

BOROUGH OF MONTVALE
PLANNING BOARD
TUESDAY, OCTOBER 18, 2022
COMMENCING AT 9:14 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT
MONTVALE GROVE, LLC : OF
Block 2002 Lots 13 & 14 : PROCEEDING
Preliminary Major Site Plan and :
Major Subdivision Approval :
:

.....
B E F O R E:

BOROUGH OF MONTVALE PLANNING BOARD
THERE BEING PRESENT:

JOHN DePINTO, CHAIRMAN (RECUSED)

FRANK STEFANELLI, ACTING CHAIRMAN

DIETER KOELLING, COUNCIL LIAISON (RECUSED)

JOHN RYAN, MAYOR'S DESIGNEE (RECUSED)

JOHN CULHANE, MEMBER

CHRIS GRUBER, CODE OFFICIAL

WILLIAM LINTNER, MEMBER

DANTE TEAGNO, MEMBER

ROBERT ZITELLI, MEMBER

KIM O. FURBACHER, CCR, CCR, RDR
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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-1	Affidavit of Notice dated 10/13/2022		15
A-2	Topographical Survey prepared by Brooker Engineering, 1 sheet, dated 1/21/2022		15
A-3	Floor Plan & Elevation drawings for Building 2 prepared by Montoro Architectural Group, 4 sheets, last revised 5/26/2022		15
A-4	Floor Plan and Elevation drawings for Building 1 prepared by Montoro Architectural Group, 6 sheets, Last revised 5/26/2022		15
A-5	Preliminary and Major Site Plan and Subdivision Plan prepared by L2A Land Design, 19 sheets, last revised 9/23/2022		15
A-6	Response letter dated 9/23/2022 prepared by L2A Land Design to initial Colliers Engineering & Design completeness review		15
A-7	Stormwater Management Report dated 5/26/2022 prepared by L2A Land Design		15
A-8	Environmental Impact Statement dated 2/18/2022 prepared by L2A Land Design		15
A-9	Colored Site Plan rendering of Sheet C-100 dated 9/23/2022 prepared by L2A Land Design		15
A-10	Colorized version of sheet PB-3 dated 5/26/2022		42

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-11	HardiePlank siding sample		44
A-12	Cultured stone sample		50
A-13	Estate Stone sample from Realstone Systems		51
A-14	Colorized sheet PB-1		54
B-1	Completeness Review No. 3 dated 10/14/2022 prepared by A. Hipolit, PE, PP, CME, CFM, CPWM,		17
B-2	Report prepared by D. Green, P.P., AICP dated 10/17/2022		58

1 CHAIRMAN DePINTO: With respect to the
2 next application and public hearing, John Ryan, who
3 is the designee of the mayor, will not be serving
4 because of the D variance associated with the
5 application, nor will Councilman Dieter Koelling be
6 serving because it is a D variance, and neither one
7 is eligible. Nor am I, as I am going to recuse
8 myself on this hearing. Unfortunately, there was a
9 letter sent to the governing body which questioned my
10 participation in the hearing.

11 So that both the applicant and the
12 members of the public can be afforded a full
13 opportunity to voice their opinions and present their
14 file to the board, I will not be participating.

15 To the alternative, Mr. Stefanelli, who
16 is Vice Chairman and has served in that capacity for
17 quite a number of years, he will be chairing the
18 meeting.

19 Thank you. They'll be back in about
20 five minutes.

21 (At this point in the proceeding,
22 Councilman Koelling, Mr. Ryan, and Chairman DePinto
23 step off the dais and are recused.)

24 (A short recess is held.)

25 MR. REGAN: We should have six.

1 VICE CHAIRMAN STEFANELLI: Good evening
2 again. This is the public hearing for Block 2002,
3 Lots 13 & 14, Montvale Grove, LLC, 20-24 Spring
4 Valley Road, preliminary major site plan and major
5 subdivision approval.

6 MR. REGAN: Counsel, do you want to
7 enter your appearance.

8 MR. DEL VECCHIO: Yes.

9 Good evening, Mr. Regan, members of the
10 board, Andy DelVecchio. I am a member of the firm of
11 Beattie Padovano on behalf of the applicant, Montvale
12 Grove, LLC.

13 MR. REGAN: Mr. Chairman, I'm advised
14 by the land use administrator that the notice is in
15 order. Accordingly, the board has the jurisdiction
16 to proceed, and as was mentioned previously, the
17 Class 1 member of the board, Mr. Ryan, and the
18 Class 3 member, Councilman Koelling will not be
19 participating in the application inasmuch as D
20 variances are implicated by the proposal.

21 ACTING CHAIRMAN STEFANELLI: Thank you.

22 MR. DEL VECCHIO: Mr. Regan, also I
23 would just ask through the Chair if it is possible
24 for a polling of the board to confirm that there are
25 no other conflicts in place that would require any

1 other member to recuse.

2 MR. REGAN: I guess we can go board
3 member by board member, maybe starting with Mr.
4 Zitelli.

5 MR. ZITELLI: What kind of conflicts do
6 I have? I have none, Mr. Regan.

7 MR. REGAN: Okay.

8 MR. LINTNER: I have no conflicts. I
9 am going to proceed.

10 MR. REGAN: Mr. Stefanelli?

11 ACTING CHAIRMAN STEFANELLI: I have no
12 conflicts.

13 MR. REGAN: Mr. Teagno?

14 MR. TEAGNO: No conflicts.

15 MR. REGAN: Mr. Culhane?

16 MR. CULHANE: No conflicts.

17 MR. REGAN: And Mr. Gruber?

18 MR. GRUBER: I have no conflicts.

19 MR. LAFFERTY: I'd like to be heard on
20 the issue of notice.

21 MR. REGAN: And who are you?

22 MR. LAFFERTY: David Lafferty, 30 Eagle
23 Ridge, Montvale, New Jersey.

24 Could I see a copy of the notice that
25 was provided to the 200-foot list residents?

1 MR. REGAN: Are you within 200 feet?

2 MR. LAFFERTY: I am not.

3 MR. REGAN: Are you representing
4 yourself or are you representing clients?

5 MR. LAFFERTY: I'm here on my own
6 behalf.

7 MR. REGAN: All right.

8 Lorraine, can you get him a copy?

9 MR. LAFFERTY: And while she's doing
10 that, I don't know if she has to. The notice that I
11 saw misidentifies an ownership as to Lot 14. It's
12 listed as Janet Leah, and my own research indicates
13 that the ownership is actually Janet Leah Lamonica.

14 And I think that's significant for two
15 reasons. First of all, I don't know that there is a
16 resident named Janet Leah. Janet Leah Lamonica, as
17 most people know, was a member of the borough council
18 for a number of years, and I think the public has the
19 right to know that a former councilperson is seeking
20 numerous and substantial variances as part of this
21 application, variances from the ordinances that she
22 herself was instrumental in enacting.

23 MR. REGAN: Does that preclude the
24 board from hearing the application?

25 MR. LAFFERTY: That doesn't, but the

1 failure to properly identify her as an applicant or
2 an ownership of the affected property does, I think.

3 The second reason is that a social
4 media search for Janet Leah doesn't reveal anything,
5 but in a few minutes this afternoon when I searched
6 Janet Leah Lamonica, I came up with a social media
7 post by Ms. Lamonica complaining about traffic in
8 front of her house on Spring Valley Road two years
9 ago.

10 MR. REGAN: Well, I'm looking at the
11 soil movement application. It has Janet Leah
12 Lamonica as one of the owners, along with Kevin
13 Birdsall.

14 MR. LAFFERTY: Well, the notice that I
15 saw that was received by the 200-foot residents has
16 it as Janet Leah and not Janet Leah Lamonica, and I
17 think that's a defect that the board might be tempted
18 to look beyond, but in this particular case, for
19 those two reasons, I think the board should find that
20 the notice was defective and we should start over.

21 MR. REGAN: Mr. Del Vecchio, do you
22 have any comment about that?

23 MR. DEL VECCHIO: Yes.

24 The ownership of the parcel, if you
25 look at the tax record, is listed as -- bear with me

1 one second -- is listed as Paul Lamonica and Janet
2 Leah. That's exactly how it appears on the tax
3 record.

4 MR. REGAN: On the tax duplicate?

5 MR. DEL VECCHIO: Yes. And that's
6 where that information is taken from.

7 In addition, the ownership is not one
8 of the fundamental prerequisites of the notice
9 requirements. The applicant's name, the identity of
10 the property, the time and place of the hearing, the
11 subject matter of the hearing, those are critical
12 prerequisites. Ownership is controlled by the
13 disclosure statements on the application, and I
14 believe that the notice is legally sufficient as
15 constituted.

16 MR. REGAN: I don't see anything in
17 40:55D-12 that requires ownership to be identified.

18 MR. LAFFERTY: Well, if it doesn't have
19 to be identified, it should not be misidentified.

20 MR. REGAN: Why is ownership relevant?
21 What difference does it make?

22 MR. LAFFERTY: It's relevant, because I
23 think the public participation was stifled by the
24 fact that the public doesn't know who is owning this
25 property and presenting this application. I think

1 the public would be interested to know that a former
2 councilperson is seeking 45 variances on ordinances
3 that she herself enacted.

4 MR. REGAN: Well, the fact is, there's
5 nothing in 40:55D-12 that talks about ownership.

6 MR. LAFFERTY: I understand that, but
7 there is also --

8 MR. REGAN: And that's the section,
9 notice of application. I mean, I can read it, it's
10 two pages in the MLUL.

11 MR. LAFFERTY: I trust that you can
12 read it and have.

13 MR. REGAN: Is there any case law that
14 would preclude the board from hearing the
15 application?

16 MR. LAFFERTY: I just think it's an
17 issue that the board should take into consideration
18 in determining whether it has jurisdiction or not.

19 MR. REGAN: I don't think this goes to
20 jurisdiction, Mr. Chairman. That's my opinion.

21 ACTING CHAIRMAN STEFANELLI: I'll take
22 the opinion of our attorney.

23 MR. REGAN: Notice is not mentioned in
24 the provision. 40:55D-12 of the MLUL details the
25 notice requirements. It doesn't say anything about

1 identifying the owner of the property.

2 MR. LAFFERTY: Again, I'll leave it to
3 your advice, Mr. Regan, but I also don't think that
4 an applicant should be able to misidentify the
5 ownership of the property either.

6 MR. REGAN: That's your interpretation.
7 Mr. DelVecchio says on the tax duplicate -- now, I
8 haven't checked the tax duplicate -- it says
9 Lamonica, Paul and Janet Leah.

10 MR. DEL VECCHIO: Yes.

11 MR. LAFFERTY: I don't think that's
12 what the deed to the property says.

13 MR. REGAN: Well, I think the board has
14 jurisdiction. I don't find the objection to be
15 valid. I think he can proceed.

