

BOROUGH OF MONTVALE  
 PLANNING BOARD  
 TUESDAY, SEPTEMBER 5, 2023  
 COMMENCING AT 7:31 P.M.

.....  
 IN THE MATTER OF: :  
 AR Landmark Montvale : TRANSCRIPT  
 One Sony Drive : OF  
 Block: 3302, Lot: 1 : PROCEEDING  
 Variance Application and Amended Site :  
 Plan :  
 .....

B E F O R E:

BOROUGH OF MONTVALE PLANNING BOARD  
 THERE BEING PRESENT:  
 JOHN DEPINTO, CHAIRMAN  
 FRANK STEFANELLI, VICE CHAIRMAN  
 ROBERT ZITELLI, ENVIRONMENTAL COMMISSION LIAISON  
 CHRIS GRUBER, CONSTRUCTION OFFICIAL/ZONING OFFICER  
 JOHN CULHANE, MEMBER  
 DIETER KOELLING, COUNCIL LIAISON  
 WILLIAM LINTNER, MEMBER  
 DANTE TEAGNO, MEMBER  
 JOHN RYAN, MAYOR'S DESIGNEE  
 JAVID HUYSNOV, ALTERNATE I

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1     A L S O     P R E S E N T :

2

3     LORRAINE HUTTER, BOARD SECRETARY

4     DARLENE GREEN, PP, BOROUGH PLANNER

5     ANDREW HIPOLIT, PE, BOARD ENGINEER

6     JOHN KURZ, FIRE OFFICIAL

7

8     A P P E A R A N C E S :

9     ROBERT REGAN, ESQUIRE

Counsel to the Board

10

11     DAY PITNEY, LLP

BY:   PETER WOLFSON, ESQUIRE

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Parsippany, New Jersey 07054-2891

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Counsel to the Applicant

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16				
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18	B-1	Review Letter of Mr. Hipolit		
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1                   CHAIRMAN DEPINTO: The regular meeting  
2 of the Montvale Planning Board has come to order.  
3 Everyone please stand for the Pledge of Allegiance.

4                   (Whereupon, all rise for a Recitation  
5 of the Pledge of Allegiance.)

6                   CHAIRMAN DEPINTO: Notice requirements  
7 of the law have been satisfied. Meeting dates and  
8 times were published in two newspapers, in this case  
9 The Bergen Record and The Ridgewood News of this  
10 regular meeting of the Montvale Planning Board, which  
11 is held on the first and third Tuesday of each month.  
12 Dates and times of these meetings are posted on the  
13 bulletin board.

14                   Can I have a roll call, please?

15                   MS. HUTTER: Mr. Culhane?

16                   MR. CULHANE: Here.

17                   MS. HUTTER: Mr. Gruber?

18                   MR. GRUBER: Here.

19                   MS. HUTTER: Councilmember Koelling?

20                   COUNCILMEMBER KOELLING: Here.

21                   MS. HUTTER: Mr. Lintner?

22                   MR. LINTNER: Here.

23                   MS. HUTTER: Mr. Ryan?

24                   MR. RYAN: Here.

25                   MS. HUTTER: Mr. Stefanelli?



1 VICE CHAIRMAN STEFANELLI: Here.

2 MS. HUTTER: Mr. Teagno?

3 MR. TEAGNO: Here.

4 MS. HUTTER: Mr. Zitelli?

5 (No response.)

6 MS. HUTTER: Mr. Huysenov?

7 MR. HUYSENOV: Here.

8 MS. HUTTER: Chairman DePinto?

9 CHAIRMAN DEPINTO: Here.

10 (Whereupon, the board conducts agenda  
11 items.)

12 CHAIRMAN DEPINTO: Okay. Let's go onto  
13 the public hearing on Block 3302, Lot 1, AR Landmark  
14 Montvale, One Sony Drive, variance application and  
15 amended site plan.

16 MR. WOLFSON: Good evening,  
17 Mr. Chairman.

18 CHAIRMAN DEPINTO: Good evening.

19 MR. WOLFSON: Board Members, Board  
20 Professionals, Peter Wolfson of the firm of Day  
21 Pitney.

22 And I ask for your indulgence in  
23 advance, I prepared very diligently for tonight's  
24 presentation, but I can't get the cookies out of my  
25 head. So if I stumble or crumble, you'll understand.

1 (Laughter.)

