants whether they will be heard. If an applicant cannot be heard because of the lateness of the hour, the matter will be carried over to the next regularly scheduled meeting.

**ROLL CALL: Mr. Culhane, Councilmember Curry, Mr. D'Agostino, Mr. Fette, Mayor Ghassali, Mr. Lintner, Mr. Stefanelli, Mr. Teagno, and Chairman DE Pinto**  
**Also Present: Mr. Regan, Board Attorney, Ms. Green, Borough Planner, Mr. Hipolit, Board Engineer, Mr. Dour, Board Engineer, Ms. Hutter, Land Use Administrator and Ms. Scordo, Deputy Municipal Clerk**  
**Absent: Mr. Zitelli, and Ms. O'Neill**

**MISC.MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH**

**ENGINEER: none**

**ZONING REPORT: none**

**ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli absent**

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli gave his report. An applicant for Block 803 Lots 14/15 came in for a minor subdivision. They have a unique property and they have no road in Montvale. They will speak to Orangetown and come back to us at a later date. Second application, Atlantis 12 Railroad will be coming in with new pumps and a store. They are looking to submit their application as soon as possible.

**CORRESPONDENCE: on the back table**

**APPROVAL OF MINUTES: none**

**DISCUSSION: Chairman congratulated Mayor Ghassali on running for Congress.**

**USE PERMITS: none**

**PUBLIC HEARINGS (CONT):**

- 1. Block 2903 Lot 4-Dionysios & Victoria Visassopoulos-354 West Grand Avenue-  
Soil Movement Application-carried to July 16, 2019**

2. **Block 3302 Lot 1 and Block 204 Lot 2(Woodcliff Lake)-Hornrock Properties MPR, LLC-1 Sony Drive-Applicant is amending its application to request a variance pursuant to NJSA 40:55D-70C(2)-Amended Site Plan Application – See Transcript.**
3. **Block 3201 Lot 4-Ridgecrest Realty Associates, Inc.-21 Philips Parkway-**  
Application for Conditional Use and Variance Approval, Major Soil Moving Permit Approval, Bulk Variance Approval, EIS Approval and Site Plan Waiver-**at the applicant's request carried to August 6, 2019**

#### **PUBLIC HEARINGS (NEW):**

**Block 1704, Lot 17-L & M Developers, Inc.-1 Roberts Road-Major Soil Movement Application-** Mr. Dexter, attorney at law, came forward representing the applicant. Mr. Regan swore in all professionals. Mr. Skrable was called forward to give testimony. Testimony in support of the proposal was provided by Thomas Skrable, a licensed professional engineer who was qualified in this field. Three (3) exhibits submitted by the applicant were marked into evidence. These include a Grading and Utilities Plan revised to June 20, 2019 (Exhibit A-1), a Cross Section Plan dated May 29, 2019 (Exhibit A-2), both of which were prepared by Mr. Skrable. Also marked into evidence as Exhibit A-3 were architectural plans (3 sheets) prepared by Albert Dattoli, Architect, dated March 13, 2019.

Steep slope areas are right in the building envelopes. The house meets all of the criteria except for the slopes. The steepest part of the slope is 25% in one part. They will be installing two seepage pits. One additional seepage pit is needed for overflow stated Mr. Dour. Maser letter dated June 26, 2019 was marked as B1. Ms. Curry asked if there are two stories homes in the area and what is the height and how it affects the neighbors. It was stated that everyone else is above this home. Stormwater was questioned. Mr. Lintner asked about the retaining walls and the height of it being 8 feet and there was any thing in local code that requires them to have any barrier. Commencing his testimony, Mr. Skrable stated that the existing dwelling would be removed and a new home constructed on the site, together with a driveway and retaining walls. He noted that the existing driveway has a slope of fourteen (14%) percent, and the intent is to flatten out the new driveway to a grade of six (6%) to nine (9%) percent, which requires the need to cut approximately four (4) feet on the left side of the house. He described the area of steep slopes to be disturbed as having an area of 4,950 square feet, or approximately 63.4% of the steep slope area. Two (2) seepage pits having a capacity of 2,000 gallons are proposed to accommodate the stormwater from the roof area, and an additional seepage pit is intended to address runoff from the westerly portion of the property. Mr. Skrable stated that the property drains from west to east and that no adverse drainage conditions or runoff would impact neighboring properties. Except for the required variance for disturbance of steep slopes, the proposal complies with the bulk standards applicable to the R-10 District.

Opened to the public by Mr. Stefanelli and seconded by Mr. D'Agostino no one from the public wishing to be heard a motion to close was made by Mr. Stefanelli and seconded by Mr. Culhane.

Mr. Chileini was called and sworn in.

He stated that the house size should be 3200 or 3300 square feet, a four- bedroom 3 bath farmhouse style home. The stock piles was discussed and the maintenance of them during construction. Soil movement involves a cut of 1,104.6 cubic yards and fill of 119.4 cubic yards, or a total soil movement of 1,224 cubic yards. The stormwater management plan in the form of three (3) seepage pits will address site drainage as to ensure that there will be no adverse conditions to neighboring properties.

A motion to open to the public was made by Mr. D'Agostino and seconded by Mr. Culhane. No one from the public wishing to be heard a motion to close was made by Mr. D'Agostino and seconded by Mr. Teagno.

Chairman stated that there was a letter from the neighbors to the left that was discussed about the tree. They asked to have the tree taken down. The letter was marked as A4.

Mr. Lintner stated that any building would require a steep slope. A new home will reduce the run off. He believes it will be an improvement. Mayor agrees no issues he is glad they are staying in Montvale.

Mr. D'Agostino agrees and is in favor. All are in agreement.

A motion to have the board attorney prepare a resolution of approval was made by Mr. Teagno and seconded by Mr. Stefanelli with all stating aye.

## **RESOLUTIONS:**

1. **Block 2802 Lot 1 (c001A)-C2 Education- Farm View-Use Permit and Variance Application- Chairman read by title only.** A motion to approve was made by Mr. Stefanelli and seconded by Mr. D'Agostino. A roll call vote was taken with all stating aye.
2. **Block 2204 Lot 17-Ken and Nicole McQuillen-39 Highland Road-Variance Application-**A motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.

**Other Business-**Jim D'Agostino will be the Mayor's designee.

**Open Meeting to the Public-** no public left to be heard.

**Adjournment-** A motion to adjourn was made by Mr. Stefanelli and seconded by Mr. D'gostinoi

**Next Regular Scheduled Meeting: July 16, 2019 AT 7:30PM**

**Respectively submitted:**

**R. Lorraine Hutter, Land Use Administrator**

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 :  
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Tuesday, July 2, 2019  
Council Chambers  
12 Mercedes Drive  
Montvale, New Jersey  
Commencing 8:21 p.m.

B E F O R E:

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

ROBERT REGAN, BOARD ATTORNEY  
ANDREW HIPOLIT, BOROUGH ENGINEER  
CHRISTOPHER DOUR, P.E., P.P.  
LORRAINE HUTTER, BOARD SECRETARY  
JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL  
DARLENE GREEN, PLANNER

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1     A P P E A R A N C E S:

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5

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1                   CHAIRMAN DePINTO: The next item on the  
2 agenda is Block 3302, Lot 1 and Block 204, Lot 2,  
3 Hornrock MPR LLC amending it's application to request  
4 a variance pursuant to NJSA 40:55(d)-70(c)2 in the  
5 site plan.

6                   MR. WOLFSON: Good evening, Mr. Chairman,  
7 Board Members, Board Professionals, Peter Wolfson from  
8 Day Pitney here on behalf the applicant.

9                   May I be seated?

10                  CHAIRMAN DePINTO: Yes.

11                  MR. REGAN: Mr. Chairman, this is an  
12 amended application as you indicated. Now I  
13 understand the applicant did give notice and in fact  
14 the notice I believe is --

15                  MR. ALAMPI: I can't hear you.

16                  MR. REGAN: I'm sorry. Are there any  
17 objections as to the notice and the Board's  
18 jurisdiction?

19                  MR. ALAMPI: No. I just have one or two  
20 questions.

21                  CHAIRMAN DePINTO: Sure.

22                  MR. ALAMPI: No objections.

23                  MR. REGAN: Thank you.

24                  MR. ALAMPI: Is this matter proceeding as  
25 an amendment to the previous application that, that



1   spanned the four or five hearings or what, I'm a  
2   little unclear on the procedure because at the April  
3   meeting no vote was taken although Counsel was  
4   authorized to initiate the research and preparation of  
5   the resolution.

6                   MR. REGAN:   That's true.

7                   MR. ALAMPI:   So no resolution  
8   memorializing any action has yet been prepared.

9                   MR. REGAN:   It has not been prepared.   It  
10   does not exist.

11                  MR. ALAMPI:   Because I didn't receive  
12   anything.   I didn't think it was and it's been 2 1/2  
13   months.

14                  MR. REGAN:   Hereafter we were advised that  
15   this amendatory application would be forthcoming.

16                  Is that right, Mr. Wolfson?

17                  MR. WOLFSON:   Correct.

18                  MR. ALAMPI:   And the notification, I  
19   didn't receive one on behalf of the Borough of Park  
20   Ridge.

21                  Did you renote, republish?

22                  MR. WOLFSON:   We did.

23                  MR. ALAMPI:   Perhaps it's an oversight.  
24   Park Ridge, normally they forward the notices to me  
25   but I'll accept Mr. Wolfson's representation,

1 obviously, that they were in fact done. I didn't  
2 receive it on behalf of my client but I have no doubt  
3 that he prepared the appropriate notice.

4 And one last question, the earlier application  
5 was for preliminary site plan approval. And it's now  
6 combined preliminary and final site plan, site plan  
7 approval.

8 MR. REGAN: That is correct.

9 MR. ALAMPI: So it's not merely a  
10 variance, it's also a final site plan approval.

11 With that in mind, your agenda does not state  
12 that it's for final site plan.

13 CHAIRMAN DePINTO: As I read it into the  
14 record you are absolutely correct. It is an  
15 application of both preliminary and final site plan  
16 approval.

17 MR. ALAMPI: I know that from the plans.  
18 I didn't see the notice. But I know Mr. Wolfson is  
19 very careful and probably has it in the notice but  
20 it's not on your agenda.

21 CHAIRMAN DePINTO: Mr. Regan.

22 MR. REGAN: I did. It does say final. It  
23 says preliminary and final.

24 MR. ALAMPI: Okay. I'll accept that.

25 CHAIRMAN DePINTO: Okay. Any other

1     comments or questions?

2                   MR. ALAMPI:   Well, one comment.

3                   CHAIRMAN DePINTO:   Sure.

4                   MR. ALAMPI:   I live in Paramus.   Next door  
5     to my home a beautiful sign for Congress appeared.   I  
6     saw it this morning.