16 ACTING CHAIRMAN STEFANELLI: Yes, we
17 will proceed.

18 MR. LAFFERTY: Thank you.

19 VICE CHAIRMAN STEFANELLI: So before we
20 start, I just want to make sure everybody understands
21 the ground rules.

22 The applicant will present a witness.
23 And after the witness has presented, you know, the
24 board will get its chance to ask questions. At that
25 point, we will open it up to the public. The public

1 will get a chance to ask questions, only questions to
2 the witness. Again, there's no opinion, it's just
3 questions.

4 Until that's done, then we'll turn it
5 back and the applicant will again go to the next
6 witness, and that's how this will proceed.

7 MR. REGAN: Mr. Del Vecchio, do you
8 want to go through your preliminary with respect to
9 notice and any notice exhibits?

10 MR. DEL VECCHIO: Yes, if I may.

11 I will reserve my opening comments till
12 subsequent to that.

13 With purposes of preliminary markings
14 of exhibits, I would propose the following:

15 The Affidavit of Notice dated
16 October 13, 2022, A-1.

17 A-2 is the topographic survey prepared
18 by Brooker Engineering consisting of one sheet dated
19 January 21, 2022.

20 A-3 is the floor plan and elevation
21 drawings for building two prepared by the Montoro
22 Architectural Group consisting of four sheets bearing
23 the last revision date of 5/26/2022.

24 A-4 is the floor plan and elevation
25 drawings for building one prepared by the Montoro

1 Architectural Group consisting of six sheets, bearing
2 a last revision date of May 26, 2022.

3 A-5 is the preliminary and major site
4 plan and subdivision plans prepared by L2A Land
5 Design, consisting of 19 sheets bearing a revision
6 date of September 23, 2022.

7 A-6 is the response letter prepared by
8 L2A to the initial Colliers Engineering & Design
9 completeness review. The L2A letter is bearing a
10 date of September 23, 2022, and that was A-6.

11 A-7 is the stormwater management report
12 prepared by L2A bearing a last revision date of
13 May 26, 2022.

14 A-8 is the environmental impact
15 statement prepared by L2A Land Design bearing a date
16 of February 18, 2022.

17 And in advance of Mr. Dipple
18 testifying, we do have a colored site plan rendering
19 of sheet C-100 prepared by L2A bearing a date of
20 September 23, 2022 that will be used.

21 There are a few other exhibits,
22 particularly as it concerns the architectural
23 elevations that we'll present and mark at a later
24 time.

25 (Exhibits A-1 through A-9 are marked in

1 evidence.)

2 MR. REGAN: Why don't we hold off on
3 those. I want to swear in the borough planner and
4 the acting borough engineer.

5 Raise your right hand, please.

6 Do you swear or affirm that the
7 testimony you give this evening shall be the truth,
8 so help you God?

9 MS. SHETH: I do.

10 MS. GREEN: I do.

11 **D I P T I S H E T H, P.E.,** having been duly
12 sworn/affirmed.

13 **D A R L E N E G R E E N, P.P., AICP,** having
14 been duly sworn/affirmed.

15 MR. REGAN: The board is in receipt of
16 a completeness letter from the borough engineer dated
17 October 14, 2022. I'd like the acting board engineer
18 to summarize the completeness letter so that we can
19 move to the first stage of the proceeding.

20 MS. SHETH: Okay.

21 So this is regarding the completeness
22 review No. 3. We have deemed the application --

23 MR. REGAN: Let's mark that as board
24 Exhibit 1.

25 MS. SHETH: Okay.

1 (Completeness Review No. 3 dated
2 10/14/2022 prepared by A. Hipolit, PE, PP, CME, CFM,
3 CPWM, is marked as Exhibit B-1 in evidence.)

4 MS. SHETH: Again, this is completeness
5 review No. 3 and Exhibit No. 1 board exhibit.

6 We have deemed the application complete
7 by our office. The following also applies to provide
8 where the applicant will need to provide testimony
9 and we have comments based on the ordinances that
10 were meant for this completeness review. So I'll go
11 through the letter point by point. If there's any
12 general statements, I'll skip those over, but that's
13 the plan right now.

14 So comments Nos. 1 through 5 designate
15 general statements about the property, and comment
16 No. 6 states the general statements on the variances
17 and waivers that are listed in the applicant's plans.

18 The applicant seeks the following:

19 Preliminary subdivision plat approval.

20 The applicant has provided a
21 preliminary subdivision plat approval application to
22 the board in support of this application. The
23 applicant had noted in their application that they're
24 proposing to subdivide Lots 13 and 14 into 19
25 individual lots to permit the construction of

1 age-restricted, small lot homes to be governed by and
2 share amenities through an HOA.

3 This conflicts with the latest plans
4 provided September 23, 2022, where existing Lots 13
5 and 14 are to be subdivided into 18 lots. Also as
6 noted above, the applicant appears to be additionally
7 proposing to exclude a portion of Lot 14 from the
8 proposed development.

9 And the next step is the major soil
10 movement application.

11 So the applicant has filed an
12 application for soil movement permits for a total
13 movement of soil of 11,717 cubic yards. The
14 applicant has also provided a soil movement plan with
15 soil import/export calculations. The total
16 anticipated soil import is zero cubic yards and the
17 total anticipated soil export is 11,770 cubic yards.
18 We have comments about this.

19 Based on our review of the documents
20 that were provided, as well as the borough code, we
21 have the following comments for the difference of the
22 various ordinances in the borough code.

23 For subdivision of land, ordinance No.
24 350-25B(6), the applicant is the current owner of the
25 Lot 13. Applicant has stated that they're the

1 contract purchaser for Lot 14, although confirmation
2 is still to be provided. We note that the current
3 application includes only a portion of Lot 14.

4 Moving on, ordinance No. 350-25B(17).

5 The applicant shall provide information
6 to the borough documenting the subdivision of Lot 14.

7 On the cover sheet that was provided to
8 us as part of the latest submission, we noticed the
9 triangular portion that was not included in the
10 actual property layout, so we just wanted further
11 clarification as to further documenting of that Lot
12 14.

13 For the next ordinance, 350-25B(19),
14 the applicant shall provide revised plans depicting a
15 separate lot for the proposed stormwater basin with
16 an area around the pond for future maintenance,
17 provide updated setbacks and revise zoning table for
18 all 18 individual lots.

19 Next ordinance, 350-25B(20), the
20 applicant shall provide revised plans depicting a
21 separate lot for the proposed stormwater basin with
22 an area around the pond for future maintenance,
23 provide updated setbacks and revised zoning table for
24 all 18 individual lots.

25 Under the preliminary and final site

1 plan application --

2 MR. REGAN: Perhaps we could just
3 summarize it that having determined according to the
4 letter that I have in front of me that the
5 application is complete subject to the comments
6 detailed thereafter?

7 MS. SHETH: Yes, we can say it's
8 complete, yes.

9 MR. REGAN: So the site plan component,
10 minor and final site plan component of the
11 application is deemed complete?

12 MS. SHETH: Yes.

13 MR. REGAN: I don't think you need to
14 go into each provision, we have the letter.

15 And the soil movement application is
16 complete also?

17 MS. SHETH: Yes, it is complete.

18 I wanted to provide a little more
19 insight on some of the comments, but thank you.

20 MR. REGAN: Then go ahead, if you feel
21 that's necessary.

22 MS. SHETH: That's fine. It's
23 complete, yes.

24 MR. REGAN: Okay. I think we can
25 proceed, Mr. Chairman.

1 VICE CHAIRMAN STEFANELLI: Mr.
2 Del Vecchio.

3 MR. REGAN: Do you have any comment in
4 response to what the engineer stated?

5 MR. DEL VECCHIO: Not directly, other
6 than I will address a few of the overall comments in
7 my opening remarks.

8 MR. REGAN: That's fine.

9 MR. DEL VECCHIO: If I may then, I'll
10 proceed with the opening remarks.

11 The application before you was filed by
12 Montvale Grove, LLC. They are the applicant for the
13 matter that is pending before you.

14 Montvale Grove, LLC is also the owner
15 of that Lot 13, which is one of the two parcels that
16 form the properties that we are going to discuss
17 during these hearings.

18 The second property is owned by Paul
19 and Leah Lamonica. That is Lot 14. They own the
20 balance of Lot 14. We'll talk about the shape of Lot
21 14 in a moment, but the property's generally
22 designated as 20-24 Spring Valley Road. It is
23 formerly designated on the borough's tax assessment
24 maps at Block 2002, Lots 13 and 14. It is
25 approximately 4.09 acres in size, a little over

1 178,000 square feet, 178,277 to be exact, and sits in
2 your R-20 zoning district.

3 The tax map shows Lot 14 to be a
4 rectangular shaped property, and our survey, as well
5 as our plans, are depicting Lot 14 as more
6 trapezoidal in shape than rectangular. There appears
7 to be a discrepancy between the tax map and the
8 survey documents and the survey that was performed on
9 the property.

10 In response to the comment raised, we
11 will pull the deed and rerun the metes and bounds.
12 It is the applicant's belief and intention that all
13 of Lot 14, as it may be constituted, is intended to
14 be part of the application. This is not a situation
15 where we're leaving a piece behind, so to speak. We
16 will take a look and see if we can identify the
17 reason for the shape discrepancy between the tax map
18 and the survey that we had secured from two different
19 surveyor companies, both shown as trapezoidal.
20 Again, don't really know the reason why the shapes
21 are different, but now that it's been brought to our
22 attention, we will try to solve that mystery.

23 The application that is presented is to
24 subdivide the property into 18 lots. Yes, originally
25 it was 19 lots. There was at one point in the

1 earlier constitution of this application a separate
2 stand-alone lot for the detention basin. And I
3 guess, due to my understanding of the borough's
4 experiences up on another project or single family
5 homes in a homeowner association setting that didn't
6 work out perhaps as we all had hoped, that a
7 homeowners association covering independent parcels
8 may not be the most desired place to present this
9 application.

10 With that experience, we decided to
11 take what was a stand-alone lot for the detention
12 basin and incorporate it into each of the lots so
13 every one of the lot owners will own a piece and the
14 common areas will be covered by a reciprocal easement
15 agreement for maintenance, etc.

16 Of the 18 lots, one lot will contain
17 the general improvements, which essentially is the
18 public roadway and some parking spaces. The roadway,
19 while calling it public, is intended to be a private
20 road that will be owned and maintained by the
21 association that would be formed to control this
22 project. There would be private snowplowing, private
23 garbage removal, and it would be treated essentially
24 as a private roadway.