2 CHAIRMAN DEPINTO: That was very good.

3 MR. WOLFSON: Thank you.

4 CHAIRMAN DEPINTO: You get some points  
5 for that one.

6 MR. WOLFSON: Thank you.

7 Can only go downhill from there.

8 (Laughter.)

9 MR. WOLFSON: In any event, you're all  
10 aware of the site. You're all aware of the project,  
11 the approval from 2019. Construction is well  
12 underway. Hoping to have first occupancy as early as  
13 the end of October. Working hand in hand with all  
14 the municipal officials on everything from fire,  
15 police, construction issues, affordable housing  
16 compliance.

17 And we're here with you tonight for a  
18 couple of reasons. One was just to give you a heads  
19 up on three minor issues for health safety; adding a  
20 transformer, a generator and some electric vehicle  
21 chargers. All of which have been reviewed by your  
22 professionals. The transformer and the generator are  
23 totally shielded as reflected in Ms. Green's review  
24 memo.

25 The fourth item that we're before you

1 for and we'd like to present some testimony on, is a  
2 modification to the site plan to add a parking lot  
3 that is bisected by the municipal property line and  
4 this is -- this along with the other items has been  
5 the subject of two site plan review committee  
6 meetings. The first time we came in, it was the  
7 direction of the chairman that we not deal with the  
8 parking lot issue until we had it approved in Park  
9 Ridge.

10 So we went and we got our approvals in  
11 Park Ridge in January of this year and then came back  
12 for an update TRC and that brings us to tonight's  
13 discussion.

14 The addition of the parking lot does  
15 not create any variances of any sort, doesn't take us  
16 over the maximum coverage or any other issue.

17 You may recall that we complied with  
18 both the ordinance and RSI requirements for Montvale  
19 for parking. This will only potentially serve as  
20 additive of that.

21 In addition to adding some parking, it  
22 creates new accessways and throughways between the  
23 two portions of the project which will aid in  
24 emergency service access and our engineer, Adam  
25 Westenberger who's here with me tonight will lead you

1 through that aspect of the plan.

2 As I said, we received your planner,  
3 Ms. Green's review memorandum dated August 23, 2023;  
4 we've got Mr. Hipolit's review memorandum of  
5 September 1, 2023; the police department memo of  
6 August 16, 2023; and the fire department memo, dated  
7 August 11, 2023.

8 Ms. Green asked us to address a few  
9 issues and Adam is going to address those as  
10 efficiently as we can.

11 Additionally, we had the opportunity to  
12 talk to the chief on one of the breaks earlier and  
13 believe we're in good shape on any of the issues he  
14 identified.

15 So other than the issues where we're  
16 going to provide some testimony, we can comply with  
17 all of those memorandum.

18 MR. REGAN: All four?

19 MR. WOLFSON: All four.

20 We received Bergen County Planning  
21 Board approval on this plan by their approval dated  
22 March 27, 2023.

23 MR. REGAN: What's the date of that,  
24 the 27th?

25 MR. WOLFSON: March 27th, 2023,

1 correct.

2 So with that, I appreciate the  
3 indulgence.

4 How did I do?

5 CHAIRMAN DEPINTO: Well.

6 MR. WOLFSON: Okay. So I'm going to  
7 call Adam Westenberger and ask that he be sworn in.

8 MR. HIPOLIT: I just had one question.  
9 So the county planning board approved the plans last  
10 revised 8/7/23.

11 MR. WESTENBERGER: Yes.

12 MR. REGAN: Counsel, I'm going to swear  
13 in the witness along with Mr. Hipolit and Ms. Green.

14 Will you all raise your right hand. Do  
15 you swear or affirm that the testimony you'll give in  
16 this proceeding shall be the truth, so help you God?