7                   MR. REGAN:   Put one on your house, too.

8                   MR. ALAMPI:   So you are already in  
9     Paramus.

10                  MAYOR GHASSALI:   Too early for this.

11                  CHAIRMAN DePINTO:   Okay.   Very good.  
12                 Mr. Wolfson.

13                  MR. WOLFSON:   Thank you, Mr. Chairman.

14                 So we're here tonight seeking approval on  
15     preliminary and final site plan subject to  
16     memorializing resolution at a future meeting.

17                 As you all well no doubt recall the public  
18     hearing for the application January 2 of this year and  
19     was further heard February 19, March 19 and April 16.

20                 And at the April 16 meeting which was just  
21     indicated, the Board authorized Mr. Regan to draft a  
22     Resolution of Approval.   By a letter dated May 8th the  
23     applicant formally submitted the application and  
24     requested the application to be reopened.

25                 Because a vote on the application had not yet

1    been taken, in response to the comments provided by  
2    the public at the April 16, 2019 hearing and out of an  
3    abundance of caution, the applicant sought to amend  
4    its application to request a variance pursuant to NJSA  
5    40:55(d)-70(c)2 to permit a drive aisle serving the  
6    parking lot and a portion of the parking lot to be  
7    located approximately 16.4 feet from the front lot  
8    line in the front yard setback along the Garden State  
9    Parkway where a front yard setback of 40 feet is  
10   required pursuant to your ordinance Section  
11   128-5.17(b)1.

12           Mr. Chairman, at this time I would ask that that  
13   be entered at an exhibit.

14                   MR. REGAN:   The May 8th letter?

15                   MR. WOLFSON:   Yes.

16                   MR. REGAN:   I think we're up to A-34.

17                   MR. WOLFSON:   That's what I have.

18           Just by way of reminder the applicant amended  
19   its application during the course of the public  
20   hearings on the application to formally request relief  
21   pursuant to NJSA 40:55(d)-36 from the requirements of  
22   NJSA 40:55(d)-35 to bring up the proposed development  
23   to be constructed on the lot that does not abut a  
24   street giving access to the proposed development and  
25   for a variance pursuant to NJSA 40:55(d)-70(c)-1 or 2

1 to permit lighting levels on the property line between  
2 the Montvale lot and the Park Ridge lot to exceed 0.5  
3 foot candles. The justifications for the proposed  
4 variance relating to lighting and relief from the  
5 requirements of NJSA 40:55(d)-35 were discussed at  
6 length by the applicant's professionals at prior  
7 hearings in the application.

8 The applicant does not intend to provide  
9 additional testimony on this relief this evening.  
10 However, Mr. Skapinetz will confirm that his prior  
11 testimony remains true as it applies to the amended  
12 plan.

13 And then at the May 21 meeting the application  
14 was further carried to tonight. And here we are.

15 Based on conversations with the Board Engineer  
16 regarding further comments on the proposed design of  
17 the development, by letter dated June 20, 2019 the  
18 applicant further amended its application.

19 The amended application, as you've heard,  
20 includes a request for final site plan approval  
21 pursuant to NJSA 40:55(d)-50 and to amend the  
22 requested variance relief pursuant to NJSA  
23 40:55(d)-70(c)-2 to permit a drive aisle serving the  
24 parking lot ma portion of the parking lot to be  
25 located approximately 5 feet and parking spaces to be

1 located approximately 29 feet from the front lot line  
2 and in the front yard setback along the Garden State  
3 Parkway where a front yard setback is 40 feet is  
4 required; Section 128-5.17(d)1.

5 I would like to enter that letter dated June  
6 20th as Exhibit A-35.

7 The way out of the development configuration of  
8 the building have changed but there are no changes to  
9 the proposed number of residential units. I would  
10 like to enter the revised site plans as Exhibit A 36.

11 MR. REGAN: I'm sorry. What is A-36?

12 MR. WOLFSON: The revised site plans that  
13 are submitted and are the subject of the hearing  
14 tonight.

15 MR. REGAN: Those are the revision date of  
16 6/19?

17 MR. SKAPINETZ: Yes.

18 MR. WOLFSON: Correct.

19 Copies of this resubmission were provided to Mr.  
20 Alampi and Mr.Schettino. The Park Ridge Board of  
21 Adjustment application as you know was submitted in  
22 September of last year and a revised submission has  
23 been submitted based upon the changes that are before  
24 you tonight.

25 We're in receipt of three review letters on

1 plans before you. The first is the Maser Engineering  
2 review No. 4 dated July --

3 MR. REGAN: Mr. Wolfson, could I just  
4 interrupt?

5 If you want any other exhibits marked aside from  
6 the site plan drawings --

7 MR. WOLFSON: Yeah.

8 MR. REGAN: -- it might be appropriate to  
9 mark them all at once.

10 MR. WOLFSON: Perfect.

11 MR. REGAN: I assume Mr. Skapinetz is your  
12 only witness?

13 MR. WOLFSON: Yes.

14 MR. REGAN: Otherwise we're going to be  
15 interrupting him every 10 minutes.

16 MR. WOLFSON: That's great, that's okay  
17 with me.

18 MR. REGAN: I have a bunch of other  
19 documents, other reports. Do you want to mark them  
20 all now?

21 MR. WOLFSON: Sure.

22 So you want to finish the applicant's exhibits  
23 first?

24 CHAIRMAN DePINTO: Yeah. Why don't we  
25 finish the applicant's exhibits.

1           We started with site plan as A-36. What is the  
2 next exhibit that we're going to mark into evidence?

3           MR. SKAPINETZ: For the record Brett  
4 Skapinetz, Dynamic Engineering Consultants.

5           I am presenting a plan entitled site plan  
6 rendering.

7           MR. REGAN: Mr. Skapinetz was previously  
8 sworn and remains under oath, just for the record.

9           MR. SKAPINETZ: Understood.

10          The site plan rendering with a preparation date  
11 of 7/2/19.

12          CHAIRMAN DePINTO: And we're marking that  
13 colored rendering?

14          MR. REGAN: A-37.

15          MR. SKAPINETZ: 37.

16          MR. REGAN: What sheet number is that?

17          MR. SKAPINETZ: This is a combination of  
18 our site and landscaping plans. It's zone No. 1 of 1  
19 entitled site plan rendering.

20          MR. WOLFSON: One more exhibit.

21          CHAIRMAN DePINTO: Please.

22          MR. WOLFSON: Pursuant to a comment on  
23 Page 18 of the engineering review, No. 4 dated July 1,  
24 2019, under historic agricultural use. There was a  
25 recommendation an investigation be done. That was



1 done and was submitted to the Board back on April 5.  
2 And that consisted of a letter report dated April 5,  
3 2019. I'd like to mark that as our final exhibit at  
4 this time.

5 MR. REGAN: 4/5/19.

6 MR. WOLFSON: Correct.

7 MR. REGAN: And who is the author of that  
8 letter?

9 MR. WOLFSON: Jeffrey E. Mulligan, Senior  
10 Project Manager for EcolSciences.

11 CHAIRMAN DePINTO: Okay.

12 MR. WOLFSON: Thank you.

13 CHAIRMAN DePINTO: Let's go back to A-36  
14 and let's have the design engineer give us an overview  
15 of the changes that have been made from the previous  
16 submission.

17 REDIRECT EXAMINATION BY MR. WOLFSON:

18 A Good evening. Again Brett Skapinetz with  
19 Dynamic Engineering Consultants.

20 I'm referring to A-37 and I'll go through the  
21 changes that were made from the last plan reviewed.

22 Essentially what happened was, it starts with  
23 the building AND the building was essentially rotated  
24 in a clockwise direction such that its westerly face  
25 runs parallel with the Parkway. That was change No.

1 1.

2 So to repeat the building was rotated in a  
3 clockwise direction so its westerly face was, right  
4 now runs parallel with the Parkway. It's set at 41  
5 feet off of the Parkway meaning the front yard  
6 setback.

7 What that did was and with that change also, if  
8 the Board recalls, the leg of the building at its  
9 southerly end had a notch that actually extended  
10 towards the Parkway. We have essentially worked with  
11 the architect and flipped that and turn it interior to  
12 the site now facing towards the Sony building and  
13 towards Park Ridge.

14 What that, what that accomplished was, it  
15 accomplished, allowed us to take the roadway -- the  
16 Board recalls as we, our previous plan, there was the  
17 entrance into the site where we currently show it in  
18 the northeast corner but then as the drive extended  
19 towards the south, towards the main entrance to the  
20 building it sort of meandered in and out of Park Ridge  
21 requiring some additional improvements in Park Ridge,  
22 grading, walls, obviously paving and parking  
23 modifications. This simplifies that and provides now  
24 a roadway that is now, entirely falls, once it enters  
25 into Montvale, now stays entirely within Montvale with

1 the exception of we retained that temporary emergency  
2 access point in the southeast corner of the building.  
3 And I'm pointing to it now on the exhibit, that tan  
4 color.

5 It would extend off the parking lot of the Sony  
6 building as just an alternate means of access for  
7 emergency personnel should they wish to get in there  
8 other than just using the northeast main point.

9 With that change, some other modifications that  
10 were made, the detention basin, we had a couple  
11 iterations of detention basin locations with the  
12 plans, the latest of which showed the basin. There  
13 was an aboveground basin on the westerly end of the  
14 site. We have now, with this rotation, freed up room  
15 in the northern end of the site to allow for the  
16 single basin as we show on this plan. And, it does a  
17 couple different things.

18 There was concern about the grading or emergency  
19 discharge of that basin whether or not it impacted our  
20 neighbor to the north. In its now current location  
21 the emergency discharge now falls entirely on our  
22 property and would discharge into the water course  
23 along that northerly edge or ditch along that  
24 northerly edge entirely as well.

25 As you'll see, just between that basin and the

1 building, we still retain that 20 foot emergency drive  
2 aisle that the Fire Department wished to have. I  
3 think they needed 16 but we're showing it at 20.  
4 We're extending paving just beyond the midway point,  
5 the northerly face of the building and providing grass  
6 pavers, essentially a reinforced earth that we would  
7 place in there just to avoid additional unnecessary  
8 pavement. They would only be used on a temporary  
9 basis.

10 There is also a slight reconfiguration of the  
11 parking primarily at the main entrance. If you recall  
12 on the last plan we simply had a one-way circulation  
13 which we still do have but it was with angled parking  
14 spaces to make the parking a little bit more  
15 efficient. In that area we provided 90 degree parking  
16 spaces there, still one-way configuration with signage  
17 to direct motorists in that area that it is one-way.

18 We retain the same number of units as mentioned  
19 earlier, that was pointed out in the review letters  
20 and we now show 357 parking spaces and the plan with,  
21 which meets the parking requirement as well.