25 One lot is proposed to contain a single

1 building of which will house three affordable housing
2 units. We are aware of the borough planner's
3 comments of the bedroom breakdown. It is the
4 applicant's position and the testimony that you'll
5 hear that those three units are intended to be
6 rental. They will be fully UHAC compliant. They
7 will be fully COAH compliant in terms of the COAH
8 requirements for the ownership, marketing and deed
9 restriction of those units. So the intent being that
10 the borough would be able to secure full credit for
11 those three units in addition to any rental bonuses
12 that might be still available in the borough's plan.

13 The other lots, which are 16, if we do
14 the math correctly, are intended to be essentially
15 single family, age restricted, senior citizen housing
16 units. They will all be age restricted to 55 and
17 older. They are intended to be marketed solely and
18 exclusively to that category, and that's how the
19 project was laid out.

20 Obviously it triggers, as noted in the
21 planning reports, a D-1 use variance, and by its very
22 nature, because it is a housing type that doesn't
23 exist in the borough's code, and based on our
24 research does not exist anywhere in northern Bergen
25 County, it will trigger a fair number of C variances

1 for a housing type which is not anticipated by the
2 code. And while you'll hear planning testimony on
3 all of the variances, I remind the board that
4 generally speaking, because of the D-1 use variance,
5 the C variances that follow will be subsumed by the
6 D-1 variance that is at the forefront of the
7 application in the first place.

8 We do acknowledge and I believe we did
9 call it out, although not in the specificity that
10 your planner did, that a D-5 use variance is required
11 for the three affordable housing units on the single
12 lot. And as I alluded to, there are a number of bulk
13 variances related to the size, shape, setbacks of the
14 lot. There is a steep slope disturbance for
15 disturbing slopes in excess of 15 percent. We
16 believe that is a de minimis intrusion into these
17 15 percent slope category, and we will present
18 planning testimony to support the application.

19 It was our intent initially to file
20 this as a preliminary application for both site plan
21 and subdivision, preliminary site plan being
22 necessitated for the three affordable housing units
23 and the subdivision to accommodate the balance of the
24 project. However, because of the completeness
25 process that we went through, we have provided a lot

1 more detail at this point than we had anticipated
2 needing for preliminary to the point where we are
3 probably also capable of filing for final. You will
4 note that my notice did include final in the request.

5 MR. REGAN: Has an application for
6 final also been submitted or just preliminary?

7 MR. DEL VECCHIO: Just preliminary.

8 Although the checklist for final was
9 submitted, it is our intention to update that filing
10 between now and the next hearing date.

11 MR. REGAN: Okay.

12 MR. DEL VECCHIO: Now that we are
13 through completeness, we might as well just go ahead
14 and complete those application forms, and that will
15 also allow us to address one of the completeness
16 comments that was raised in the completeness No. 3
17 letter that will have the signature of all the
18 concerned property owners to evidence their consent
19 to the application, similar to what we did for the
20 soil movement application, which already has both of
21 those signatures on it.

22 So that gets us through the
23 preliminaries of what the project is and addressing
24 some of the preliminary details that were raised in
25 the completeness letter.

1 In terms of what we intend to present
2 at this point, we have a project architect who I
3 intend to call this evening. Mr. Montoro will, in a
4 moment, come forward, I'll ask him to be sworn and
5 we'll produce his testimony.

6 Mr. Dipple is here as well, should we
7 have enough time to proceed with his testimony as our
8 project engineer.

9 We have also retained the services of
10 Betsy Dolan, who is our project traffic engineer for
11 this project.

12 And also our professional planner,
13 Keenan Hughes, has been retained and will testify at
14 a later date.

15 At this point, those are the witnesses
16 that we intend to call. That may change over the
17 course of the hearing, but for right now those are
18 our intended witnesses. And unless the board wishes
19 to proceed otherwise, I'd like to call Mr. Montoro
20 and have him sworn at this time.

21 MR. REGAN: Mr. Montoro, would you
22 raise your right hand, please.

23 Do you swear or affirm that the
24 testimony you will give in this proceeding shall be
25 the truth, so help you God?

1 THE WITNESS: I do.

2 MR. REGAN: For the record just state
3 your full name and spell your last name, please.

4 THE WITNESS: John Montoro,
5 M-O-N-T-O-R-O.

6 MR. REGAN: Mr. Chairman, Mr. Montoro
7 previously testified before this board in connection
8 with other applications and has been qualified as an
9 architect. I recommend he be deemed qualified
10 without any further testimony.

11 ACTING CHAIRMAN STEFANELLI: Chair
12 accepts the recommendation.

13 THE WITNESS: Thank you.

14 ACTING CHAIRMAN STEFANELLI: Proceed.

15 MR. DEL VECCHIO: Mr. Chairman, with
16 your permission, what I'd like to do is the
17 microphone is wireless, and Mr. Montoro is kind of
18 set-up to the right, my right, your left, I'd like
19 him to be able to take that microphone and testify
20 from that point, if that is acceptable.

21 ACTING CHAIRMAN STEFANELLI: That's
22 fine.

23 J O H N M O N T O R O , R A , A I A , c/o Montoro
24 Architectural Group, 150 W. Saddle River Road, Saddle
25 River, New Jersey 07458, having been duly

1 sworn/affirmed, testifies as follows:

2 DIRECT EXAMINATION

3 BY DEL VECCHIO:

4 Q. Mr. Montoro, just a couple of
5 preliminary items before we get into the real
6 substance of your testimony.

7 You were present this evening when we
8 did the preliminary marking of documents, and several
9 documents or plans were attributed to the Montoro
10 design group.

11 Those documents, as I identified them,
12 were prepared by you or under your supervision?

13 A. Yes.

14 Q. And you've made yourself familiar with
15 the property which is the subject of the application?

16 A. Yes.

17 Q. And you've had an opportunity to
18 consult and work with the applicant to develop what
19 you believe to be the appropriate design of units or
20 homes for this site recognizing the target of age
21 restricted senior housing?

22 A. Yes.

23 Q. If we can start by first identifying
24 what's on the easel that everybody is looking at. I
25 believe that is your drawing set consisting of six

1 sheets which we marked as A-4.

2 A. Yes, they go from PB-1.1 to PB-4, and
3 that's for building one, and building two is PB-1
4 through PB-4. That's a separate set of drawings for
5 one building and for building No. 2.

6 Q. Okay. So let's start with, if we can,
7 talking about what the design parameters were for
8 this project given its targeted marketing.

9 A. Yeah, this being age restricted, the
10 goal here was to design something that wasn't just a
11 box, something that had a little bit more style to
12 it, something that has shades and shadows to make it
13 attractive with different roof lines to also add to
14 the interest, but at the same time make it so that we
15 have a master bedroom suite on the first floor, since
16 55 housing doesn't necessarily mean it's 75-year-old
17 housing, it could be actually 55 and older, where
18 somebody could actually live here for many years.

19 So the goal is not to make it a tiny
20 building, but also to make it usable for a longer
21 period of time.

22 What we've attempted to do also is to
23 make it, and one of the criteria, I should say, is to
24 have a two-car garage within the unit so that it
25 could be used by the couple and obviously having two

1 cars and not having one car outside and have to
2 jockey cars back and forth.

3 The other requirement was to have a
4 layout that you have an adequate sized family room,
5 adjoining to kitchen, open space, and have a couple
6 of bedrooms extra for if you have, you know, when
7 your children come over or their grandchildren come
8 over to be able to have them over and actually be as
9 a family.

10 Q. Did those parameters kind of dictate or
11 start forming the box that would be required for the
12 project?

13 A. I don't like the word "box," but --

14 Q. The footprint?

15 A. The footprint of the house, yes.

16 Obviously you need to have the garage
17 in front, you need to have access from the garage
18 into the house, but you also have to have a front
19 door, and you don't want the front door recessed all
20 the way back because then, you know, it almost looks
21 like an L shape. So the whole goal here was to
22 create an entranceway that had a covered portico so
23 if somebody came up to visit they would be covered
24 from ringing the bell, having the garage that was
25 somewhat recessed to be able to have more driveway in

1 front, as well as have a two-car garage, and then
2 have the balance of the space to have a kitchen, a
3 dining room, and a master suite on the first floor
4 and a couple of bedrooms.

5 So the whole goal here was not to just
6 create a box, but to create something that works with
7 the layout of the space for a senior person.

8 Q. And in reaching that design goal, you
9 came up with essentially three different layouts,
10 different but similar layouts?

11 A. Yes.

12 Q. And if you could walk us through each
13 of them.

14 A. Okay.

15 So the three different units, just so
16 we can talk about it, there's 1A, 1B, and 1D.
17 There's no 1C, that was a repetitive model that we
18 decided to just eliminate.

19 So the 1A, 1B, and 1D units in building
20 number one are similar. The differences really are a
21 little bit bigger dining room, you know, the master
22 suite is a little different shape on the 1D unit.
23 The 1D unit, again it's very similar to the others
24 but the dining room is a little bit different. The
25 master bedroom's a little different size.

1 All three of the units, although
2 they're similar, the elevations are different so that
3 we can create multiple looks in the whole complex.

4 So by having three units by two
5 different unit types, I call them the Jefferson and
6 the Washington for something we can all remember, and
7 then having each of those units have different color
8 schemes, you wind up with almost 12 different looking
9 units so it doesn't look like a bunch of row houses.

10 As far as the second floor goes --

11 Q. John, before we jump to the second
12 floor, let's stay on that sheet.

13 The 1A has a footprint of 40x50.

14 A. Yeah.

15 So just to explain the differences in
16 numbers. 1A is 40x50. 1B is 45x50. And 1D is
17 40x45. That's the smallest one.

18 The square footages of each unit are:
19 1A is 2,355, 1B is 2,800, and 1D is 2,155. So the
20 average of those units is like 2,300 square feet.

21 And the number of units for the site
22 are: 1A is 7, 1B is five, and 1D is four, for
23 16 units of building one.

24 Q. And other than slight variations in the
25 size, each of them share the same amenities or type

1 of space on that first floor?

2 A. Correct.

3 Q. Those dimensions, as you listed them,
4 include the two-car garage in each of those unit
5 types?

6 A. Yes.

7 The dimensions taken are overall. In
8 this case, this is the 1A unit, goes from front to
9 back of 50 feet. Whereas, the 1B unit is also
10 50 feet deep. But the 1A unit is only 40 feet
11 across, whereas the 1B unit is 45 feet across. So
12 the dimensions include the garage overall, but this
13 space in the front of the garage is outside. So, in
14 essence, without the garage, what you have is an
15 L-shaped unit, and the same thing here, a little
16 wider but also an L-shaped unit.

17 Q. Now, these are not one-story homes,
18 they're two-story?

19 A. They're two-story, yes. Smaller, but
20 two stories.

21 Q. Can you explain to us starting, let's
22 start from the outside, how that two-story component
23 generally works in terms of its massing over the
24 first floor?