17 MR. HIPOLIT: I do.

18 A N D R E W H I P O L I T, P.E.,

19 101 Crawfords Corner Road, Suite 3400, Holmdel,  
20 New Jersey, having been duly sworn, testifies as  
21 follows:

22 MS. GREEN: I do.

23 D A R L E N E G R E E N, P.P.,

24 101 Crawfords Corner Road, Suite 3400, Holmdel,  
25 New Jersey, having been duly sworn, testifies as

1 follows:

2 MR. WESTENBERGER: I do.

3 A D A M W E S T E N B E R G E R, P.E.,

4 1904 Main Street, Lake Como, New Jersey, having

5 been duly sworn, testifies as follows:

6 MR. REGAN: Let the record reflect that  
7 the Borough Engineer and Planner were duly sworn.

8 Sir, can I have your full name, please?

9 MR. WESTENBERGER: Adam Westenberger,  
10 W-E-S-T-E-N-B-E-R-G-E-R.

11 MR. REGAN: You're a P.E., is that  
12 correct?

13 MR. WESTENBERGER: I'm sorry?

14 MR. REGAN: You're a P.E.?

15 MR. WESTENBERGER: Yes, I'm a --

16 MR. REGAN: I think you were previously  
17 here on the application.

18 MR. WESTENBERGER: Yes, I've been in  
19 front of this board before.

20 MR. REGAN: I think on this very  
21 application.

22 MR. WESTENBERGER: Yes.

23 MR. REGAN: I recommend he be deemed  
24 qualified without any further testimony.

25 CHAIRMAN DEPINTO: Thank you.

1 The Chair accepts the recommendation.

2 Counsel, please continue.

3 MR. WOLFSON: Thank you.

4 DIRECT EXAMINATION

5 BY MR. WOLFSON:

6 Q. You heard me refer to the new proposed  
7 parking area.

8 Can you just point that out and explain  
9 what that exhibit on the easel is?

10 A. Sure.

11 So this is an exhibit. It's named the  
12 "Site Plan Rendering." It's dated today's date,  
13 September 5th, 2023.

14 I'm going to mark it as Exhibit A-1.  
15 And it's just a color -- a color rendering, colorized  
16 -- partially colorized rendering of the site plan  
17 that was submitted for this application that  
18 indicates where the new improvements that are  
19 different from the previous application are proposed.

20 (Whereupon, Site Plan Rendering, dated  
21 September 5, 2023 is marked as Exhibit A-1 for  
22 identification.)

23 BY MR. WOLFSON:

24 Q. So show us where the parking area is.

25 A. So north is up on this -- on this

1 exhibit (indicating).

2 And the proposed parking area is the  
3 largest area of color you see here (indicating) that  
4 I'm directing to, just to the south of the already  
5 constructed, but previously approved building.

6 Q. Okay. And I see another shaded area  
7 below that to the south.

8 What does that represent?

9 A. Yeah, so they are -- there are four  
10 total interconnection points between Park Ridge and  
11 Montvale. That's the southern most interconnection  
12 point between the existing parking lot, previously  
13 approved parking lot and the proposed development  
14 within Park Ridge.

15 There are two connection points within  
16 the parking lot that we've already referenced and  
17 then there's a connection point just to the north of  
18 that in the center of the development that connects  
19 to the new proposed Park Ridge as well.

20 So those four connection points are  
21 colored on this exhibit.

22 Q. And those connection points including  
23 the new ones will facilitate emergency service access  
24 and circulation throughout the site?

25 A. Correct.



1 CHAIRMAN DEPINTO: Just before you go  
2 any further, just a question.

3 Were you the design engineer on the  
4 Park Ridge project?

5 THE WITNESS: Yes.

6 CHAIRMAN DEPINTO: Okay. And with  
7 respect to the parking in Park Ridge, was your plan  
8 compliant, your approved Park Ridge plan, was that  
9 compliant with the parking space requirement of that  
10 Borough.

11 THE WITNESS: Yes.

12 CHAIRMAN DEPINTO: So you do meet all  
13 parking requirements in Park Ridge. This is not just  
14 to make up any shortage that may have been there?

15 THE WITNESS: Correct.

16 CHAIRMAN DEPINTO: Okay.  
17 Please continue.

18 MR. WOLFSON: I don't believe I have  
19 any further questions for Adam.

20 BY MR. WOLFSON:

21 Q. Adam, do you have anything else you  
22 want to say?

23 We should get to --

24 A. I'll just quantify the parking spaces.

25 Q. We should get to Darlene's memo.

1 CHAIRMAN DEPINTO: We'll get to that in  
2 a second.

3 THE WITNESS: I just want to quantify  
4 that that would be 20 new parking spaces in Montvale  
5 in that parking area, we should just quantify that.

6 Otherwise, I think we can get to -- I  
7 don't have anything else.

8 CHAIRMAN DEPINTO: So the primary goal  
9 when you the revise the Montvale plan was to provide  
10 better access for emergency vehicles.