22 So those are the, those are the base changes to  
23 the plan --

24 Oh, I'm sorry, there was one more key element  
25 that was actually added in.

1           At the, between the entrance to the garage and  
2   the entrance or the emergency access for the Fire  
3   Department on the northeast face of the building, we  
4   had the room, there's room now created on that  
5   easterly end. It was a shorter extension of the, out  
6   of the driveway to the garage to the, to the main  
7   drive aisle that runs along the Borough borders. We  
8   have now extended that and with that are able to  
9   provide actually a dedicated loading space, something  
10   now where moving vans can pull up off to the side,  
11   something we really didn't have configured in that  
12   fashion in the previous layouts. That is another  
13   little benefit to the modification.

14           Sidewalks were adjusted, landscaping was  
15   adjusted accordingly. I know there's a few comments  
16   that we have to address on each of the planner's  
17   engineer's letter relating to those. I wanted to go  
18   through those after any other questions.

19           Q           So, Brett, in conjunction with this  
20   revision to the plan we've eliminated the need for the  
21   relief that's to the lighting of the property line?

22           A           Yeah, that's correct. Because as  
23   testified earlier, we had the meandering of the drive  
24   and to be able to place lighting to be able to  
25   illuminate that drive aisle as it went through to Park

1 Ridge, we needed that variance. So now, within that  
2 drive and now putting it solely within Montvale we are  
3 able to reconfigure the lighting.

4 Q So you provided testimony in support of  
5 Section 36 relief where we talked about that?

6 A That's correct.

7 Q Is that testimony still relevant to this  
8 amended configuration?

9 A Yes. Yes, it is.

10 And I will note that we are also willing to  
11 provide an easement to the town for use of this drive  
12 as it extends and it's going to be much easier now to  
13 provide, to describe a much simpler driveway for the  
14 use of the town.

15 And as I look at the plan, I actually missed one  
16 more thing at the southern, southeasterly end, we're  
17 also providing essentially a turn on our cul-de-sac  
18 for emergency vehicles to make it easier to enter in  
19 along that drive as they proceed along the easterly  
20 face of the building and turn around at that point.

21 Q So we are, in addition to the Section 36  
22 relief we are left with a variance for the front yard.

23 You were qualified as a planner and provided  
24 planning testimony. Can you provide some support for  
25 that?

1           A           Yes. It's the same, similar support with  
2   regard to the parking variance. This is the setback  
3   of the parking and the drive aisle and this is for the  
4   parking row that's closest to the Parkway on the  
5   westerly end.

6           This parking, obviously configuration, hasn't  
7   changed. It's just shifted and rotated the same -- we  
8   had a similar variance previously. We're now just  
9   making this larger by the fact of the rotation,  
10   increasing the need for the variance, the fact that  
11   it's a rotation.

12          Q           And in your opinion it could be granted  
13   without substantial detrimental impact to the public  
14   good and zone plan?

15          A           I think one of the key focal points, going  
16   back in testimony was the concern over the buffer at  
17   Woodcliff Lake. There's no negative impact from our  
18   previous plan to this plan. We're still maintaining  
19   that buffer.

20          As requested we are over 30 feet at its closest  
21   location and the only impact that we have here, again,  
22   as previously, in the previous plan was going to the  
23   Parkway and I don't see a negative impact to any of  
24   the surrounding residents or neighbors of Montvale or  
25   even Woodcliff Lake.

1           Q           Of course the project remains an  
2   inclusionary project, includes low and moderate income  
3   housing?

4           A           That's correct, that remains unchanged.

5           MR. WOLFSON: No further questions for  
6   Brett.

7           CHAIRMAN DePINTO: Thank you.

8           Why don't we take a look at Mr. Hipolit's  
9   technical review.

10          MR. REGAN: I think that was B-17.

11          MR. WOLFSON: That's what I have.

12          MR. REGAN: Mr. Hipolit was previously  
13   sworn.

14          CHAIRMAN DePINTO: Okay. Mr. Hipolit,  
15   first do you have any questions of this witness and  
16   secondly, if you would give us a summary of your  
17   technical review of July.

18          MR. HIPOLIT: I have one question of the  
19   witness with respect to the tree removal plan or tree  
20   identification plan.

21          MR. WOLFSON: Yeah. Pursuant to your  
22   ordinance there is an exception for inclusionary  
23   projects. We did do a hundred by a hundred sample for  
24   the benefit of the Board and that was submitted.

25          MR. HIPOLIT: Darlene, do you agree with



1 that?

2 MS. GREEN: I would verify it in the code  
3 book.

4 MR. WOLFSON: It's Section 119(a)-3.

5 MR. HIPOLIT: While she looks it up --

6 MR. REGAN: In connection with the  
7 inclusionary set-aside aspect?

8 MR. WOLFSON: Correct.

9 MR. REGAN: I think we had this issue with  
10 Mr. Del Vecchio previously.

11 MR. HIPOLIT: I agree with it based on  
12 that.

13 MS. GREEN: Yes but they're in different  
14 zones. I will check.

15 MR. HIPOLIT: My letter is dated July 1st,  
16 2019. As always it's a continuation and accumulation  
17 of all our previous letters. So you could jump  
18 forward, I'll go somewhat quick because there's not a  
19 lot of changes.

20 In this letter, Item 23, the signage table did  
21 not comply. We take no exception.

22 Item 27 is what Darlene is confirming. I agree  
23 Darlene should confirm it.

24 Item 31, they provide testimony changing the  
25 fence. I take no exception.

1           Item 34, we also take no exception. It's the  
2 bottom and top of wall elevations.

3           Item 36, they gave us the --

4           CHAIRMAN DePINTO: Hold on. Item 34 in  
5 their revised plan, applicant has provided top and  
6 bottom of wall elevations.

7           MR. HIPOLIT: Correct.

8           CHAIRMAN DePINTO: With a gabion wall  
9 surrounding. No exception.

10          MR. HIPOLIT: Correct.

11          Item 36 is the lighting spectrum which they gave  
12 us, 3000 K which we're agreeing with. We no longer  
13 take exception.

14          MR. REGAN: Can I ask you a question about  
15 that?

16          I thought that Mr. Wolfson had discussed or Mr.  
17 Skapinetz that there was, the engineer sought with the  
18 light. There was prior testimony on that issue.

19          MR. HIPOLIT: This is really the spectrum  
20 so when you get to a light above your head it's higher  
21 in the spectrum staying more towards 6,000, we wanted  
22 a much softer light so 3,000 is --

23          MR. REGAN: But there is a variance sought  
24 in connection with lighting?

25          MR. WOLFSON: That was eliminated, yes.

1           MR. REGAN: There was extensive testimony  
2 on it that it was, it would be justified as an issue  
3 of public safety, is off the table?

4           CHAIRMAN DePINTO: It's negated.

5           MR. REGAN: Okay. So we're down to three  
6 variances not four.

7           MR. HIPOLIT: Correct.

8           CHAIRMAN DePINTO: Please continue.

9           MR. HIPOLIT: Item 42 is reference to  
10 soils on-site, existing soils on-site. Later in our  
11 letter we reviewed their information provided. We  
12 just want to note for the Board we need to be careful  
13 in Montvale when they are excavating, moving soils  
14 around. We don't want soils that impact moving from  
15 one side to another. We've had that on other  
16 applications.

17           Our LSRP looked at it and the situation. There  
18 are some conditions that should apply, testing  
19 according to site standards on the site.

20           Item 43 deals specifically with improvements in  
21 Park Ridge. As far as the road coming on to the site  
22 and the road going on to the site we obviously  
23 improved this design to change from the meandering  
24 roadway to a roadway with public access easement. And  
25 specifically when you cross in from Sony Boulevard,

1 turning westerly coming to the site you are in Park  
2 Ridge but Montvale police, fire, emergency services,  
3 ambulance, they are all now in Montvale. They're in  
4 Montvale, no crossover so we recommend this design  
5 altogether. It's a much better design. So we're good  
6 with it.

7 Item 45, the applicant has testified they have  
8 added this brick paver walk or this grass paver walk  
9 up the side, the northern side of the building. We  
10 have since had discussion since our letter was issued  
11 with the Fire Department on the site in general and  
12 there are a few other things we would like to bring to  
13 the Board's attention and the applicant's attention.

14 If we go to Plan Sheet 5, on Plan Sheet 5, the  
15 Fire Department's desire is to have another grass  
16 paver, 20 foot wide access road we'll call it but it's  
17 grass, it's not really a road, up the Parkway property  
18 line or the western property line.

19 You know, back as far as they can get just to  
20 allow more of the emergency services to, if they  
21 should drive back there.

22 Second to that or parallel to that there is an  
23 access door off the back side of the building there.  
24 The Fire Department requested a sidewalk be placed in  
25 there to wheel somebody out, stretcher somebody out so

1     they can get somebody out on a sidewalk not on a grass  
2     area.

3                   CHAIRMAN DePINTO:   Why don't you detail  
4     that on A-37, the extension of the grass paved area.

5                   MR. SKAPINETZ:   So correct me if I'm wrong  
6     but it would be an extension along the western edge of  
7     the same grass paver.

8                   MR. HIPOLIT:   Correct.

9                   THE WITNESS:   Along the edge to a point  
10    where, again, I think they recognize the change, the  
11    grade changes and it's about this point that it starts  
12    to drop down where it's not going to be useable for  
13    trucks.

14                   CHAIRMAN DePINTO:   Do you find it  
15    acceptable from an engineering --

16                   MR. SKAPINETZ:   Yeah.   And I think it  
17    actually that access in, because in the previous plan,  
18    if you recall, with it shifted, we had the access by,  
19    not by trucks or by vehicles but because we had the  
20    basin but we had personnel, visitors, about the  
21    ladder, being able to walk on that side.   Now we  
22    actually do have the ability to provide this grass  
23    paver.

24                   So no, no objection to doing so and we'll do it  
25    essentially just beyond the mid point of the building.

1                   CHAIRMAN DePINTO: Mr. Hipolit, do you  
2   concur?

3                   MR. HIPOLIT: Yes.

4                   CHAIRMAN DePINTO: With the Fire  
5   Department in recognizing the need for that?

6                   MR. HIPOLIT: I do. The only other thing  
7   the Fire Department talked about was potentially a  
8   sidewalk next to that right along the building to let  
9   somebody get out of that door if they have to.

10                  MR. SKAPINETZ: We have the pad there.  
11   It's just an emergency egress. We didn't want to put  
12   additional sidewalk that would then draw people to a  
13   door walking all the way along this face so we felt it  
14   wasn't -- I understand the concern but I also don't  
15   want people walking through the lot and getting  
16   confused and walking that way.