25 A. Okay.

1 Q. And the integration of your roof into
2 the design.

3 A. Okay.

4 So I'll flip to the elevation. So I'm
5 going to go to sheet PB-3, and you might want to mark
6 this as a separate exhibit, only because I colored up
7 the elevation.

8 AUDIENCE VOICE: Excuse me, can that be
9 seen so that we can see it like the other people had
10 it? Because we cannot see that.

11 ACTING CHAIRMAN STEFANELLI: Can you
12 turn it?

13 THE WITNESS: Sure.

14 MS. HUTTER: More towards the audience.

15 THE WITNESS: Sure.

16 AUDIENCE VOICE: Thank you.

17 Can the board still see it?

18 MR. LINTNER: We have copies.

19 MR. DEL VECCHIO: Just try to turn your
20 back a little flat to the wall so you're not masking
21 the board members.

22 ACTING CHAIRMAN STEFANELLI: We're
23 good.

24 THE WITNESS: Okay. So I'm on sheet
25 PB-3, and what you see here are the elevations that

1 were submitted. This is the front elevation and also
2 the front elevation of the two models, the Washington
3 model and the Jefferson model.

4 So what this is showing is that you'll
5 see in the colored rendition on the top -- by the
6 way, do you want to mark this as a separate exhibit?

7 MR. DEL VECCHIO: We will.

8 THE WITNESS: Okay.

9 So you can see how this steps back and
10 then the garage steps back more. What that does is
11 it gives -- the shades and shadows add a lot to the
12 interest of any building, whether it be a house or
13 whatever it may be. The whole purpose of doing
14 architectural design is not to have a blank, flat
15 wall. So with that, you're able to choose different
16 materials, different finishes, shadows, elements,
17 trims, and details that all accentuate the look of
18 the building.

19 And what we've done here is to create a
20 covered entrance so the people are protected when
21 they come to the front door. The garage also has its
22 protection, so when you have the garage door open and
23 it's raining, you don't get wet. The building is not
24 just one big, long roof line, in other words, a big
25 box, I hate to use that word, but I'm using it

1 negatively, and trying to create gables that
2 accentuates not only the windows but accentuate the
3 garage area and accentuate the entrance area and
4 accentuates the protrusion of the front dining room
5 area.

6 So what we're trying to do here is to
7 create or breakup the box, I should say, to create an
8 interesting facade that has multiple things
9 happening.

10 The difference between the Washington
11 model and the Jefferson model is basically in
12 finishes. So the Washington model will have
13 HardiePlank siding, and if somebody wants to see what
14 HardiePlank siding is, I brought a small sample with
15 me for people to look at, and also what we have here
16 is some stonework, what we call "cultured stone,"
17 which cultured stone is a lot of other manufacturers
18 that produce the same type of material, and it gives
19 us the option between the different colorations to
20 have different stone colors with different color
21 sidings, as well as then to the Jefferson model where
22 we have stucco finishes and different stone and
23 different roof lines. The Jefferson model will have
24 a metal roof, whereas the Washington model will have
25 a shingle roof.

1 So by having different elevations,
2 you're able to create more of a community than just
3 repetition of one unit to the next unit to the next
4 unit. And by changing colors of the finishes, and by
5 changing the actual finishes themselves, you'll be
6 able, like I said before, to create almost 12
7 different building types versus just 1 or 2.

8 Q. All right. If we can shift back,
9 because I think it was important to talk about where
10 that roof line lies on the second floor --

11 A. Okay.

12 Q. -- to the actual second floor footprint
13 on PB-2.1.

14 A. PB-1.2 -- oh, sorry, 2.1, right. Yup.

15 Q. Can you just tell us what is depicted
16 on the second floor of each of the unit types, 1A, B
17 and D?

18 A. Okay.

19 So to the point, when you're coming in
20 the front door, because I think that's the best way
21 to orientate yourself, is you would come into a
22 two-story lobby, and looking up through the lobby you
23 will see a balcony, you'll see into the unit, and
24 then the staircase proceeds up to the second floor
25 level. So what we're trying to do is to create the

1 openness of a first floor and continue it upstairs.
2 All of the units have the similar type of situation,
3 but once you get upstairs, the layout is different
4 between 1A, 1B and 1D.

5 On 1A, you come up, you have a balcony,
6 as you mentioned, you go into bedroom number two,
7 which is, you know, 11.8x15 feet. Bedroom number
8 three, which is 11.3x11 feet. And a common bath for
9 the hallway. Bedroom number two has an integral
10 bathroom, what we call self-contained bathroom.

11 To the right there's a hallway to get
12 to a little loft space, so you can look out the back
13 over the roof line and also let light into the unit
14 from the rear. We have light coming in from the
15 front and light in from the rear, so that will make
16 the whole unit seem bright and airy.

17 Off of that, we have an office and that
18 will have a pair of fence doors so that it can be
19 opened or it could be closed, if somebody wants to do
20 some work. I mean, just because you're 55, there's a
21 lot of people here 55, we're all still working,
22 right? So I mean, you know, having a space like
23 that, it's not going to be a bedroom, it's
24 specifically an office or if the people are fortunate
25 enough to have grandchildren, it's a place where the

1 grandchildren can go up and actually have some toys
2 and play or maybe the owner wants to put a pool table
3 up there. It's not going to be a bedroom.

4 The difference between 1A and 1B is
5 basically the size, basically the same layout. And
6 1D is a little different in layout, where the stair
7 goes up and bends to the right instead of going
8 straight up, and that is only because the arrangement
9 of the rooms below where we still have bedrooms. And
10 this bedroom on this 1D unit is only 11.8x12.5 and
11 it's 11.3x11 feet, so they're not grandiose bedrooms,
12 they're, you know, downsized bedrooms.

13 The layout of the unit, and this 1D
14 unit is a little bit different, but in essence, the
15 whole concept is the same, you go up, two bedrooms to
16 the left, office to the right.

17 Q. John, a lot of that area is kind of
18 built into some what would be unfinished attic space?

19 A. Yeah. If you look --

20 Q. Would you explain that?

21 A. Yes.

22 So if I can go to PB-4, which is the
23 side elevations, okay, what you can see is we didn't
24 just -- the goal when you look at a building is not
25 to see a large wall and then a low roof. What we've

1 done here is we've gone 9/12 pitch. So the steeper
2 the pitch, the more interest it brings to the
3 building, but what we've done is utilized the pitch
4 of the roof to give us the front elevation and then
5 tucked the bedroom spaces underneath the gables.

6 So you can see from this, this area to
7 the left of the bedroom, you can see the outline is
8 the outline of the floor space. This is just attic
9 space, low attic space where you would put your air
10 conditioning units. And over here on the other side,
11 you could see the same thing happens where this is
12 the usable space, this is low attic area. So we've
13 actually tucked the rooms underneath the gables of
14 the design.

15 Q. And that roof design kind of would stay
16 the same regardless of what was under that roof at
17 that point?

18 A. Yeah, I mean the -- what do you mean,
19 the low attic spaces?

20 Q. Right, and if the playroom/office area
21 were not designated as that, you would still need
22 that area to create the roof line?

23 A. Correct, it just would be a dead attic
24 space, yes. It could be for storage, but at that
25 point you might as well just finish it off and use

1 it.

2 Q. All right. So let's take a step back,
3 if we can, and revisit PB-3 with an eye towards just
4 filling in some additional detail concerning the
5 materials. And this is probably a good place to mark
6 as A-10, with the board's permission, what I will
7 call the colorized version of sheet PB-3.

8 Is there a date on that drawing, John,
9 that you can share with us?

10 THE WITNESS: Yeah. I marked it A-10,
11 10/18/22, and the date on this drawing is 5/26/22,
12 last date.

13 MR. DEL VECCHIO: Thank you.

14 (Colorized version of sheet PB-3 dated
15 5/26/2022 is marked as Exhibit A-10 in evidence.)

16 Q. And that sheet essentially is the same
17 as what was in the board set except for the
18 colorized --

19 A. Correct.

20 Q. -- the coloring of the elevation?

21 A. Correct.

22 Q. All right. Let's see if we can fill in
23 the blanks of some of the materials. I know you
24 lugged in some material boards, and this is probably
25 another good opportunity to share those and also

1 potentially mark them. So I'm just going to ask you
2 to identify by their label in the back what we're
3 looking at and we'll mark them consecutively as you
4 do.

5 A. Okay.

6 The colors, as I mentioned, you're not
7 going to pick the colors at this point, but I don't
8 think we're going to be picking any purples or deep
9 greens. You know, most of the colors that really
10 make sense to go here would be beiges, taupes, white
11 trims, but you want something that all works
12 together, like you don't want blues and then have a
13 green next to it. You can probably have blues, you
14 can have grays and whites with some black, and then
15 you would have like beige with maybe taupe and then
16 have stone.

17 So you want to have contrast between
18 the stone and the siding. We really love this
19 product, have used it a lot, probably some of you
20 have it on your house. It's HardiePlank. It comes
21 in HardiePlank and Hardie shake. So a way to really
22 make this different is on one to use HardiePlank,
23 which is siding, and on the other to use Hardie shake
24 which looks like shake. Actually the shake looks
25 more like wood shake than real wood shake. The

1 maintenance of this is, it comes from the factory
2 with just this finish. It's made out of cement.
3 It's fireproof. It's a great product. It has, I
4 think, a 50-year guarantee. And it comes in multiple
5 colors, and you can paint it. If you don't like the
6 color, you can always paint it. But this is
7 HardiePlank and that's one of the products,
8 HardiePlank and Hardie shake that would go on.

9 Q. So what you're holding up, we're going
10 to mark as A-11, and we'll call it HardiePlank siding
11 sample.

12 (HardiePlank siding sample is marked as
13 Exhibit A-11 in evidence.)

14 A. Okay. And the other finish that would
15 also go up here would be stucco, which would be a
16 hard coat stucco, not the Styrofoam stucco, it would
17 be a hard coat stucco system. Obviously we know what
18 stucco is, it's a smooth finish, comes in multiple or
19 any color you want. So at some point we will produce
20 a color board for this, for each of the models and
21 that would be, you know, presented and approved as
22 part of the application.

23 The other part of this would be,
24 there's stone here and there's stone here. What you
25 don't want to do is you don't want to have, okay, we

1 have stone, let's put it up on the whole project,
2 because then it starts to look like everything is the
3 same. And that also goes with the finishes, you
4 know, you don't want to stucco the whole project
5 either, it would just look like -- I won't mention
6 any projects.