11 THE WITNESS: Yes.

12 CHAIRMAN DEPINTO: And while doing so,  
13 pick up additional parking.

14 THE WITNESS: Correct.

15 CHAIRMAN DEPINTO: That's the sole  
16 goal.

17 THE WITNESS: Yes.

18 CHAIRMAN DEPINTO: Before we get to  
19 Darlene, let's go to Andy and Andy, you have a review  
20 letter.

21 MR. REGAN: Let's mark Andy's report as  
22 B-1.

23 That's dated September 1st.

24 (Whereupon, Review Letter of

25 Mr. Hipolit dated September 1, 2023 is marked

1 as Exhibit B-1 for identification.)

2 CHAIRMAN DEPINTO: Andy, could you  
3 summarize your review letter?

4 MR. HIPOLIT: I can.

5 It's dated September 1st.

6 So they -- as they said, they're  
7 proposing a generator, a transformer and EV parking  
8 spaces inside of the existing spaces. So we take no  
9 exception. We basically think they're de minimis, if  
10 not no issue.

11 The parking, we thought, it should come  
12 to the board just so you can see it, hear the  
13 difference between Park Ridge's requirements for  
14 parking, ours to make sure there's no cross parking,  
15 which there is not.

16 Even though, I'll say it, we do support  
17 the increased access between the site, you know, that  
18 is a benefit.

19 The only question I have for the  
20 applicant which is not in my letter: The changes  
21 you've made on this site cause no difference in the  
22 detention system design?

23 THE WITNESS: No, actually this new  
24 parking area all flows into Park Ridge. There's a  
25 detention system located within the lot and then all

1     that water goes into Park Ridge where it's all  
2     managed and meets the requirements there.

3                     So there's actually less water overall  
4     going to the previous design basically.

5                     MR. HIPOLIT:  It requires no changes to  
6     the --

7                     THE WITNESS:  No changes, correct.

8                     MR. HIPOLIT:  That's all I have,  
9     Mr. Chairman.

10                    CHAIRMAN DEPINTO:  So if I were to park  
11     in the new parking area that was not part of the  
12     previously approved plan, what would be my best route  
13     to egress from that parking area?

14                    THE WITNESS:  Over the surface parking  
15     in whatever direction.

16                    So if you were going to the Montvale  
17     building, there's surface parking in the drive aisles  
18     that you can cross, there's a crosswalk that's  
19     previously approved in the center of this drive aisle  
20     here that services the parking lot that was  
21     previously approved that can be crossed or if you're  
22     going into Montvale there's a sidewalk -- I'm sorry,  
23     going into Park Ridge there's a sidewalk directly  
24     adjacent to this parking area that then filters into  
25     the rest of the sidewalks that circulate the Park

1 Ridge site.

2 CHAIRMAN DEPINTO: And to get off of  
3 the site to get back out onto the main road I'd  
4 merely have to travel in a northerly direction.

5 Is that correct?

6 THE WITNESS: Correct, yes.

7 CHAIRMAN DEPINTO: I don't have to  
8 drive into Park Ridge in order to exit?

9 THE WITNESS: No, all -- all driveways  
10 have two-way circulation, so that's not necessary.

11 CHAIRMAN DEPINTO: I'm sorry, what?

12 THE WITNESS: All the driveways have  
13 two-way circulation, that's not necessary.

14 Everything you can go back to the  
15 north.

16 CHAIRMAN DEPINTO: Okay. Why don't we  
17 start -- John, do you have questions?

18 MR. CULHANE: I just have one question.  
19 Is there any impact on coverage with the various  
20 improvements you provided?

21 THE WITNESS: Yeah, there's an increase  
22 in impervious coverage on the overall site and still  
23 within the ordinance limits.

24 We do not create any new variances for  
25 same and the new impervious coverage, all the

1 stormwater is handled by a proposed pervious pavement  
2 basin, which treats and stores the water as needed to  
3 comply with the DEP requirements and that water, the  
4 new impervious coverage, all of it goes into Park  
5 Ridge and is captured and directed that way.

6 So it's all part of the Park Ridge site  
7 plan approved design. So there's no impact, no  
8 negative impact, no impacts.

9 MR. HIPOLIT: So just one question. So  
10 that's actually a good point. They had this issue at  
11 Lifetime Fitness they have a pervious pavement area,  
12 which is in Montvale.