17                  We have the walkway that directs them to the  
18   front which is where they should go.

19                  MR. HIPOLIT: Maybe extend the grass  
20   pavers to the bottom of the pad so they can use that.

21                  MR. SKAPINETZ: I don't have a problem  
22   with that. We do have actually a 5 by 5 right at the  
23   end of the door. But at that point, yeah, we can just  
24   bring -- and the grass pavers, by the way, will extend  
25   beyond that point.

1 MR. HIPOLIT: That covers that.

2 The next issue is on, again on Sheet 5. If you  
3 look, you have, really it's on the southern face of  
4 the building. There's a designation of a parking  
5 space and it says seven spaces so right at that  
6 corner, up top, higher up, next corner up.

7 So right there you have a standpipe proposed  
8 there?

9 MR. SKAPINETZ: Yes.

10 MR. HIPOLIT: The Fire Department wants to  
11 put a hydrant on that island?

12 MR. SKAPINETZ: On the island in the  
13 corner. Okay.

14 MR. HIPOLIT: And the last comment from  
15 the Fire Department -- go down to where your emergency  
16 access point is.

17 The Fire Department felt the emergency access  
18 point, the way it's laid out, their trucks might not  
19 be able to make that turn. So we talked about if you  
20 head a little north where the access aisle kind of  
21 bends around.

22 MR. SKAPINETZ: Yes.

23 MR. HIPOLIT: So just literally make the  
24 access aisle bend so you have a lot less driveway to  
25 construct. It would just be, you know, a paved area

1 and a dropped curb that they could get across.

2 And there's a wall there?

3 MR. SKAPINETZ: There's a wall there and a  
4 drop there in the grade so the grade might be of issue  
5 in that corner.

6 MR. HIPOLIT: So one other solution where  
7 the driveway is now, then they just want that driveway  
8 to be a softer turn so you have to extend it farther  
9 down.

10 MR. SKAPINETZ: Extend it further down.  
11 Okay.

12 MR. HIPOLIT: Just a softer turn for the  
13 Fire Department.

14 MR. SKAPINETZ: That's fine. We can do  
15 that.

16 MR. HIPOLIT: That would be Fire  
17 Department conditions. They are roughly minor but I  
18 think they're improvements.

19 CHAIRMAN DePINTO: And this will become  
20 part of the record.

21 Now it's my understanding also you had the  
22 opportunity to discuss the revised plan with  
23 representatives of the Police Department.

24 MR. HIPOLIT: I did.

25 The Police Department has no additional comments



1 other than the road as created now takes away all  
2 their issues of jurisdiction. So they specifically  
3 know where the jurisdiction is between Park Ridge and  
4 Montvale and they definitely prefer this plan.

5 That came right from the Chief's stamp of  
6 approval.

7 CHAIRMAN DePINTO: Okay. Returning to  
8 your review letter. The last one we discussed was 45.

9 MR. HIPOLIT: Now we're down to 46 which  
10 at some point you'll need to file for your major soil  
11 movement permit, seeking approval.

12 48 is really geared toward the DEP. We really  
13 need to comply with that, with the State of New  
14 Jersey.

15 You've complied with 51, you have testified to  
16 that so we're good with 51 now.

17 MR. WOLFSON: Andy, if I might. On 52 I  
18 think there's just a carry forward from past memos  
19 where it says the applicant has stated they are  
20 seeking site plan approval from the Borough of  
21 Montvale. As indicated tonight, the application is  
22 for preliminary and final.

23 MR. HIPOLIT: Right. So 52 is carryover  
24 so if you go to the next page now you were going to  
25 provide testimony that's preliminary and final now.

1 MR. WOLFSON: No.

2 MR. HIPOLIT: Just from the Board's  
3 perspective, part of your conditions --

4 MR. WOLFSON: Thank you.

5 MR. REGAN: Andy, could you repeat that  
6 again? We're going to need that again, 52.

7 MR. HIPOLIT: Comment 52, originally the  
8 applicant was applying for preliminary only. Now  
9 they're, as testified, they're applying for  
10 preliminary and final. If you were to grant  
11 preliminary and final, the applicant still needs  
12 preliminary at least from Park Ridge because they have  
13 to go through Park Ridge to get to our site. So we  
14 want to note they need that approval.

15 MR. REGAN: The approving resolution will  
16 be included as a condition. The applicant is required  
17 to obtain preliminary approval from Park Ridge.

18 MR. HIPOLIT: Correct.

19 54, they've provided everything, retaining wall,  
20 full protection so they're complying with that. We no  
21 longer take exception.

22 58, they've redesigned the detention basin. We  
23 have looked at it. We're in agreement that the design  
24 is okay so we no longer take exception. The basin is  
25 adequate now.

1           59, we discussed the proposed changes or other  
2 changes the Fire Department requested for emergency  
3 access so they agreed to provide those so we're okay  
4 with those changes as proposed.

5           Then we have, as I said, the rest of 59, we have  
6 coordinated with both police and fire so there's no  
7 additional comments.

8           The same with 60.

9           62, we are in agreement with the detention basin  
10 is in conformance and designed properly.

11          63, steep slope so I don't think we need  
12 additional testimony.

13                   MR. SKAPINETZ: No. I can just repeat  
14 just that --

15                   MR. HIPOLIT: You might want to do that.

16                   THE WITNESS: Yeah, it falls into the area  
17 mentioned before about fire and in the northwest  
18 corner of the building. With the modifications made  
19 to keep the building level, what we are, we are  
20 proposing some steeper slopes in the northwest corner  
21 still to be stabilized, reviewed by soil erosion by  
22 your office. We are sure they will be planted  
23 correctly so we don't have erosion due to those  
24 steeper slopes. But it's essentially a necessity to  
25 regrade, make the grades a bit steeper as it drops

1 down from the point where we were going to end those  
2 grass pavers. It begins and becomes steeper in the  
3 northwest corner of the building and then starts to  
4 flatten out again.

5 MR. HIPOLIT: I think for the Board's  
6 perspective we have seen this on some of the other,  
7 bigger applications, I think there needs to be a  
8 condition that if the erosion becomes a problem on  
9 this site after construction the Board still retains  
10 jurisdiction through Maser to have them make  
11 amendments to stop the erosion.

12 In the past we had to go to Soil Conservation.  
13 It became a big --

14 CHAIRMAN DePINTO: Yes.

15 MR. REGAN: To remediate.

16 MR. HIPOLIT: I'm assuming you're okay  
17 with that.

18 MR. WOLFSON: That's fine.

19 THE WITNESS: That's fine. Understood.

20 MR. HIPOLIT: 64 and 65, again refer to  
21 detention basin. We are okay with the design.

22 68, we talked about the grass paver on the north  
23 side of the building. You're now proposing on the  
24 western side which we're in agreement with.

25 So if we go forward to 77, that basin is

1 designed properly so we're okay with that.

2 They provided testimony for everything on 78,  
3 79, 80, 81, again in reference to drainage so we're  
4 under the exception.

5 From the Board's perspective 82 is a review of  
6 the traffic study and the warrant amounts as requested  
7 by Maser.

8 MR. REGAN: We haven't received that.  
9 Should we mark this?

10 CHAIRMAN DePINTO: I think so.

11 MR. HIPOLIT: I think you should mark it.

12 MR. WOLFSON: If it wasn't, yes, I ask  
13 that it be --

14 MR. HIPOLIT: It should be marked.

15 MR. REGAN: That's A-38.

16 MR. WOLFSON: 39.

17 MR. HIPOLIT: So they provided a traffic  
18 signal warrant as requested by us. The genesis of  
19 that was in fact the Lifetime application. Lifetime  
20 had posted money for the signal there with the idea  
21 that if any other applications came in the area a  
22 warrant has to be done to see if a signal was needed  
23 there. That signal is not needed yet.

24 As part of this application it's not needed but  
25 if the other side of the site gets built to make sure

1     they do a warrant but right now it's not required and  
2     we agree with that.

3                     CHAIRMAN DePINTO:   Okay.

4                     MR. HIPOLIT:   The remaining conditions are  
5     Conditions of Approval that are in all the letters so  
6     I don't know if we need to go over those.

7                     That's really it.

8                     CHAIRMAN DePINTO:   Okay.   We have the  
9     stormwater management facilities Operation and  
10    Maintenance Manual.

11                    MR. HIPOLIT:   Yes.

12                    CHAIRMAN DePINTO:   And stormwater  
13    maintenance.

14                    Have we previously marked this into evidence.

15                    MR. HIPOLIT:   I don't think so.

16                    CHAIRMAN DePINTO:   They were never marked.

17                    MR. REGAN:   They may have been marked but  
18    these are revisions.

19                    MR. HIPOLIT:   That's going to have to be  
20    filed as part of the deed.   So we should mark it but  
21    they have to produce a final copy of it.

22                    MR. REGAN:   We'll mark the summary as A-40  
23    and the manual as 41.

24                    CHAIRMAN DePINTO:   Okay.

25                    MR. HIPOLIT:   We reviewed it, we agree

1 they're applying for preliminary and final but when we  
2 have a final copy we file it as a deed restriction.

3 CHAIRMAN DePINTO: Okay.

4 MR. HIPOLIT: Again, Bob, for your  
5 edification Page 16 starts with my comments for soil.  
6 It just gives the language of if they're going to be  
7 moving soil around it needs to be tested, it needs to  
8 be managed properly in accordance with EPA standards.  
9 You have those conditions.

10 CHAIRMAN DePINTO: Very good. Let's go to  
11 Miss Green.

12 Ms. Green, you were researching that item.

13 MS. GREEN: Yes. So similar to  
14 Mercedes-Benz, the AH 26 Ordinance in its preamble has  
15 a paragraph that says the following standard shall  
16 apply to the development within the AH 26 district.  
17 All the provisions of Chapter 128, zoning of the  
18 Montvale Borough Code shall apply to development in  
19 the AH 26 district where only specifically indicated  
20 as applicable as in Section 517. 517 does not discuss  
21 tree removal whatsoever so therefore the tree removal  
22 section of the zoning ordinance is not applicable.

23 CHAIRMAN DePINTO: Okay. Before we open  
24 up to questions, I think we should, we have a review  
25 letter from Ms. Green dated which is the 26th.

1 MS. GREEN: It's dated the 27th.

2 MR. REGAN: June 27th? I was looking for  
3 the 26th.

4 MR. WOLFSON: So this is B-18, Bob?

5 MR. REGAN: Yes.

6 CHAIRMAN DePINTO: Ms. Green, could you  
7 summarize your review of that date, please.

8 MS. GREEN: Yes. Starting on Page 4 we  
9 list the variances and the one question I have for Mr.  
10 Skapinetz, we have listed or called out a variance for  
11 plantings. I'm assuming you're going to comply with  
12 that to eliminate the variance.