7 So the thin stone system, we've all
8 seen, probably have it on your houses. I'm not
9 saying this is the colors that we would be using, but
10 this is a product by --

11 AUDIENCE VOICE: I'm so sorry, can I
12 just ask.

13 I mean, I love hearing about the houses
14 and the stone and the finishes, I really do, but I
15 wanted to understand, and this is my first time here,
16 but I wanted to understand whether this is the entire
17 proposal and we're here to sit through listening all
18 the design aspect.

19 MR. REGAN: That's how it works. It's
20 the applicant's case right now.

21 AUDIENCE VOICE: At what point do we
22 get to ask questions or make comments?

23 ACTING CHAIRMAN STEFANELLI: I brought
24 that up earlier.

25 AUDIENCE VOICE: Most of us have kids,

1 I'm just conscious of time. I mean, it's 10:15.

2 [APPLAUSE]

3 AUDIENCE VOICE: I don't mean
4 disrespect to the board, but we're here since 7:30
5 and this is our main focus. And I mean, I don't know
6 if I'm alone.

7 VARIOUS VOICES: You're not. You're
8 not. We're right here with you.

9 MR. REGAN: It's the applicant's case.

10 ACTING CHAIRMAN STEFANELLI: Excuse me,
11 excuse me.

12 I've explained the process. This is
13 the process. The applicant has a right to present a
14 case. We will hear his application. We'll hear each
15 of his testimony. He mentioned it to us that his
16 testimony is going to be the project architect, which
17 is what we're hearing now; it will be the project
18 engineer; it will be the traffic engineer; and it
19 will be finally the planner. So you're not going to
20 get this through tonight.

21 AUDIENCE VOICE: We'll see you in a
22 month.

23 ACTING CHAIRMAN STEFANELLI: So that --

24 AUDIENCE VOICE: Can I just ask for
25 clarity. That's fine.

1 Is there an end time for this? And
2 will this move to the next month? I just want to
3 know, because I want to be heard.

4 MR. REGAN: There will be multiple
5 hearings.

6 ACTING CHAIRMAN STEFANELLI: This is
7 not one day.

8 AUDIENCE VOICE: If there is a decision
9 to move forward tonight, then I'm staying.

10 MR. REGAN: It's not going to finish
11 tonight.

12 AUDIENCE VOICE: Then I'm not going to
13 spend my time here.

14 ACTING CHAIRMAN STEFANELLI: So the
15 applicant -- so we're going to ask questions, you'll
16 get to ask questions. I don't believe that we'll get
17 past the first testimony of the architect. The next
18 meeting, when that's scheduled, we'll probably carry
19 it over to the next meeting, and then we'll continue
20 to carryover as long as we're hearing testimony. And
21 you're asking, you get a chance to ask questions too.

22 AUDIENCE VOICE: Right, and I
23 appreciate that, I just want to make sure that if I
24 walk out at 10:15, that at 10:55, you don't get to a
25 vote.

1 ACTING CHAIRMAN STEFANELLI: We are not
2 going to be making a decision on the case tonight, if
3 that's what you're asking.

4 AUDIENCE VOICE: Thank you. Then I
5 appreciate that. Then we get to go home to our kids.
6 I appreciate it. I do want to hear about the plan,
7 but I also want to have an opportunity to talk about
8 the impact it has for Montvale.

9 AUDIENCE VOICE: Does this get carried
10 over to the beginning of the meeting on the next
11 month?

12 AUDIENCE VOICE: It always went to the
13 last.

14 AUDIENCE VOICE: Everybody has children
15 in the room. I mean it's 10:20.

16 MS. HUTTER: All right. Wait.

17 Mr. Del Vecchio, can your applicant be
18 prepared to continue on November 1st?

19 MR. DEL VECCHIO: I believe so, yes.

20 MS. HUTTER: Then this application will
21 be carried to November 1st. I do not have another
22 public hearing on for that evening, so this will be
23 on closer to the earlier part of the evening, but
24 just as a precaution, any type of use permit for any
25 business gets to be heard first, if you were here

1 earlier. That's the process. They will go first and
2 then the continuation of this. I do not have another
3 public hearing scheduled for that evening.

4 AUDIENCE VOICE: I appreciate that.
5 Thank you.

6 AUDIENCE VOICE: Thank you.

7 MS. HUTTER: But no additional notice
8 will be given.

9 AUDIENCE VOICE: We'll be back
10 November 1st.

11 MS. HUTTER: Or you can always call me
12 and I can tell you.

13 ACTING CHAIRMAN STEFANELLI: Or you can
14 look online.

15 AUDIENCE VOICE: Thank you.

16 MR. DEL VECCHIO: With Chair's
17 permission, I'm going to wait a few moments before
18 continuing.

19 ACTING CHAIRMAN STEFANELLI: Sure.

20 (A short recess is held.)

21 ACTING CHAIRMAN STEFANELLI: Ready, Mr.
22 Del Vecchio?

23 MR. DEL VECCHIO: Yes, if I may
24 proceed.

25 I was going to mark as A-12 the thin

1 stone sample board Mr. Montoro was holding up.

2 THE WITNESS: Yeah. You know, these
3 are not representative of the actual samples or the
4 actual stones and they are not even the manufacturer.
5 We have to pick colors based on what makes sense for
6 the building, but I brought a couple different
7 options to show you. I don't intend on using the
8 same stone or maybe even the same manufacturer on the
9 two different models.

10 So what I hope to do is to have one
11 stone and stone type two that look totally different,
12 that don't just look like a different color,
13 something that looks totally different. So I brought
14 with me two different samples of two different
15 companies so you can see how a difference in stone
16 types makes a difference in the actual look.

17 So this is cultured stone which comes
18 in --

19 MR. REGAN: That will be A-12, Mr. Del
20 Vecchio, culture stone exhibit?

21 MR. DEL VECCHIO: Yes.

22 (Cultured stone sample is marked as
23 Exhibit A-12 in evidence.)

24 THE WITNESS: Cultured stone comes in
25 many different colors and this is Chardonnay Country

1 Ledgestone. They make Southern Ledgestone, which
2 looks totally different. We sometimes do mixes where
3 we do Southern Ledgestone for 85 percent with
4 15 percent fieldstone, which makes one big piece with
5 a lot of little pieces, so it looks more like real
6 stone. Because that's the way they used to make
7 stone when they did stone, they used to pick up
8 whatever they found. They didn't always pick up the
9 little pieces.

10 And then type B could be something like
11 this or it could be something else, but this is a
12 Estate Stone from Realstone Systems. I'm not saying
13 we're going to use this, but you can see how this
14 totally looks different than this. And that's the
15 idea is to give it two different looks, two different
16 styles, maybe two different manufacturers.

17 MR. REGAN: Are we doing that as an
18 exhibit?

19 MR. DEL VECCHIO: I will mark the
20 Estate stone as A-13.

21 (Estate Stone sample from Realstone
22 Systems is marked as Exhibit A-13 in evidence.)

23 THE WITNESS: So I think using the
24 stone with one stucco, with some siding, horizontal
25 siding and then Hardie shake, you have a lot of

1 palette-tive [sic], different materials to create
2 interesting facades, and that's what it's all about,
3 it's all about creating a palette of materials, not
4 just using the same thing.

5 Q. Now, without walking you outside of
6 your area of expertise, I'm going to ask you a couple
7 of questions about height.

8 A. Sure.

9 Q. And when I do that for the record, I'm
10 not asking him about calculated height under the
11 Montvale ordinance definition but height in the
12 architectural sense of how architects generally
13 measure height.

14 These buildings or these proposed homes
15 have what height ceilings proposed internal?

16 A. Building one, because we're going to
17 get into building two in a minute, but building one
18 is nine feet and nine feet floors. So the first
19 floor has a nine-foot ceiling, the second floor has a
20 nine-foot ceiling.

21 Q. And the height from finish grade to the
22 midpoint of the rafter?

23 A. So as you know, Montvale calculates it
24 to the pinpoint of the roof, which is, this is the
25 mean point up here, and from the plate to the ridge

1 and you take half of it, to the finish floor, the
2 reason I say to the finish floor is you'll see in a
3 second, is that it's 23-foot 4 inches approximately.

4 The reason I take it to the finish
5 floor, because that is a given. The grade can
6 change. Most of these are being built where there's
7 about a two foot difference between finish floor and
8 grade, maybe it will be a little bit more, let's say
9 three feet. So if you add 23.4 plus two feet, you're
10 at 25.4 if you add three feet, it's 26.4. We're
11 still under the 28 feet.

12 Q. And that was by design just to keep
13 these well under the height limitation for a single
14 family home?

15 A. Yes, and the reason that it works is
16 because we didn't use the facade wall going all the
17 way up. We actually set this back. And if you
18 remember before, I have the L shape, so we're
19 building the second floor under those gables so that
20 keeps the gables from getting really wide and the
21 ridge getting really tall. So in design, that's
22 what's keeping these units lower.

23 Q. Okay. If we can switch to building
24 two, unless there's something else on the building
25 one style that you'd like to share with the board?

1 A. No.

2 Okay. We can always come back to that.

3 Building two is PB-1. And I have a
4 colored plan, so, therefore, we want to make this --
5 what is the next number?

6 MR. REGAN: 14.

7 MR. DEL VECCHIO: 14.

8 (Colorized sheet PB-1 is marked as
9 Exhibit A-14 in evidence.)

10 A. So the reason I've colored this drawing
11 PB-1 up in three different colors is to kind of
12 seeing it colored, you see how the unit, the building
13 works. This is building two. These are the
14 affordable units. There's units 2A, 2B, and 2C.

15 2A is the green. 2B is the blue. And
16 you could see they meet with a common demise wall
17 between them. And 2C actually is above these units,
18 and has a vestibule on the first floor, and then you
19 go up the stair to get to the second floor.

20 So when I flip to -- I'll come back to
21 this drawing.

22 Q. Okay.

23 A. When you flip to PB-2, on the second
24 floor, you can see how now the second floor of unit
25 2A and 2B are sandwiching unit 2C. And this is a one

1 bedroom unit. So from the report that we got, it was
2 stated that it was .6 that we need to make this unit
3 a two bedroom. So what we will do is we will
4 redesign this building to accommodate that.

5 Q. I believe there was another comment
6 questioning whether or not there was an opportunity
7 to economize on that size of the building as well.
8 You will take a look at that as well?

9 A. I'll take a look at that as well while
10 we're doing that redesign for the floor plan, yes.

11 Just to put on the record the square
12 footages of this unit of building two.

13 2A is 2,015 square feet, because it's a
14 three bedroom unit for COAH. That's this unit here.
15 2A is a three bedroom unit.

16 Unit 2B, the blue, is 1,648, that's a
17 two bedroom.

18 And 2C is only 820 square feet, but
19 that will probably increase a little bit when we do
20 the redesign taking away from some of the other unit
21 sizes.