13 So there needs to be, Bob, some  
14 language that they need to keep that free and clear  
15 of, you know, deicing materials, such as sand.

16 In our Montvale Lifetime Fitness  
17 project, it got clogged up with sand --

18 MR. REGAN: The drainage facility.

19 MR. HIPOLIT: Yeah, they should only  
20 use salt on that, not sand.

21 THE WITNESS: I don't believe you're  
22 supposed to use either. We have a maintenance plan.

23 MR. HIPOLIT: Yeah, as long as you have  
24 a maintenance plan, you should submit it with your  
25 application to Bob, make sure you're compliant with

1 it so zoning or Chris can enforce it.

2 MR. REGAN: Okay. Can you give me the  
3 wording for this?

4 MR. WOLFSON: And we're fine to do  
5 whatever you want us to do on that front.

6 CHAIRMAN DEPINTO: Now, where is this  
7 pervious pavement?

8 THE WITNESS: This white crosshatching  
9 that's here in these first three spaces to the  
10 northerly edge of the -- of the proposed parking area  
11 we're discussing.

12 So this crosshatch over the colored  
13 area here (indicating).

14 CHAIRMAN DEPINTO: And if you were not  
15 permitted to use the pervious pavement, but instead  
16 to use normal pavement, what would that do to your  
17 coverage?

18 THE WITNESS: We would have to get  
19 another creative stormwater solution. We've  
20 originally did not have any --

21 CHAIRMAN DEPINTO: Because we had,  
22 correct me if I'm wrong --

23 MR. HIPOLIT: It's not a coverage  
24 issue, it's a stormwater issue for that.

25 Their coverage is fine with or without

1 it. They can count it as impervious for coverage.  
2 The new stormwater regs, which are prior, before  
3 this. This was approved before this. They need it  
4 now.

5 CHAIRMAN DEPINTO: Didn't we have quite  
6 a problem with Lifetime?

7 MR. HIPOLIT: They solved it by  
8 following their maintenance plan.

9 That's why I said, they need to submit  
10 their maintenance plan to make sure they don't clog  
11 it up with -- Lifetime clogged it up with sand.  
12 Their vendors sanded the whole lot and they had to  
13 vacuum it out.

14 CHAIRMAN DEPINTO: Well, why wouldn't  
15 you just design it without it.

16 MR. HIPOLIT: The --

17 CHAIRMAN DEPINTO: If it's not a -- I  
18 remember in Lifetime there was a coverage question  
19 and we permitted it not to violate the coverage  
20 requirements.

21 MR. HIPOLIT: Correct.

22 CHAIRMAN DEPINTO: Why would we not  
23 just use regular pavement and deal with the  
24 stormwater runoff in an appropriate manner?

25 MR. HIPOLIT: So since the --



1                   CHAIRMAN DEPINTO: Because I can't see  
2 someone standing out there in the middle of the night  
3 making sure that salt is being put down and not sand.

4                   MR. HIPOLIT: So since the -- this was  
5 approved, when they were approved, it was under  
6 different DEP regs.

7                   CHAIRMAN DEPINTO: No, I understand.

8                   MR. HIPOLIT: They changed.

9                   So now they have to use more green  
10 innovative technology or stormwater, and pervious  
11 pavement is one of the solutions to that  
12 unfortunately.

13                  CHAIRMAN DEPINTO: So --

14                  VICE CHAIRMAN STEFANELLI: Didn't we  
15 have to do that at Montvale? Didn't we have to do it  
16 on Spring Valley Road just because they changed the  
17 regs?

18                  CHAIRMAN DEPINTO: Pervious --

19                  MR. HIPOLIT: You're going to see a lot  
20 more -- you're going to see a lot more of it.

21                  VICE CHAIRMAN STEFANELLI: I know it  
22 just didn't --

23                  (Simultaneous Speaking.)

24                  CHAIRMAN DEPINTO: The pervious payment  
25 [sic] --

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VICE CHAIRMAN STEFANELLI: -- get a feel  
for me.

4

5

CHAIRMAN DEPINTO: -- pavement --  
pavement is mandated by whom?

6

7

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10

MR. HIPOLIT: It's the DEP. It's under  
the new stormwater regs, it cited green technology it  
drains into it, it causes infiltration to the ground  
first before it runs off into some type of detention  
system.