13 MR. SKAPINETZ: Yes, we will.

14 MS. GREEN: Thank you. Moving ahead to  
15 Page 6 is where our comments begin. There are some  
16 notations on the architectural plans that are minor  
17 that really need -- that we are going to need more  
18 detail on now that they're seeking final.

19 For example, it says we're going to eventually  
20 get an amenity deck plan, lighting landscape plan for  
21 the center courtyard.

22 I think if the Board is inclined to approve the  
23 application that should be submitted as part of the  
24 Resolution of Compliance so there's not any surprises.

25 Comment No. 4, we have not received detailed



1 floor plans of the affordable units. However, as  
2 noted in our previous inclusionary set-aside  
3 developments with a three-bedroom affordable, under  
4 the household placement rules they could try to place  
5 a 6 person household in a three-bedroom unit.

6 So we have been recommending that all those  
7 three-bedroom affordable units have at least a bath  
8 and a half.

9 Plus, actually, I just found out recently and  
10 this just goes to so there's rules upon rules for  
11 affordable housing, there is actually rules buried  
12 under the HMFA guidelines about the minimum size of  
13 bedrooms because what we've been seeing lately, some  
14 developers trying to squeeze a three-bedroom into a  
15 smaller footprint size to try and save costs. So we  
16 would also recommend that each one of the bedrooms in  
17 the three-bedroom unit be at least 100 square feet to  
18 comply with those HMFA standards.

19 So if the Board is inclined to approve the  
20 application those would be conditions of approval.

21 CHAIRMAN DePINTO: Bob.

22 MR. REGAN: Yeah.

23 CHAIRMAN DePINTO: Please continue.

24 MS. GREEN: Andy, actually covered my

25 Comment No. 5.

1           Comment No. 6 just says that we're eventually --  
2   I know there was a draft deed restriction submitted  
3   when the application was first filed. When we get  
4   closer to the pooling of a CO what we try to do is  
5   actually list the unit numbers and then the bedroom,  
6   number of bedrooms in a unit and whether that unit is  
7   low or moderate. It makes it easier going down the  
8   road. That would be a condition of approval.

9           Comment No. 7 would be the recording of the deed  
10   restriction.

11           MR. REGAN: Darlene on No. 7 you provided  
12   deed requirements under other inclusionary set-aside  
13   developments.

14           MS. GREEN: Exactly. Same standard  
15   requirements. Nothing new here.

16           No. 8 is a requirement with the settlement  
17   agreement regarding the affordable units.

18           No. 9 has to deal with the building  
19   identification signs.

20           So what we're missing on the plans is just a  
21   note talking about the sign, type and illumination.  
22   So it's part of the Resolution of Compliance. If they  
23   could add those notes then we would have a clear  
24   picture of the signage.

25           The same would go for Item No. 10 for the

1 monument signs.

2 We need some specifications on the exact type of  
3 illumination which could be a condition of approval.

4 And then we have some landscaping minor  
5 discrepancies between counts on Items 11 and 12 13 and  
6 14, all very minor, just cleanup.

7 And that's everything I have.

8 CHAIRMAN DePINTO: Okay. Very good. Yes,  
9 Mr. Hipolit.

10 MR. HIPOLIT: Produce the letter dated  
11 July 1st.

12 CHAIRMAN DePINTO: I'm sorry. Say that  
13 again.

14 MR. HIPOLIT: Gus Deblasio provided a  
15 landscaping letter.

16 MR. REGAN: Why don't we mark that B-19.

17 MR. HIPOLIT: Mark it and the only thing  
18 I'll note is that the discrepancies Darlene picks up,  
19 he picked up in his letter. They're in there.

20 Then he just has a couple small planting changes  
21 on Page 3 of 4, all very minor.

22 MR. WOLFSON: No objection to anything in  
23 that letter.

24 CHAIRMAN DePINTO: I'm going to mark it.

25 MR. HIPOLIT: B-19.

1 CHAIRMAN DePINTO: 19.

2 Okay. Questions from Board Members, and I guess  
3 we're starting with Mayor Ghassali, of Mr. Hipolit,  
4 Ms. Green.

5 MAYOR GHASSALI: Mr. Hipolit, the  
6 northwest, the corner with the slope where we're going  
7 to have the erosion, is there going to be discussions  
8 on how do you know there's an issue?

9 MR. HIPOLIT: It would be similar if we  
10 used the Wegmans' site as an example. It's a large  
11 site, has a lot of undeveloped areas because of all of  
12 our impervious coverage requirements being low. When  
13 the site is built-out, the hardscape building put up,  
14 the next step is they landscaping area landscaped. So  
15 there will be an inspection done on-site that they  
16 install per plan. Then, at some point later on, there  
17 will be another inspection probably within a year to  
18 determine whether those areas are maintained,  
19 surviving and also not causing any problems.

20 So Bob can write it in a manner that allows us  
21 to look at it for a year later.

22 MAYOR GHASSALI: How long? A year, two  
23 years?

24 MR. HIPOLIT: Two years it would become  
25 property maintenance, Jeff Fette's problem or whoever

1 the successor is.

2 MR. REGAN: A period of one year after the  
3 issuance of the CO.

4 MR. HIPOLIT: Right. Correct.

5 MR. REGAN: That would be the trigger.

6 MR. HIPOLIT: After that it's just regular  
7 property maintenance. Granted you could cover it  
8 under property maintenance anyway. Because the  
9 development is large, and the construction will take  
10 place for a while a year is reasonable. They will  
11 still be under either the COs, the TCOs or the  
12 buildings will still be being built.

13 MAYOR GHASSALI: And the design, the south  
14 corner of Woodcliff Lake, any impact on those homes  
15 with lights?

16 MR. HIPOLIT: No, there's none.

17 MAYOR GHASSALI: So cross-parking driving  
18 south, the lights.

19 MR. HIPOLIT: You know, there is, there  
20 is, I don't know the exact distance but it says 130  
21 feet between the end of the parking lot and the  
22 property line. And there's another 50 some odd feet.  
23 It's a football field away.

24 MAYOR GHASSALI: Thank you. That's all I  
25 have.

1 CHAIRMAN DePINTO: Thank you.

2 Mr. D'Agostino.

3 MR. D'AGOSTINO: No questions.

4 CHAIRMAN DePINTO: Thank you.

5 Mr. Teagno.

6 MR. TEAGNO: I have no questions.

7 CHAIRMAN DePINTO: Thank you.

8 Mr. Culhane.

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

10 CHAIRMAN DePINTO: Thank you.

11 Mr. Fette.

12 MR. FETTE: I have nothing at this time.

13 CHAIRMAN DePINTO: Thank you.

14 Mr. Stefanelli.

15 MR. STEFANELLI: Questions about the  
16 south, southwest corner edge of the parking area, is  
17 it all trees on the Parkway side? Because I see  
18 there's no plantings where you have it, that they're  
19 showing trees right along that edge there.

20 MR. SKAPINETZ: That's all existing  
21 vegetation. There won't be.

22 MR. STEFANELLI: No other questions then.

23 CHAIRMAN DePINTO: Thank you.

24 Mrs. Curry.

25 COUNCILWOMAN CURRY: Thank you.

1           I have two questions. So the parking lot area  
2   that's going towards Woodcliff Lake, right is that --  
3   yes. So when those cars are coming in to find  
4   parking, right, they're, those headlights will not be  
5   into of those homes behind you?

6           MR. SKAPINETZ: Not only because of  
7   distance but because of grade. That's the other  
8   positive, that these homes are up higher so the impact  
9   of the lights is not going to be on those homes.

10          COUNCILWOMAN CURRY: My other question is,  
11   it might be for the Chairman.

12          Are you satisfied with the size of the trees, et  
13   cetera, that they're going to be putting in that  
14   they're not going to be small and have to wait 20  
15   years for them to grow?

16          CHAIRMAN DePINTO: I think that was an  
17   insult.

18          COUNCILWOMAN CURRY: To you? No.

19          CHAIRMAN DePINTO: I just wanted to make  
20   sure.

21          COUNCILWOMAN CURRY: No. I just wanted to  
22   make sure.

23          CHAIRMAN DePINTO: Do I share the same  
24   concern that I have with the previous application?

25          COUNCILWOMAN CURRY: Yes.

1                   CHAIRMAN DePINTO: I think I do.

2                   COUNCILWOMAN CURRY: Very good. That's  
3 all my questions, only two.

4                   CHAIRMAN DePINTO: Mr. Lintner.

5                   MR. LINTNER: I have no questions.

6                   CHAIRMAN DePINTO: Thank you.

7                   With that said --

8                   MR. REGAN: This is for Darlene. I just  
9 want to be clear.

10                  If you could refer to Mr. Hipolit's letter B-17,  
11 Page 4. The detail for three variances. The length  
12 of the drive aisle, the car parking spaces from the  
13 front lot line and Section 35/Section 36.

14                  Do you agree that those are the three variances  
15 that are implicated?

16                  MS. GREEN: Oh, so I, I actually would say  
17 that it's really two because his A and B are relief  
18 from the same section of the ordinance.

19                  MR. REGAN: Okay.

20                  MR. HIPOLIT: They listed it.

21                  MS. GREEN: I know their notice listed  
22 them separately.

23                  MR. REGAN: So we're consistent. The  
24 proofs would be the same.

25                  MS. GREEN: Exactly.



1                   MR. REGAN: And the lighting is no longer  
2 now applicable.

3                   MS. GREEN: Correct.

4                   MR. REGAN: Okay.

5                   CHAIRMAN DePINTO: Any other questions  
6 from Board Members?

7                   Now the Chair will entertain a motion to open  
8 the meeting to the public.

9                   MR. TEAGNO: So move.

10                  CHAIRMAN DePINTO: Mr. Teagno, seconded  
11 Mr. D'Agostino.

12                  Let's start with Mr. Culhane -- Mr. Alampi.

13                  MR. ALAMPI: Yes.

14 CROSS-EXAMINATION BY MR. ALAMPI:

15                  Q           Brett, in reorganizing the parking, did  
16 you retain the exact number of parking spaces as the  
17 former application?

18                  A           Yes.

19                  Q           And how did you fit it on to the site in  
20 this fashion?

21                  Did you have to relocate those spaces?

22                  A           We created some new locations for spaces  
23 and reconfigured others.

24                  Q           Could you show me? I'm trying to look at  
25 the screen.

1           A           Okay. So the area of Woodcliff Lake, at  
2 the bottom.

3           Q           Right?

4           A           Essentially stays the same. Okay.

5           But where the changes really take place are on  
6 the eastern face of the building and in the main  
7 parking area. So in the middle, I testified briefly  
8 about how we took the spaces in the middle here and  
9 went from angled spaces to 90 degree spaces so we  
10 actually gained a few. It's a more efficient parking  
11 layout there along the new drive aisle coming into the  
12 site there is a row of 16 spaces and another row of 17  
13 spaces along the aisle facing the building.