22 Q. I believe there was a comment also
23 talking about adaptability and accessibility?

24 A. Yes.

25 All the units will meet the COAH

1 standards for adaptability and for ingress
2 accessibility. That will be also included in the
3 redesign.

4 Q. Thank you.

5 A. As far as --

6 Q. Do you have an elevation for that
7 building?

8 A. Yes, I do.

9 So the elevation drawing is PB-3 for
10 building two. We've kind of drawn a dotted/dashed
11 line so you can see how the middle unit is on the
12 second floor with the entrance foyer on the first
13 floor. So this is unit 2A to the left. 2B to the
14 right. And 2C in the middle.

15 The elevation of this building is very
16 similar to the others. We want it to blend in. It
17 will have the same finishes. It won't have two
18 models, because there's only three units, but in
19 essence this would be HardiePlank, the same stone,
20 and similar gables that we had on the other units of
21 building one.

22 Q. And these will also be age-restricted
23 senior housing as well?

24 A. That's correct, rentals.

25 Q. And PB-4 is just the other side

1 elevations, and we've tucked the units under the
2 sloping roofs.

3 And to summarize, you know, it's the
4 same type of concept that we did on building one, so
5 they all look the same. And there's also ins and
6 outs, covered porch that we've done similar to what
7 we stated before on building number one.

8 Q. And what are the floor to ceiling
9 heights in that building, Mr. Montoro?

10 A. This building is a little different
11 than the standard building. I shouldn't say it like
12 that.

13 Building one had nine-foot and
14 nine-foot for the second floor. This building will
15 have nine-foot and eight-foot for the second floor.

16 And the overall height compared to
17 building one, this is about one foot higher, so it's
18 24.4, so plus the two feet to grade, it would be
19 26.4; if it's three feet to grade, it will be 27.4.

20 Q. Also intended to meet the height
21 limitation for a single family home?

22 A. Yes, under the 28 feet to the midpoint
23 of the roof.

24 Q. I think there are a couple of other
25 comments that were out in the report. I'm just going

1 to ask you about a couple of them specifically.

2 I think one was a mislabeled sink and
3 shower, you'll correct that, in one of the bathrooms
4 on the second floor?

5 A. Why don't we just go item by item and
6 go through them?

7 Q. Sure.

8 MR. REGAN: What are we referring to,
9 Mr. Del Vecchio?

10 MR. DEL VECCHIO: I'm referring to Ms.
11 Green or Colliers Engineering's planning review.
12 Bear with me as I get to the front.

13 MR. REGAN: We're going to mark Ms.
14 Green's report of October 17th as board Exhibit 2.

15 (Report prepared by D. Green, P.P.,
16 AICP, dated 10/17/2022 is marked as Exhibit B-2 in
17 evidence.)

18 Q. I believe specifically we are on
19 page 16 over into 17, unless you had something
20 earlier.

21 A. I thought we started with page 11.
22 Number 12.

23 Q. Yes, there were some items I believe we
24 may have covered in your direct, but if you want to
25 reiterate it, that's fine.

1 A. Yes, just to reiterate.

2 Number 12, where they're asking the
3 number of bedrooms in each single family dwelling.
4 In the triplex, again, 2A is 3, 2B is 2, 2C is one,
5 which we will correct to two and resubmit them.

6 Number 13 item it says the site plans
7 do not illustrate a common trash and/or recycling
8 enclosure.

9 Basically the garage should be able to
10 accommodate a trash can in the back of the garage.

11 Q. The intention being that trash will be
12 picked up from the single family homes, albeit
13 privately, but just like any other single family home
14 where cans are brought to the curb?

15 A. Correct.

16 Number 17, affordable housing. The
17 question is the number of bedrooms, income levels.
18 Well, I can't answer the income levels but the units
19 will be for rent.

20 Number 18 we talked about, where we're
21 going to accommodate for a second two bedroom.

22 Number 20, all units will be accessible
23 from grade. They are now, but we're going to
24 redesign to accommodate for that second bedroom unit
25 in the middle.

1 Number 21, the size of the 2 and 3
2 bedroom affordable units are very large.

3 When we redesign, we will look at that
4 and adjust as need be.

5 Okay. And then going to page 16,
6 number 42, sheet PB-3 illustrates the front elevation
7 of the Washington model and the Jefferson model.
8 They're not referenced where or where they will be.

9 I think that is -- I mean, I don't know
10 if the board would want to know exactly which one
11 will be which. I guess we'll have to submit a plan
12 on Mike's site plan, L2A's site plan showing which
13 ones will be Jefferson and which ones will be
14 Washington.

15 Q. If the board wishes, we can make that
16 submission.

17 A. I think it could be easy, just done as
18 a W or a J added in parentheses.

19 Number 43 talks about is there a
20 finished basement.

21 No. No bedroom down there. It's
22 unfinished because it's mainly below grade. We can't
23 have a bedroom, because it's only about a foot out of
24 the ground, so there's no place to get a window for
25 egress. It will always be a basement.

1 Number 44, first level plans also
2 illustrate a paver patio area in the rear of the
3 dwellings, however, the site plans do not. There
4 will be a rear patio. The size we'll have to show on
5 the site plans, but we have sliding doors. I think
6 it makes sense to let the people get outside and
7 enjoy the nice layout that's outside there with a
8 green area. I think not to be penned in and not be
9 able to use the back of the unit is just wrong.

10 Number 45, second level plans of the
11 single family homes illustrate office/playrooms. If
12 a closet is added, it could become a fourth bedroom.

13 As I mentioned before, there's a pair
14 of double French glass doors going up there and it's
15 in the slope of the roof. It's for an office. It's
16 going to be an office, it will not be a bedroom. For
17 the record, it is not going to be a bedroom.

18 Number 46, the shower in the bathroom
19 of bedroom two in 1A unit type is labeled as a sink.

20 Correct. It's a typo. We will correct
21 it.

22 Number 47, the applicant is strongly
23 encouraged to bring building materials.

24 We just testified to that and showed
25 you what we're doing, and we'll have our color boards

1 to present to the board.

2 Q. John, I missed one.

3 A. Oh, you did, okay.

4 Q. If you want to comment on 71.

5 A. 71. At least it was you and not me.

6 Q. It's always me.

7 A. 71, okay.

8 Oh, gazebo.

9 Site plans illustrate a gazebo between
10 proposed Lots 14.12 and 14.13.

11 The accessory structure, we will do a
12 drawing for that. It will obviously match what we've
13 shown on buildings 1 and 2 not only in design but in
14 finishes, and it will be held to 12 feet high, colors
15 and styles to match the other buildings.

16 MR. DEL VECCHIO: I think we've covered
17 the architectural testimony at this point. I have no
18 additional questions of Mr. Montoro. I make him
19 available to the board for their questions.

20 ACTING CHAIRMAN STEFANELLI: Thank you.
21 We'll start with board questions.

22 MR. TEAGNO: I have a couple.

23 ACTING CHAIRMAN STEFANELLI: Mr.
24 Teagno.

25 MR. TEAGNO: If I understand and

1 there's was a lot of information, rentals are limited
2 to the building that's three units in one building.
3 Is that correct?

4 THE WITNESS: No, I think they're all
5 rentals.

6 MR. DEL VECCHIO: No, no.

7 The single family homes are intended to
8 be sale units, and the affordable units are intended
9 to be rentals.

10 MR. TEAGNO: Okay. I must have
11 misheard.

12 Now, you're showing on that diagram, it
13 looks like two units are joined, correct?

14 THE WITNESS: Well, it's three units.
15 The yellow is the stair and the foyer to get to the
16 second floor.

17 MR. TEAGNO: So that's the three unit
18 building?

19 THE WITNESS: That's the three unit
20 building, correct.

21 MR. TEAGNO: Are other units joined at
22 a common wall or are they all single family, no wall?

23 MR. DEL VECCHIO: John, he is referring
24 to the single family homes.

25 THE WITNESS: Oh, okay.

1 MR. DEL VECCHIO: They are all single
2 family homes, they are not adjoined.

3 THE WITNESS: All single family homes.

4 MR. TEAGNO: Okay.

5 Next, I looked at the sizes of the lots
6 and the square footage of the buildings as depicted
7 on your illustrations here. And 17 of 18 lots I
8 think, if I'm reading this correctly, are less than
9 40,000 square feet, which is the minimum for this
10 zone, correct?

11 MR. DEL VECCHIO: Mr. Teagno, Mr.
12 Montoro has not testified to lot sizes. That's
13 really a site plan issue for Mr. Dipple.

14 MR. TEAGNO: Okay. Then let me ask
15 some things related to your diagrams.

16 Is the living space that you list as
17 total on each of the types, is that gross square
18 footage or is that total living space?

19 THE WITNESS: It always measures from
20 outside of wall to centerline of wall to outside of
21 wall, so it's gross floor area.

22 MR. TEAGNO: So living space would
23 conceivably be --

24 THE WITNESS: Living space would be a
25 little bit less.

1 MR. TEAGNO: And the last, I don't know
2 if you'll be able to answer it, but I would think
3 with as much planning as has been done to
4 architecture and building materials and structure and
5 design and so on, based on your testimony, can you
6 give an estimate on the price range of the units that
7 you described?

8 THE WITNESS: To build?

9 MR. TEAGNO: If you know.

10 THE WITNESS: I really couldn't answer
11 that. I'm not privy to that information.

12 MR. TEAGNO: Oh, I thought if you knew
13 all the materials you needed and the size, you could
14 just multiply it.

15 THE WITNESS: Are you asking me
16 construction costs or are you asking me what the
17 units are going to sell for?

18 MR. TEAGNO: If you can answer either
19 one, I'd be happy.

20 THE WITNESS: Well, you know,
21 construction costs change all the time, but, I mean,
22 units like this, probably you're talking about \$200 a
23 square foot.

24 MR. TEAGNO: Okay. Thank you very
25 much. That's all I have for now.

1 ACTING CHAIRMAN STEFANELLI: Mr.
2 Culhane.

3 MR. CULHANE: Yes, one question.

4 I noticed on the 16 units, the single
5 family homes, that each of them are three bedroom.

6 What dictated each of them to be three
7 bedroom, particularly for, in my judgment, 55 and
8 over I would think some might be three but I wouldn't
9 even think most would be two bedroom.

10 THE WITNESS: The three bedroom
11 requirement is that you have a master bedroom on the
12 first floor and then you would have two bedrooms
13 upstairs. That's the typical -- I mean, you know,
14 yes, there are 55 and older units that are only two
15 bedrooms, like my mother-in-law lives in Montvale in
16 the Four Seasons, has a two bedroom unit, however,
17 that's one floor, that's one floor. And those units
18 are around 2,000 square feet on one floor.