11

12

13

14

CHAIRMAN DEPINTO: So, Peter, what  
assurance does the Borough have that the property  
owner will maintain this properly so that we don't  
have a problem similar to what we had at Lifetime?

15

16

17

18

MR. HIPOLIT: Before you answer that,  
so you should make them, which I believe they have to  
do anyway, file their maintenance plan as part of a  
deed restriction.

19

20

MR. REGAN: That will be a condition of  
approval.

21

22

23

24

Have to be approved by you.

MR. HIPOLIT: Correct.

I'm not too sure what Chris has from a  
zoning perspective to enforce it.

25

MR. WOLFSON: It's always been the case

1 on stormwater systems that there's an O&M manual  
2 that's submitted, reviewed, approved and is  
3 conditioned that we comply with.

4 CHAIRMAN DEPINTO: And, Chris, you have  
5 the resources to monitor and enforce this.

6 MR. GRUBER: Yeah.

7 MR. HIPOLIT: He would call us if he --  
8 if he sees a problem where there's water, it's icing  
9 up, he'd call us, we'd look at it and maybe help  
10 enforce it.

11 MR. GRUBER: That's what I will likely  
12 do whenever there's any kind of parking lot, the  
13 first thing I do is either call Andy or somebody in  
14 his office and discuss it and they would tell me what  
15 --

16 CHAIRMAN DEPINTO: I'm just saying if  
17 there is an alternative to this, it seems to me --

18 VICE CHAIRMAN STEFANELLI: No, I don't  
19 -- I don't know, John, I see it at Wegmans, it really  
20 works well.

21 When I see it raining out there, I see  
22 that most of the parking lot is sheeting water and  
23 where the pervious pavement is, you can walk on it  
24 and there's no water laying on it.

25 CHAIRMAN DEPINTO: So long as --

1                   VICE CHAIRMAN STEFANELLI: It works  
2     good.

3                   CHAIRMAN DEPINTO: As long as we have a  
4     way to ensure the maintenance.

5                   That's all.

6                   MR. HIPOLIT: We would have the  
7     authority --

8                   MR. REGAN: Well, the manual that's the  
9     enforcement tool.

10                  MR. HIPOLIT: Correct, it's required.

11                  CHAIRMAN DEPINTO: You're okay with  
12     that?

13                  MR. REGAN: Yeah.

14                  We can cover that.

15                  CHAIRMAN DEPINTO: I'm sorry, John.

16                  MR. CULHANE: Yeah.

17                  Well, I was going to make an  
18     observation, if I may, I remember when we had our  
19     hearing the neighbors of Woodcliff Lake were voicing  
20     concerns about our sight lines and tonight I see, for  
21     the first time in my mind anyway, how close the  
22     buildings are to the Woodcliff property line.

23                  So I'm just curious, they must be in a  
24     state of shock with what Park Ridge is doing.

25                  No other comments.

1 MR. REGAN: 448 versus 185.

2 CHAIRMAN DEPINTO: Yup.

3 VICE CHAIRMAN STEFANELLI: Times are  
4 changing.

5 CHAIRMAN DEPINTO: All right. Let's  
6 move on.

7 John Kurz, what do you have on this?

8 MR. KURZ: It was -- they discussed it  
9 with the chief already.

10 I have the letter. I approve what  
11 chief wants and it goes by the fire code of  
12 Chapter 5, so I'm okay with everything.

13 CHAIRMAN DEPINTO: Okay. Chris.

14 MR. GRUBER: I have nothing on this.

15 CHAIRMAN DEPINTO: Okay.

16 Frank?

17 VICE CHAIRMAN STEFANELLI: I have  
18 nothing, but the building looks attractive.

19 I was concerned, but...

20 CHAIRMAN DEPINTO: Dieter?

21 COUNCILMEMBER KOELLING: No questions.

22 MR. ZITELLI: Just one question.

23 No new variances are being created as a  
24 result of any of the changes you're making, that's my  
25 understanding.

1 THE WITNESS: Yes.

2 MR. ZITELLI: I have no other  
3 questions, Mr. Chairman.

4 CHAIRMAN DEPINTO: Okay.  
5 Bill?

6 MR. LINTNER: Just a comment, it seems  
7 like the only advantage to the southernmost crossover  
8 or the southernmost access seems to be -- I mean,  
9 it's for circulation of emergency vehicles I guess is  
10 the whole key, but I don't see any advantage to the  
11 residents in Montvale with that crossover.