14          Q           Those are parallel?

15          A           They're not, no. They're normal 90 degree  
16 parking spaces. So if you were to enter into the  
17 site, drive along that aisle, you would then pull in  
18 and the front of your car would face the building and  
19 not parallel to the roadway.

20                So you pull in and then you would end up backing  
21 out as you normally would in a normal parking space,  
22 either drive further into the site or drive out of the  
23 space.

24          Q           But those spaces were not there?

25          A           They weren't there previously, no, along

1     that aisle.

2           Q           Did the size of any of the parking spaces  
3     change the spacial distance or width of any of the  
4     parking spaces?

5           A           Well, actually what we did in the previous  
6     plans had some smaller compact parking spaces which  
7     were removed. We actually make them all that normal  
8     size parking spaces, 9 by 18, where we had some  
9     smaller compact spaces. It was talked about earlier  
10    and these are ones at the end.

11          Q           No parking spaces unless they're 9 by 18?

12          A           No.

13          Q           And, last question, there were some  
14    parking spaces, only a handful, that actually  
15    encroached into or over the boundary in Park Ridge on  
16    the old plan?

17          A           That's correct?

18          Q           And there are no parking spaces that go  
19    over the municipal boundary line?

20          A           There are no proposes parking spaces for  
21    this plan to be used by this proposed plan that will  
22    be located within Park Ridge.

23          Q           But they were previously?

24          A           No, they were not previously. They were  
25    never.

1           My previous testimony there was with the, we'll  
2   call it the zig-zagging of the drive aisle --

3           Q           I understand the drive aisle.

4           A           We only counted those parking spaces  
5   located in Montvale to be used within Montvale. This  
6   is now much clearer because we are now providing, the  
7   drive aisle is essentially the boundary and all the  
8   parking to the west of that drive aisle is parking for  
9   the proposed use.

10          Q           The former plan you did illustrate some  
11   parking spaces?

12          A           We did, yes.

13          Q           But you didn't count them?

14          A           We didn't count them.

15                   MR. ALAMPI: Thank you. I have nothing  
16   further, Mr. Chairman.

17                   CHAIRMAN DePINTO: Anything else?

18                   MR. ALAMPI: Not that I can think of, sir.

19                   CHAIRMAN DePINTO: Anyone else from the  
20   public wish to be heard?

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

23           I guess, Mr. DePinto -- I mean Chairman DePinto,  
24   I have a question for you.

25           I know at the last meeting when the entire Board

1 sort of indicated their favor of this application in  
2 preliminary form you indicated that moving forward for  
3 final approval, that there was going to be a  
4 tremendous amount more detail that was going to be  
5 required. I think you used a phrase of dotting all  
6 the I's and crossing all the T's.

7 I just wanted to know, as a participant in the  
8 public, what we can expect of this applicant and what  
9 this Board would require as far as final approval of  
10 this application.

11 CHAIRMAN DePINTO: The application now is  
12 in the form of both preliminary and final site plan  
13 approval. It has been reviewed by the municipal  
14 engineer who has determined that what, meeting the  
15 requirements of Montvale with respect to this Board  
16 being able to grant final approval that all necessary  
17 data is included on this plan. That's what I was  
18 referring to as crossing T's and dotting I's.

19 Again, I'll go to Mr. Hipolit.

20 Mr. Hipolit, is the plan now in a state that  
21 this Board could act on an application for approval at  
22 final?

23 MR. HIPOLIT: Yes. And that that's our  
24 letter.

25 MR. O'SULLIVAN: On that would be without

1 any further testimony of the architect or the  
2 applicant?

3 MR. HIPOLIT: Correct.

4 MR. O'SULLIVAN: And that would be with  
5 the building being swung 180 degrees approximately?

6 MR. HIPOLIT: Yeah.

7 CHAIRMAN DePINTO: I'm not quite sure if  
8 this swinging the building? --

9 MR. O'SULLIVAN: It would just be a  
10 completely different flow of the building based on the  
11 reorientation of it. I just wasn't sure enough  
12 testimony has taken place.

13 CHAIRMAN DePINTO: The testimony I heard,  
14 and correct me if I'm wrong but that there was a  
15 shifting in the clockwise direction.

16 MR. STEFANELLI: Counterclockwise.

17 CHAIRMAN DePINTO: Counterclockwise  
18 direction.

19 And did you refer to that as 15 percent?

20 Was that the degree of the shift?

21 MR. SKAPINETZ: Yeah. I don't have the  
22 degree of the shift. I'm just trying to look at older  
23 plans so we have an understanding. I'll get you a  
24 number. I think it was --

25 So the setback of the building in this corner

1 right now is 41 feet. It was previously in the realm  
2 of 90 to 100 feet. So we have pulled it, we have  
3 rotated this corner in, okay, while at the same time  
4 we took -- the only change to the building  
5 configuration was this, we'll call it on the end of  
6 the building was flipped. It went from the Parkway  
7 side to facing now Park Ridge.

8 MR. HIPOLIT: I think, from an answering  
9 perspective again the question, Montvale's preliminary  
10 and final site plan checklist are the same. They're  
11 not different so...

12 CHAIRMAN DePINTO: I think, David, could  
13 you see the screen better? Comparing the original  
14 submission and the revised submission.

15 MR. O'SULLIVAN: Yes.

16 CHAIRMAN DePINTO: So the primary  
17 difference is the shifting of the western leg of the  
18 building to be more parallel to the Garden State  
19 Parkway and the nub pointing in an easterly direction  
20 whereas previously it pointed in a westerly direction.

21 MR. SKAPINETZ: That's correct.

22 CHAIRMAN DePINTO: I'm not sure, David,  
23 where you're getting the 180 degrees from.

24 MR. O'SULLIVAN: The nub itself it's  
25 flipped to the other side.

1 CHAIRMAN DePINTO: Okay.

2 MR. O'SULLIVAN: With that being said, I  
3 know there was testimony about the exterior finishing  
4 of the building, will there be no further testimony?

5 MR. WOLFSON: It stays the same.

6 CHAIRMAN DePINTO: Right. And that is why  
7 the hearing was continued and the exhibits that have  
8 been placed on the record and the testimony received  
9 by this Board is unchanged.

10 Is that correct?

11 MR. O'SULLIVAN: Correct.

12 CHAIRMAN DePINTO: Is everyone in  
13 agreement?

14 So, therefore, there will be no change to what  
15 you previously heard testimony.

16 MR. O'SULLIVAN: Gotcha.

17 With respect to the applicant's variance  
18 request, I believe it was in the front yard for  
19 parking there, how far were you infringing on the  
20 front yard there with that driveway or that parking  
21 area along the Garden State Parkway?

22 The drive aisle is 5 feet off of the Parkway.

23 Q But were you requesting a variance off of  
24 the front yard setback there?

25 A We are because the parking and that drive



1 aisle are within the 40 foot setback that's required  
2 along that site.

3 MR. O'SULLIVAN: And Mr. Hipolit, you  
4 provided testimony this evening where you indicated  
5 that section of the building, the western portion of  
6 the building that there is a door on the back side of  
7 the building. So were you referring to that section  
8 of the building?

9 MR. HIPOLIT: So it will go perfectly well  
10 in my comment. Along the Parkway side of the building  
11 or I'll call it the back because for Montvale's  
12 purposes, the access road leads from the east not the  
13 west.

14 There is an emergency access road that Mr.  
15 Skapinetz testified to. We just wanted to make sure  
16 if emergency services get there, they get there  
17 safely.

18 That's what the grass paver driveway is for.

19 Q I guess something I'm a bit confused of,  
20 the ordinance goes into detail allowing go the  
21 applicant to put the front yard of the building along  
22 the Garden State Parkway. It would appear to me  
23 though that the building front is not in the front  
24 yard of this building. It's actually facing the  
25 opposite direction. Maybe it's obvious but I just

1 don't know is some precedent been set in Montvale that  
2 you can actually have a building front face facing the  
3 rear yard not the front yard?

4 CHAIRMAN DePINTO: Ms. Green, obviously  
5 you're very familiar with the ordinance. You were  
6 involved with the drafting of the ordinance.

7 Can you address the concern of Mr. O'Sullivan.

8 MS. GREEN: Sure. So as the Board is  
9 aware the site is unique and its frontage is on the  
10 Parkway but it cannot achieve access from the Parkway.

11 So when we wrote -- the only street that we had  
12 to work from is the Parkway and it was rather specific  
13 in saying for purposes of figuring out front, side and  
14 rear yards, the Parkway side of the property will be  
15 the front yard.

16 I mean as you drive through the Borough of  
17 Montvale there are many buildings whether commercial  
18 or residential, the front door may not face what is  
19 the front yard defined by our code for a variety of  
20 reasons, whether it's house orientation, design  
21 preference, et cetera.

22 So the applicant is free to choose which way  
23 they want their front door to face.

24 The zoning code is more worried about providing  
25 light, air and sufficient space between any building

1 and the property lines that that building sits upon.

2 MR. O'SULLIVAN: Okay. I know there was  
3 no testimony this evening. I guess we're all relying  
4 on previous testimony provided by the applicant  
5 concerning the traffic report.

6 I think Mayor Ghassali referred to it in his  
7 comments at the last meeting, the former Hertz  
8 building which is currently vacant has now either, I  
9 think executed a lease or should soon there have one.

10 I know the traffic report did not include any  
11 sort of traffic counts including that building.

12 And I just want to know, at this point, will the  
13 Board have the applicant go back now that that  
14 building will be occupied sometime soon, has the right  
15 to do so, will they have the applicant go back and  
16 revisit the traffic report to include that so that we  
17 have a more comprehensive look at, as to impacts on  
18 traffic.

19 CHAIRMAN DePINTO: Mr. Hipolit, do you  
20 believe that could be --

21 MR. WOLFSON: By the way, Mr. Chairman,  
22 sitting here now we don't necessarily agree that it  
23 was or it wasn't included.

24 MR. REGAN: I seen to recall Mr. Verderese  
25 in his calculation of level of disturbance assumed

1     that the building was occupied.

2                   MR. HIPOLIT:   He has conservative  
3     adjustments.   So his traffic testimony on this, he  
4     had, was very conservative.

5                   The traffic was probably much higher than what  
6     you see in this area, similar to what we did with the  
7     Wegmans site and Mercedes site.   And you know, if you  
8     look at those sites we're seeing the traffic numbers  
9     are significantly lower than the traffic there.   Mr.  
10    Verderese used those numbers so it's kind of a moot  
11    point at this time.