19 Once you do two floors, to give the
20 look that you're doing, otherwise we would have a
21 very ranch-type of house look, you have extra walkway
22 space, you have stair space. You also have -- when
23 you go upstairs, it doesn't make sense to go upstairs
24 to get one bedroom. So really, you know, somebody
25 usually would make one into like a guest room, maybe

1 they'll have the other one for children, for
2 grandchildren, or maybe they'll use the other room
3 for some other use that they want, you know, like
4 pottery or display area or an office for the wife,
5 who knows, but three bedrooms is not all that
6 outlandish.

7 MR. CULHANE: Just for a definition of
8 55 and over, does that mean all the permanent
9 residents in the individual single family homes have
10 to be 55 or over?

11 THE WITNESS: Yes, you have to qualify
12 to be in the unit as 55 and older. It doesn't mean
13 you can't be older than 55, but you have to be 55
14 minimum.

15 MR. CULHANE: So, in other words, if a
16 couple brought a residence and they had a child or a
17 child under 55, they could not live there on a
18 permanent basis?

19 THE WITNESS: I think they can.

20 Andy?

21 I think they can.

22 MR. CULHANE: I'm trying to find out
23 what defines 55 and over.

24 MR. DEL VECCHIO: We will pull the
25 statutory requirement, and I will stipulate now that

1 we will comply with it, but I will pull it and bring
2 it back to the board.

3 MR. CULHANE: No further questions at
4 this time, Mr. Chairman.

5 MR. DEL VECCHIO: The one thing I will
6 note is there are certain communities that allow one
7 additional resident older than 18 to occupy, as long
8 as the primary principal residents are 55 and older,
9 but I have to double check whether that is done by
10 exception or by rule, which is why I can't give you a
11 direct answer tonight.

12 MR. CULHANE: I'll assume, once you
13 have the information, Mr. Regan will double check
14 who's on first.

15 MR. DEL VECCHIO: I would expect
16 nothing less.

17 MR. CULHANE: Thank you.

18 ACTING CHAIRMAN STEFANELLI: Mr.
19 Gruber.

20 MR. GRUBER: This is going to be an HOA
21 type development?

22 THE WITNESS: Well, yeah --

23 MR. GRUBER: The reason I ask is
24 because these houses are very tight together. As the
25 zoning officer, I'm going to get the phone calls as

1 soon as somebody moves in, they're going to want to
2 put a fence up, a generator in, a patio, a deck, a
3 shed to put their little gardening tools in.

4 MR. DEL VECCHIO: It's beyond Mr.
5 Montoro's scope, but I will answer the question.

6 The intent is to have a homeowners
7 association which will provide the garbage, the
8 snowplow, the landscaping, any outdoor maintenance
9 that is required on the property --

10 MR. GRUBER: Is there going to be
11 restrictions on that? I am sorry, I didn't mean to
12 interrupt.

13 MR. DEL VECCHIO: Well, the homeowners
14 association will control whether it's petunias or
15 marigolds that get planted, so in that regard, yes.

16 Would there be restrictions on any
17 additional improvements, like a shed or generator?

18 Yes.

19 MR. GRUBER: Okay. And any kind of
20 building modification on the exterior of the
21 building?

22 MR. DEL VECCHIO: Yes. As you can
23 tell, we've gone through great pains to design what
24 we think is the appropriate project, and learning
25 from our lessons of other projects, I fully

1 anticipated the board's desire not to relive it.

2 MR. GRUBER: Well, I also see people
3 saying that the house is beautiful the way it is and
4 then I wish I had a little more space inside, next
5 thing I know they're in the building department going
6 "I want to bump this out. I want to square this
7 off," your nice roof line, they want to dormer that
8 out because they want to squeak another bedroom up
9 there.

10 THE WITNESS: I don't think they'll be
11 able to do that.

12 MR. GRUBER: How is that going to be
13 controlled?

14 MR. DEL VECCHIO: I think the building
15 outside footprints are going to be set by whatever
16 approval this board might grant. If somebody wants
17 to come in and move an interior wall that doesn't
18 affect outside, we're probably not going to control
19 down to that level.

20 MR. GRUBER: But outside it will be in
21 the bylaws when you move in, this is what you get,
22 this is the way it's going to be, modification
23 outside is not going to be allowed.

24 MR. DEL VECCHIO: Correct.

25 MR. GRUBER: Or they'll be some

1 criteria that's agreed upon?

2 MR. DEL VECCHIO: Correct, and I would
3 fully expect, if there is an approval to be had,
4 then, you know, what I'll call the bylaws will have
5 to be reviewed by the board attorney as they have
6 been in the past to ensure they not only conform but
7 are appropriate to the testimony that was provided.

8 MR. GRUBER: Just trying to make it
9 clear to whoever buys these, what they're getting.

10 THE WITNESS: Right.

11 MR. GRUBER: That's all I have.

12 ACTING CHAIRMAN STEFANELLI: Mr.
13 Zitelli.

14 MR. ZITELLI: Just curious about the
15 need for a homeowners association, as opposed to
16 making -- this is more a question to you, Mr.
17 DelVecchio. Why wouldn't we make this conform to our
18 borough standards in the borough, take care of
19 everything? People pay taxes anyway.

20 MR. DEL VECCHIO: Well, first, you'll
21 hear testimony from Mr. Dipple that the road is fully
22 RSIS compliant. So it is a compliant road. We're
23 not doing private roadway for purposes of building a
24 less than standard road. We just anticipated that it
25 would be better to have private maintenance, private

1 snowplow and the like and garbage removal as a way to
2 minimize any impact on the community. We'd have no
3 objection if the borough wants to take over the road,
4 snowplow it and do the garbage collection. We just
5 were trying to package the application in the best
6 light.

7 MR. REGAN: I don't think the board
8 would really be in a position to compel that. I
9 think it would have to come from the governing body.
10 They present the application. It should be
11 appropriate.

12 MR. DEL VECCHIO: Yes, but, you know,
13 I'm always receptive to board comments. If there is
14 a strong opinion, I will take it under consideration.

15 MR. REGAN: But it will save your
16 client money.

17 MR. DEL VECCHIO: Once in a while that
18 may happen. It doesn't happen often.

19 MR. ZITELLI: I'm not proposing this
20 for the board, just from my personal point of view, I
21 feel more comfortable when the town takes care of
22 things than we have a private homeowners association.
23 You already heard on several of these things there
24 are issues with who's going to be cleaning out a
25 septic system or a drainage area, stormwater, right,

1 all those kinds of things, and it just bothers me.
2 You know, at least I know with the town, we're
3 responsible and we know our people who are
4 responsible for it. So in general, I'm opposed to
5 condo associations, I would much rather see the
6 borough doing it. This is just my opinion.

7 ACTING CHAIRMAN STEFANELLI: Mr.
8 Gruber, Four Seasons is private too, right?

9 MR. GRUBER: Yes.

10 MR. ZITELLI: I'm not saying it won't
11 work, but it just feels like to me, I feel more
12 comfortable if the town is going to do what it's
13 supposed to do, whereas a homeowners association,
14 it's only 16 families or 19 in total, right, 19
15 different folks would be running it, and if nobody
16 wants to step up and be in charge of the homeowners
17 association, now what? And that happens. I mean,
18 I'm familiar with this from other places where
19 somebody -- there's no guarantee that out of those
20 residents, those residents, somebody will want to be
21 in charge of the homeowners association.

22 Just a comment I'm making.

23 All right. I'm done.

24 ACTING CHAIRMAN STEFANELLI: Mr.
25 Lintner.

1 MR. LINTNER: I have no comments or
2 questions at this time. I'm fine. Thank you.

3 ACTING CHAIRMAN STEFANELLI: All right.

4 THE WITNESS: Thank you.

5 ACTING CHAIRMAN STEFANELLI: I don't
6 have any questions or comments.

7 MS. GREEN: I will hold my questions
8 until Mr. Montoro returns with revised plans.

9 MR. REGAN: If the engineer has any
10 questions.

11 Dipti, do you have any questions or
12 comments?

13 MS. SHETH: I have no questions or
14 comments.

15 ACTING CHAIRMAN STEFANELLI: I got a
16 few questions.

17 I didn't see basement plans. I didn't
18 see a print of a basement.

19 THE WITNESS: I could draw a basement
20 plan, but we stated it's going to be an unfinished
21 basement.

22 ACTING CHAIRMAN STEFANELLI: How do we
23 know what the size is? It's the full footprint?

24 THE WITNESS: It's the full footprint
25 of the first floor plan. It's the same footprint,

1 different walls.

2 ACTING CHAIRMAN STEFANELLI: I guess my
3 question to the engineer, isn't it completeness to
4 show the basement?

5 MR. REGAN: If there's going to be one,
6 it should be shown.

7 MR. DEL VECCHIO: We could add it to
8 the drawing.

9 ACTING CHAIRMAN STEFANELLI: Okay.

10 THE WITNESS: No problem.

11 ACTING CHAIRMAN STEFANELLI: Next
12 question.

13 Fifty-five and over, especially with
14 two-story, I usually see some kind of plan or
15 something, I'm not saying that you have to put in an
16 elevator, but usually they have two closets stacked
17 where you could put an elevator in a two-story home.
18 I'm wondering --

19 THE WITNESS: When we redesign that
20 affordable unit, we'll look into what we're going to
21 do with that. There's a couple different ways of
22 attacking that.

23 MR. DEL VECCHIO: I understand your
24 larger comment, Mr. Stefanelli. We'll take it under
25 advisement.

1 ACTING CHAIRMAN STEFANELLI: Thank you.
2 You mentioned age restricted, three are
3 rentals.

4 I don't have any other questions. I'd
5 like to make a motion to open to the public.

6 MR. REGAN: For questions of the
7 architect.

8 ACTING CHAIRMAN STEFANELLI: For
9 questions for the architect.

10 MR. CULHANE: So moved.

11 MR. LINTNER: Second.

12 ACTING CHAIRMAN STEFANELLI: Mr.
13 Culhane, Mr. Lintner.

14 All in favor?

15 (Chorus of ayes.)

16 ACTING CHAIRMAN STEFANELLI: Anybody
17 from the public would like to be heard, you know,
18 come up to the front, state your name, address for
19 the record.

20 MR. REGAN: Questions only now.

21 ACTING CHAIRMAN STEFANELLI: Questions.

22 MS. HUTTER: One second, I need to get
23 another mic.

24 MR. CICCHINO: Robert Cicchino.

25 Just a basic question about the

1 utilities. I mean, the town provides snow removal
2 and the garbage collection. What happens with the
3 taxes? Is that included in your taxes so you're
4 paying twice? You're paying privately and you're
5 paying the taxes also? How does that work out with
6 the town?

7 MR. REGAN: Taxes are paid. If they
8 have a homeowners association, they provide services,
9 they will have a monthly or quarterly assessment.