12                  CHAIRMAN DePINTO:   Anything else?

13                  MR. O'SULLIVAN:   That's it.   Thank you.

14                  CHAIRMAN DePINTO:   Anyone else from the  
15    public?

16                  Yes, sir.

17                  MR. BELINSKI:   Good evening.   My name is  
18    Jeff Belinski.

19                  MR. REGAN:   Sir, I need to swear you in.  
20    Would you raise your right hand.

21                  Do you swear or affirm that the testimony will  
22    be the truth so help you God?

23                  MR. BELINSKI:   Yes.

24                  MR. REGAN:   Give us your name, spell your  
25    last name.

1                   MR. BELINSKI: Jeff Belinski, B as in boy  
2   E L I N S K I. I live at 78 Clairmont Drive in  
3   Woodcliff Lake.

4                   It appears to me that, when the shift was made  
5   to the building it looks like the parking lot moved  
6   closer to the homes along Clairmont Drive.

7                   MR. SKAPINETZ: There was slight shift in  
8   that but the grading and the buffer has to be  
9   retained.

10                  MR. BELINSKI: I noticed on the picture,  
11   you know, as it comes down to the point, you know,  
12   there's the wooden area that I guess is the buffer and  
13   there's green grass. I'm wondering if you could leave  
14   the trees there and not have grass? But there's trees  
15   there currently.

16                  CHAIRMAN DePINTO: I think if you look on  
17   the monitor you'll see the original plan and then  
18   Exhibit A-37 is the revised plan.

19                  MR. SKAPINETZ: What I'm saying is whereas  
20   that in the area of the parking in the southwest  
21   corner --

22                  CHAIRMAN DePINTO: Let Mr. Belinski come  
23   around so you can see both the monitor and the  
24   rendering.

25                  MR. BELINSKI: The area in here, in this

1 area --

2 MR. SKAPINETZ: Correct.

3 MR. BELINSKI: -- I guess this is the  
4 buffer, the dark green.

5 MR. SKAPINETZ: That's existing trees to  
6 remain.

7 MR. BELINSKI: Can we keep those trees  
8 because there's trees currently there?

9 MR. SKAPINETZ: There are some trees there  
10 and this was an effort on our end. What I can say is  
11 I can work with Mr. Hipolit and as long as you take a  
12 look and see but the grading, to put the parking in  
13 there necessitates the removal of some of the trees.

14 MR. HIPOLIT: What I'll tell you is that  
15 between the existing wooded line, the parking lot,  
16 they're grading in there. So if we were to leave the  
17 trees in there they would die anyway. It would be  
18 better off, have the Board put a condition to add some  
19 landscaping in there to enhance new than to leave  
20 what's older, they're just going to die and have no  
21 jurisdiction over that.

22 MR. SKAPINETZ: That's what we were asked  
23 to do when we were first talked about this and the  
24 grading and that's why we showed you --

25 MR. REGAN: Specify --

1           MR. HIPOLIT: I think you can say that in  
2 the area, the southern side of the parking lot and the  
3 south side of the building between Woodcliff Lake and  
4 the parking lot there's an open area that's going to  
5 be grass. The applicant I think would agree would  
6 work with Gus Deblasio to fill that area back in with  
7 landscaping instead of grass to provide further buffer  
8 to the residents of Woodcliff Lake.

9           CHAIRMAN DePINTO: The only question I  
10 have is I thought that would be an area adequate to  
11 receive snow.

12           MR. HIPOLIT: It can. They don't need,  
13 they don't need 60, 50 or 60 feet. They can setback  
14 20 feet and a couple of more evergreen.

15           I think if you leave 20 feet from the edge of  
16 the curb for snow storage and in the meantime you  
17 could plant some more mature trees.

18           MR. WOLFSON: We can do that.

19           CHAIRMAN DePINTO: Mr. Belinski.

20           MR. BELINSKI: Thank you.

21           CHAIRMAN DePINTO: Anyone else from the  
22 public?

23           The Chair will make a motion to close to the  
24 public.

25           MR. STEFANELLI: So move.

1 MR. CULHANE: Second.

2 CHAIRMAN DePINTO: Seconded by Mr.  
3 Culhane.

4 Okay. No other witnesses this evening, Mr.  
5 Wolfson?

6 MR. WOLFSON: No other witnesses, Mr.  
7 Chairman.

8 We respectfully request your vote with approvals  
9 subject to memorializing the resolution.

10 CHAIRMAN DePINTO: Okay. Thank you.

11 And, Mr. Alampi, one final opportunity before  
12 the Board goes into deliberations.

13 Any final comments?

14 MR. ALAMPI: I have no comments. All  
15 these improvements are actually now keeping the lane  
16 of traffic and all -- is that me?

17 COUNCILWOMAN CURRY: Cell phones kind of  
18 interact with this.

19 MR. ALAMPI: So everything is contained  
20 within Montvale.

21 For purposes of site plan review within your  
22 jurisdiction it's close to Park Ridge. I would  
23 certainly have nothing to add to it.

24 Thank you.

25 CHAIRMAN DePINTO: Very good. Thank you.



1           And Mr. O'Sullivan, just in closing?

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

4           I, I guess and bear with me a few moments.   I  
5   mean, Chairman DePinto, at the last meeting you made a  
6   comment concerning, I guess, Park Ridge's almost  
7   unwillingness to work with Montvale and that a better  
8   plan could have been put together for both Boroughs  
9   had they worked together.   And I guess I did a little  
10   bit of looking around because I was involved in some  
11   meeting and on July 13th, 2017 the Mayors of  
12   Hillsdale, Montvale, River Vale, Park Ridge and  
13   Woodcliff Lake met to discuss regional planning for  
14   the area and all mayors agreed to form an advisory  
15   committee consisting of one council member, one  
16   Planning Board member from each town along with the  
17   Mayors.   The charter of the committee was to work  
18   cooperatively to maintain the character and nature of  
19   our communities, share information and resources and  
20   assist in a neighborly spirit while addressing our  
21   common and future regional planning needs.

22           There was a kickoff meeting that was scheduled  
23   to be August 2017 which never occurred.   The Pascack  
24   Press article dated July 7, 2017 the Mayors of Park  
25   Ridge, Woodcliff Lake and Montvale all agree that our

1 towns are working against each other when we just do  
2 traffic impacts and studies that only impact that  
3 individual town. A lot of the proposed development  
4 borders each other's towns and it indicates that it  
5 makes common sense to start looking at it from a  
6 regional perspective.

7 Woodcliff Lake Mayor Rendo indicated that since  
8 the towns are tied at the hip it's appropriate to come  
9 up with a regional plan that the Fair Share Housing  
10 Center might find acceptable.

11 Mayor Rendo added that the State encourages  
12 regionalization on affordable housing needs.

13 Mayor Ghassali says, joining forces is something  
14 that towns should have done a long time ago. In  
15 addition, Mayor Ghassali said actions taken in one  
16 Borough will obviously effect our neighbors. Mayor  
17 Ghassali went on to indicate the towns will get a  
18 chance to share information and plans so they don't  
19 overstep each others and different plans don't  
20 overstep each other with different plans, looks and  
21 characters.

22 The article went on to indicate that Park Ridge  
23 and Montvale are particularly well-suited to team up  
24 given the soon to be vacant Sony property owned by  
25 Hornrock which straddles the border between the towns.

1           Also at the initial meeting of all three towns,  
2   Park Ridge Mayor Misciagna indicated a few hundred  
3   thousand was dedicated to fighting the overdevelopment  
4   proposed by Hornrock while Mayor Ghassali had  
5   approximately 2 million dollars that they could  
6   afford.

7           And, unfortunately, just a few short months  
8   after this meeting and a lot of hoopla by a lot of  
9   residents and the public, Montvale had settled and all  
10   of this talk about trying to work together to put  
11   together regional needs all went sideways.

12           I bring this up with all due respect, Chairman  
13   DePinto. So to compact your previous comments it was,  
14   unfortunately, Park Ridge had refused to cooperate and  
15   work with Montvale which I just don't believe is true  
16   because I was at the initial meeting with all of the I  
17   guess the Mayor's and President of the Council and  
18   Council members concerning this endeavor.

19           So the two Borough's may not have cooperated  
20   with each other back in 2015 but come 2017 it was not  
21   the case. I think Park Ridge was reaching out to  
22   Montvale and, unfortunately, that didn't happen.

23           A few other issues here, if you could bear with  
24   me for another minute or so.

25           Now there was another issue concerning the

1 Hekemian property with hotels. And I attended the  
2 meeting of the Mayors of Park Ridge, Montvale and  
3 Woodcliff Lake, there was an economic development  
4 committee that had indicated on several occasions at  
5 various town hall meetings that the rationale for a  
6 hotel on the Hekemian property was because there were  
7 no meeting spaces that were sufficient at the existing  
8 Woodcliff Lake Hilton nor the Park Ridge Marriott.

9 Before the meeting occurred I asked the  
10 individual with the Montvale Economic Development  
11 Committee had he ever visited the Woodcliff Lake  
12 Hilton and/or the Park Ridge Marriott, asked a few  
13 questions and they hadn't. That evening Mayor  
14 Ghassali was present. We did go and meet with the  
15 management staff with both the Woodcliff Lake Hilton  
16 and the Park Ridge Marriott. The Woodcliff Lake  
17 Hilton had undergone a 7 million dollar renovation  
18 where they updated all of their meeting spaces.

19 I think everyone there met any company's  
20 requirements as far as a meeting place.

21 With that being said, the Park Ridge Marriott  
22 invested about \$3,000,000 in upgrades.

23 Despite that rationale for a hotel for Hekemian,  
24 this Board went on to approve a hotel on there at the  
25 detriment of both the Park Ridge Marriott and also the

1 detriment of potentially of the Hilton at Woodcliff  
2 Lake. I think of these contradictions by all these  
3 officials' responses for their words and actions.

4 And while I don't agree with many of the  
5 manipulations of the ordinances by this Board where  
6 you basically make the rear yard the front yard and  
7 replaced an unprecedented no setback along the side  
8 yard.

9 You also, in my opinion, didn't require traffic  
10 professionals to include the formerly vacant Hertz  
11 building. It's clear that at least 50 percent of that  
12 building will shortly be executed.

13 I believe there are many issues with this case  
14 so while Hornrock my have one a small battle here to  
15 the Montvale portion of that property, I believe the  
16 people at the Triboro has been the issue, Hornrock  
17 will be challenged.

18 And we will not give up until justice prevails.

19 CHAIRMAN DePINTO: Thank you.

20 Mayor Ghassali.

21 MAYOR GHASSALI: A statement for the Board  
22 to the people of Montvale and for the record.

23 Mr. O'Sullivan made statements about he wasn't  
24 at all the meetings, he was not involved in the  
25 settlements, talks with the courts, with Fair Share

1     Housing. He was not involved with the meetings that  
2     we had with the different mayors of towns.

3             We are bound at the hip, three towns, now four  
4     towns. A lot happens in the four towns that effects  
5     all of us. That's a hundred percent. That's common  
6     sense.

7             But it became very obvious very quickly that  
8     each of the towns had their own priorities for the  
9     right reasons. We were being sued by three  
10    intervenors for thousands of units. Park Ridge had  
11    one intervenor. Woodcliff Lake had none.

12            So the initial idea was for us to join together,  
13    fight together and come up with one single plan. It  
14    was after the ordinances of the town I found that out  
15    very quickly but what the priorities are that are  
16    different than Park Ridge, different than Woodcliff  
17    Lake and now River Vale.

18            Bringing up the hotel has nothing to do with  
19    this.

20            The deer shoot with River Vale, they have the  
21    issue or issues but can't come up with one plan  
22    because they have bigger lands. We don't have the  
23    distance to do the hunting, the deer hunt.

24            So there are different priorities for each town  
25    and different things that we have to do for the best

1 interests of each of our towns.

2 So what we did for Montvale is we discussed it  
3 and we talked with, I talked with Mayor Mischiagna all  
4 the time. Every time there is a traffic issue he gets  
5 a message from me. Every time there's a traffic issue  
6 in Park Ridge I get a message from him. The two  
7 mayors, Rendo and Mischiagna. So we talk a lot.

8 We meet once a month. We actually talk twice a  
9 month and face-to-face once a month. These issues are  
10 discussed at all of those meetings.

11 But for the record it's very obvious, it's  
12 obvious we have our own priorities. We can't fight  
13 three different intervenors and have them join the  
14 fight. The first one that pulled out was Woodcliff  
15 Lake, for the right reasons. They had no issues.

16 And the same thing, we had Hornrock, Hekemian  
17 and the A & P folks. So we were fighting on three  
18 fronts at the same time. So we had to do what we do  
19 for the sake of Montvale and we went all the way to  
20 the point where Councilwoman Curry, Council members,  
21 attorneys, we went to the judge's court in Hackensack.  
22 You were there, Darlene.

23 And the judge was pointing the finger, I'll give  
24 you 15 minutes, I'll go to the next door and you guys  
25 decide what you want to do.

1           And by the way, when we were there, there were  
2           probably 15 other lawyers. I have no idea who they  
3           were. It turns out a lot of them found one acre lots  
4           and two acre lots and they're looking for a way, if we  
5           were to fail, the settlement they would jump on those  
6           lots and start building to density.

7           So what we did is stand by 100 percent. The  
8           Council stands by 100 percent we did it for the sake  
9           of the benefit of Montvale and for the benefit of Park  
10          Ridge and Woodcliff Lake, no need for them to spend a  
11          ton of money on a fight that we have to fight.

12          So we stand by what we did. This is the best we  
13          can do. No one likes it here, we don't like it but  
14          it's part of the settlement. We agreed to it. I  
15          signed off on it. My signature is on it. And we have  
16          to do it.

17          So all this falls, announcements and all the  
18          statements was about we work together, the Mayors said  
19          something, doing something else. That's just  
20          nonsense.

21          That's all I have to say.

22                   CHAIRMAN DePINTO: Okay.

23                   MR. O'SULLIVAN: Could I have a moment to  
24          rebut that?

25                   CHAIRMAN DePINTO: Okay. Please. Briefly



1 as possible.

2 MR. O'SULLIVAN: I will. I will. The  
3 comments that are referred to in my, I guess my  
4 reading of just a few moments ago were comments by Mr.  
5 Ghassali that were put in the record in the Pascack  
6 Press, those are not things made up. The assumption  
7 that everything I said here is incorrect, I take  
8 exception to it, almost to the extent I never  
9 participated in a meeting. I was with Mr. Ghassali,  
10 Councilwoman Curry and Councilman Lane.

11 One of the first meetings was a discussion of  
12 the committee. Mayor Misciagna asked me to attend. I  
13 take exception to that comment.

14 With respect to intervenors Park Ridge did not  
15 just have one or two intervenors, Park Ridge had but  
16 three intervenors just like Montvale. We had Bears  
17 Nest, we also had Metropolitan and Hornrock along with  
18 fair share housing.

19 So, again, another incorrect statement made on  
20 the record that I take exception to.

21 Thank you.

22 CHAIRMAN DePINTO: Okay. Thank you.

23 Okay. I think we are done with the public. We  
24 did close before.

25 I think going into final deliberation and I

1     guess we are starting with Mayor Ghassali.

2                   MAYOR GHASSALI:  Nothing else to add  
3     except this is something that has to be done.

4           None of us signed on here to have items like  
5     this around town.  I mean the developments, everyone  
6     has an opinion.  I don't like that but it's part of  
7     the settlement agreement that we have, that we signed  
8     on.

9           This is the best we can work with and this  
10    designed a lot better than the previous design.

11                   CHAIRMAN DePINTO:  Thank you, Mayor.

12           Mr. D'Agostino.

13                   MR. D'AGOSTINO:  The new design is a  
14     dramatic improvement over the prior, pretty evident  
15     where we can eliminate a variance and keep the  
16     variances as low as possible and esthetically it's a  
17     dramatic improvement.

18           So I'm in favor.

19                   CHAIRMAN DePINTO:  Thank you.

20           Mr. Teagno.

21                   MR. TEAGNO:  I agree with what's been  
22     said.  When we signed an agreement with the  
23     intervenors and the courts to make a decision, we're  
24     bound by that.  We have limited things that we can do  
25     but we have to build this or have to allow it to be

1 built. And I think we've done a good job in assisting  
2 in the redesign. That's all.

3 CHAIRMAN DePINTO: Thank you.

4 Mr. Culhane.

5 MR. CULHANE: Yes. As I was saying,  
6 because eventually to a degree what's going to be  
7 done. You try and make the best deal you can and I  
8 believe that's what the town did.

9 With regards to the revised plan, the big issue  
10 we have before, at least in my mind was the confusion  
11 of the Police Department as to who had jurisdiction  
12 where and this particular plan clarifies that. It's  
13 clear that the road, the parking, it's all within  
14 Montvale.

15 No other comments.

16 CHAIRMAN DePINTO: Thank you.

17 Mr. Fette.

18 MR. FETTE: I think it's a far superior  
19 plan than the initial one. I know the applicant had  
20 to kind of go back to the drawing board and relooked  
21 at it but I think it solved a number of problems that  
22 have already been mentioned.

23 And I, you know, I can understand the residents  
24 of the town not wanting to have to do this but taken  
25 under consideration with court settlements and things

1     like that, I agree with Mr. Culhane's comments. I  
2     think we did a pretty good job of fitting what needed  
3     to be fitted on the property and making it look good.

4                   CHAIRMAN DePINTO: Thank you.

5                   Mr. Stefanelli.

6                   MR. STEFANELLI: I've been in town for  
7     awhile and I have worked here and sat on the Board for  
8     awhile. So I do believe that negotiating a settlement  
9     is far better than taking it to court in this day and  
10    age. I just think that it's a losing proposition  
11    based on what I have read and seen.

12                  I would rather have an agreement.

13                  But, again, I agree with some people, the  
14    public, is that we need to get-together as  
15    municipalities and we, and we need to work together.  
16    I believe it in everything including regionalization  
17    of schools and all that.

18                  I just think it's much better if we're all  
19    working together.

20                  And I think this is a better plan. And we have  
21    heard clearly the applicant went back, he listened and  
22    I think they did a good job.

23                  So, that's it.

24                  CHAIRMAN DePINTO: Thank you.

25                  Mrs. Curry.

1 COUNCILWOMAN CURRY: Thank you.

2 I think it's a much better design with the  
3 change that Hornrock Developers did.

4 I'm looking forward to seeing what a great  
5 neighbor Hornrock Developers will be for Montvale.  
6 I'm assuming that they are going to have a presence in  
7 town that will be a positive presence in terms of  
8 support for our town and you do what you got to do.

9 It was not something that anybody wants to see  
10 come into town but it's here, I'm glad it's a new  
11 design. I want to thank everybody who worked on that  
12 and I look forward to getting it done.

13 Thank you.

14 CHAIRMAN DePINTO: Thank you.

15 Mr. Lintner.

16 MR. LINTNER: Thank you, Mr. Chairman.

17 I think the revised site plan is an improvement.  
18 The rotation of the building and the access driveway  
19 being entirely in Montvale eliminates a big concern  
20 from the previous and I'm in agreement with it as  
21 presented.

22 CHAIRMAN DePINTO: Okay. Thank you.

23 And I do agree with all the comments made by the  
24 Board Members.

25 I would like to thank the applicant for

1 listening to the Board by taking into consideration  
2 recommendations that were made by the Board relative  
3 to the positioning of the roadway, parking.

4 People that sit here are all volunteers. They  
5 do this out of the love of the community. It takes a  
6 lot of time, a lot of energy on their parts and  
7 nothing is done in a punitive manner. Everything is  
8 done with an eye towards working as partners in coming  
9 up with the best possible solution that we could come  
10 up with.

11 And when I look at the revised plan and I say  
12 thank you, thank you for listening to us.

13 And with that said the Chair will entertain a  
14 motion to request the Board attorney to prepare a  
15 resolution of approval setting forth the conditions as  
16 stated on the record by either the applicant or the  
17 Board professionals.

18 So with that said, a motion please.

19 MR. LINTNER: So move.

20 MR. D'AGOSTINO: Second.

21 CHAIRMAN DePINTO: Mr. Lintner, seconded  
22 Mr. D'Agostino.

23 Discussion on the motion.

24 Hearing none, roll call.

25 MS. HUTTER: Mr. Culhane.

1 MR. CULHANE: Yes.  
2 MS. HUTTER: Council Member Curry.  
3 COUNCIL MEMBER CURRY: Yes.  
4 MS. HUTTER: Mr. D'Agostino.  
5 MR. D'AGOSTINO: Yes.  
6 MS. HUTTER: Mr. Fette.  
7 MR. FETTE: Yes.  
8 MS. HUTTER: Mayor Ghassali.  
9 MAYOR GHASSALI: Yes.  
10 MS. HUTTER: Mr. Lintner.  
11 MR. LINTNER: Yes.  
12 MS. HUTTER: Mr. Stefanelli.  
13 MR. STEFANELLI: Yes.  
14 MS. HUTTER: Chairman DePinto.  
15 CHAIRMAN DePINTO: Yes.  
16 MS. HUTTER: Mr. Teagno.  
17 MR. TEAGNO: Yes.  
18 MR. WOLFSON: Thank you very much. We  
19 appreciate your time and have a good holiday.  
20 (The hearing adjourns 9:45 p.m.)  
21  
22  
23  
24  
25

## 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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DONNA LYNN J. ARNOLD, C.C.R.

18 LICENSE NO. XI00991

MY COMMISSION EXPIRES 08/04/19

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