10 ACTING CHAIRMAN STEFANELLI:
11 Assessment.

12 MR. CICCHINO: I mean, do they get a
13 rebate from the town because they're paying it out of
14 their pocket and the town is not responsible for
15 doing that?

16 MR. REGAN: The town is responsible for
17 doing certain things, but if they have a homeowners
18 association that does other things like maintenance
19 and lawn cutting, the town doesn't reimburse them.

20 MR. CUCCHINO: No, I'm talking about
21 snow removal and garbage collection.

22 ACTING CHAIRMAN STEFANELLI: They're
23 taking care of that.

24 MR. REGAN: If it's a private road, the
25 town will not do snow removal.

1 MR. CICCHINO: My point is, if their
2 taxes are going to be taken out for that work, do
3 they get a rebate for that?

4 MR. REGAN: No.

5 MR. CICCHINO: So essentially they're
6 paying double?

7 MR. REGAN: Well, they're paying for
8 the service.

9 MR. CICCHINO: But there's no provision
10 to get a rebate for that?

11 MR. REGAN: No.

12 MR. ZITELLI: Wouldn't the town maybe
13 assess it a little differently?

14 MR. REGAN: That's beyond this board.
15 We have no involvement.

16 MR. CICCHINO: But you're following
17 what I'm saying, right?

18 ACTING CHAIRMAN STEFANELLI: Yes, we
19 follow.

20 MR. ZITELLI: Again, that's not
21 something that's under our control.

22 MR. CICCHINO: I just wanted to know
23 what your view on that was.

24 ACTING CHAIRMAN STEFANELLI: You have
25 to see the tax assessor for that.

1 MR. CICCHINO: Okay. That's my
2 question.

3 MS. STEPHANS: Debra Stephans, 4
4 Bayberry Drive.

5 I have some questions.

6 If you are doing an HOA, are they going
7 to be responsible for ensuring that there's going to
8 be 55 and up living on the premises?

9 MR. DEL VECCHIO: That's a question
10 beyond Mr. Montoro, but I will stipulate for the
11 record that would be a deed restriction in the
12 property and a zoning condition of approval that this
13 board would be --

14 MR. REGAN: Any approving resolution
15 would also be a developer's agreement which would be
16 recorded.

17 MS. STEPHANS: And someone is going to
18 check with HUD to make sure who's allowed to live on
19 the premises?

20 MR. REGAN: It will be, I assume,
21 bylaws and deed restrictions requiring at least one
22 occupant to be 55 and older. That's typically how it
23 works.

24 MS. STEPHANS: A footprint for the
25 affordable housing, is it the same footprint as the

1 single family home?

2 THE WITNESS: No, this is the
3 three-unit building. The single family home is only
4 one unit.

5 MS. STEPHANS: Is it the same outline?

6 THE WITNESS: No, it's totally
7 different.

8 MS. STEPHANS: Where is that located in
9 relation to the map?

10 THE WITNESS: The site?

11 MS. STEPHANS: Yes.

12 THE WITNESS: Well, the site engineer
13 will show that on his site plan, but in essence you
14 have a road that's a ring road, and you have all the
15 single family homes, and then there's a space, and
16 then there's the three-unit building. So they'll be
17 17 buildings, 16 one-family units and one
18 three-family building, so 17 buildings, one of which
19 is this three-unit building.

20 MS. STEPHANS: Thank you, because that
21 was going to be one of my questions. It was a little
22 confusing with regard to that.

23 THE WITNESS: Yes, because the
24 architect is testifying, and then you're going to
25 have a site engineer show you all that.

1 MS. STEPHANS: Okay. And you said that
2 they're all each going to have two-car garages,
3 correct?

4 THE WITNESS: All of the single family
5 homes will have two car garages. The three-unit
6 affordables will have a one car garage and a one car
7 garage, and the upper unit has two parking spaces.

8 MS. STEPHANS: The upper unit, the one,
9 the 800 square feet one?

10 THE WITNESS: The yellow unit in
11 between.

12 MS. STEPHANS: Okay. I think that's it
13 right now. Thank you.

14 THE WITNESS: Thank you.

15 MS. GREEN: Sharon Geerlof, 23 Spring
16 Valley Road.

17 Mr. Culhane brought this up. I'm
18 55 years old and I have a 16-year-old son. If my
19 husband passes away --

20 MR. REGAN: This is time for questions.

21 MS. GEERLOF: I know. I'm going to ask
22 a question.

23 I have a 16-year-old son. I'm 55. I
24 go and I start and I live in this place. Is my
25 16-year-old going to be allowed to live there and if

1 he does, how does he cross the street to go to Hills
2 or if I have a ten-year-old, how do they get to
3 Fieldstone? Where are the entrances going to be so
4 that when children end up living in this place, that
5 they're safe getting across the street?

6 MR. DEL VECCHIO: That's beyond Mr. --

7 MR. REGAN: I don't think the architect
8 can answer that.

9 MS. GEERLOF: And maybe this is later
10 on, but that's a big question.

11 THE WITNESS: That will be the site
12 engineer's testimony.

13 MS. GEERLOF: Okay. I'll be up again.

14 ACTING CHAIRMAN STEFANELLI: Anybody
15 else?

16 MR. GEERLOF: Robert Geerlof, 23 Spring
17 Valley Road.

18 Our house is literally across the
19 street from this development. We are 120 feet from
20 my property and literally it's across the street so I
21 got a few questions.

22 No. 1. Amenities, are there any
23 amenities other than a gazebo for 55 and older?
24 Because my mother-in-law lives in Waldwick, and they
25 have a pool, they have tennis courts, the community

1 center. I don't understand how you build a senior
2 center, senior development with nothing.

3 THE WITNESS: It's not a senior center.
4 It's single family homes.

5 MR. GEERLOF: But is there anything
6 else other than the gazebo?

7 THE WITNESS: There is green area, lots
8 of green space. You know, in the middle there's a
9 lot of space. There's walkways. I mean, every 55
10 and older community doesn't have pools and all that
11 stuff.

12 MR. GEERLOF: So parking, you're saying
13 two parking spaces per. Where is the extra for the
14 people for holidays, birthday party?

15 ACTING CHAIRMAN STEFANELLI: I believe
16 that's --

17 THE WITNESS: That will be part of the
18 site engineer's testimony.

19 ACTING CHAIRMAN STEFANELLI: And the
20 traffic.

21 MR. GEERLOF: Thank you.

22 The entrance looks like that you can't
23 make the left coming down Spring Valley Road. Is
24 that true?

25 MR. DEL VECCHIO: That's a question

1 for --

2 THE WITNESS: I haven't testified to
3 that.

4 MR. GEERLOF: These are all questions
5 that are coming.

6 Is there anything in your buildings
7 that have for electric cars down the road, that
8 people are buying electric cars? Do you have the
9 adaptors in the building to have for electric cars?

10 THE WITNESS: We haven't discussed
11 that. It might be an option. Maybe it will be an
12 option for each homeowner to select that.

13 MR. GEERLOF: So we have to make sure
14 we have enough electricity to handle that, correct?

15 THE WITNESS: Of course.

16 MR. GEERLOF: You said the house
17 association is going to be handling this and you have
18 to have that in play. So I don't know if you are the
19 board that deals with it, but it has to be in play to
20 be able to know exactly who's going into the
21 building, correct?

22 MR. DEL VECCHIO: I'm not sure I
23 understand the question you've asked.

24 MR. GEERLOF: Well, you're going to
25 tell everybody who's going to buy a house and then

1 rent an apartment that there has to be an association
2 who's managing and taking care of who's not throwing
3 out the garbage, who's not picking up, who's trying
4 to build something when he comes around and says you
5 can't do that, is the board going to be able to see
6 that?

7 MR. DEL VECCHIO: Those are all deed
8 restrictions that are recorded in the chain of title
9 that are setup as conditions prior to you buying, so
10 you would know before you bought that those
11 conditions exist.

12 MR. GEERLOF: And the other thing, is
13 there a name on this road?

14 MR. DEL VECCHIO: The road has not been
15 named.

16 MR. GEERLOF: Will it be named?

17 MR. DEL VECCHIO: I assume the post
18 office and the borough will require a name. There is
19 a process within the borough for names to be
20 selected, and if we get there, we will make a
21 selection.

22 MR. GEERLOF: So then the name is going
23 to be taken off as a Spring Valley address, a new
24 road is going to be made, is going to be driven up,
25 and none of the houses technically were facing out of

1 Spring Valley, now they're facing in, because should
2 not they be facing out at Spring Valley? I know this
3 is a new development, but shouldn't -- because in
4 Park Ridge, they did the same thing. On Pascack
5 Road, they had a development and two of the houses
6 that were built on Pascack Road needed to be faced
7 out, not in, because they wanted to see the frontage
8 of the house, not the back of the house.

9 MR. DEL VECCHIO: That's an entirely
10 different development by Mr. Foster, who had a whole
11 bunch of different issues as to why those houses were
12 --

13 MR. GEERLOF: I'm glad you know about
14 it, but this is the idea of people knowing that. Mr.
15 Foster --

16 MR. DEL VECCHIO: This one is a totally
17 different project than the one in Park Ridge.

18 MR. GEERLOF: I think that's all I
19 have, but I will be coming back again.

20 ACTING CHAIRMAN STEFANELLI: Any other
21 questions for the architect?

22 MS. ARNOLD: Cynthia Arnold. I'm 34
23 Spring Valley Road.

24 Now, according to what I have seen
25 here, there's one unit that's way towards Spring

1 Valley Road. Okay?

2 THE WITNESS: We're only doing
3 architecture now. The site engineer hasn't even
4 started this testimony.

5 MS. ARNOLD: Did you do any of the
6 landscaping?

7 THE WITNESS: No, site engineering.

8 MS. ARNOLD: Because that is an
9 easement that the county has. So you're putting a
10 house very close to an easement.

11 ACTING CHAIRMAN STEFANELLI: That will
12 be addressed by the engineer.

13 MS. ARNOLD: Okay. I'll be back.

14 Thank you.

15 VICE CHAIRMAN STEFANELLI: Anybody
16 else?

17 (No response.)

18 MR. LINTNER: I make a motion that we
19 close the meeting to the public.

20 MR. ZITELLI: Second.

21 ACTING CHAIRMAN STEFANELLI: Mr.
22 Lintner and Mr. Zitelli.

23 All in favor?

24 (Chorus of ayes.)

25 MR. REGAN: This application will be

1 carried to November 1st.

2 MS. HUTTER: It will be carried to the
3 next meeting of November 1st.

4 MR. REGAN: Two weeks from today.

5 (Time noted: 11:04 p.m.)

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C E R T I F I C A T I O N

I, KIM O. FURBACHER, License No. XIO1042, a Certified Court Reporter, Registered Diplomate Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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