12 It seems to me it would provide a  
13 logical overflow parking to the Park Ridge people.  
14 They're the ones who are next to it.

15 So I'm wondering, can we make that an  
16 emergency vehicle only driveway or sometimes we'll  
17 put the -- what the half grass and half pavers in so  
18 emergency vehicles -- to me the only -- the only  
19 advantage to the Montvale side is getting emergency  
20 vehicles around that side. I don't see any advantage  
21 to Montvale for having that.

22 MR. WOLFSON: If I may, my client  
23 informed me and I should have thought of this,  
24 garbage truck pickups and circulation will also  
25 benefit from that.

1 MR. LINTNER: That's my only comment.

2 I have no questions.

3 That was just a comment I had.

4 Thank you.

5 CHAIRMAN DEPINTO: Yeah.

6 Andy, do you have a comment on that?

7 MR. HIPOLIT: Increasing access point,  
8 I mean, we know it's one site even though it's two  
9 towns.

10 Increasing access points across  
11 benefits everybody from emergency services to Park  
12 Ridge to just access for the residents that live  
13 there.

14 So I'm in favor of it.

15 CHAIRMAN DEPINTO: Let's move on to  
16 Darlene's review letter.

17 MR. REGAN: B-2. August 23rd.

18 (Whereupon, Review Letter of Ms. Green,  
19 dated August 23rd is marked as Exhibit B-2 for  
20 identification.)

21 CHAIRMAN DEPINTO: Darlene, could you  
22 summarize your technical review letter?

23 MS. GREEN: Yes.

24 CHAIRMAN DEPINTO: Of August 23rd.

25 MS. GREEN: I can.

1 I am in agreement with the applicant  
2 team that they haven't triggered any new variances or  
3 waivers with the changes that they're proposing.

4 I did ask a few questions in my letter,  
5 which I think Mr. Wolfson was alluding to.

6 One of my questions was regarding these  
7 new cross access drives. If it's going to require  
8 any sort of access utility maintenance or other  
9 easements? And so that's one of my questions.

10 I don't know if we want to go point by  
11 point. We can just cross them off the list.

12 THE WITNESS: We can go point by point,  
13 yeah.

14 All right. So Comment D(1) under  
15 "General" was asking if there is any new easements as  
16 you just stated.

17 So there's going to be cross access  
18 easements between the two properties. They're under  
19 common ownership. That was always the case whether  
20 there -- there was already interconnections proposed  
21 between -- there's already the one interconnection,  
22 the northern most site proposed. So this is going to  
23 fall under the same easements.

24 MR. WOLFSON: But there will be no  
25 amendments or changes necessary in connection with



1     what's before them tonight?

2                     THE WITNESS:   Correct.

3                     MR. WOLFSON:   Thank you.

4                     MS. GREEN:    So the documents won't be  
5     amended, the existing documents?

6                     MR. WOLFSON:   The easements.

7                     MS. GREEN:    Correct.

8                     MR. WOLFSON:   Correct.

9                     MS. GREEN:    Okay.

10                    THE WITNESS:   Comment D(2) is regarding  
11     any changes.

12                    MR. WOLFSON:   Why don't you let her  
13     just ask the questions.

14                    THE WITNESS:   I'm sorry.

15                    MS. GREEN:    That's okay.

16                    You can go to D(2).

17                    THE WITNESS:   No, that's okay.

18                    MS. GREEN:    About the water, electric,  
19     drainage and any other utility easements?

20                    THE WITNESS:   Yes.

21                    So the -- there was an electric  
22     easement that was related to the transformers.

23                    Its precise location was confirmed with  
24     the location of the transformers with the electric  
25     utility company.   So that is part of these plans.

1                   There's no more proposed changes there,  
2     but that's confirmed where the location of that  
3     easement is. There's no other changes to the other  
4     easements.

5                   MS. GREEN: Excellent.

6                   Thank you.

7                   When we looked at your plans under  
8     Item No. 3 of my letter, we found a discrepancy in  
9     the lot coverage. If your application is approved,  
10    can you guys look at that and confirm?

11                  THE WITNESS: I'm going to fix the  
12    discrepancy and I want to see what the approved  
13    number was so I can make sure that matches.

14                  MS. GREEN: Okay. Thank you.

15                  Then we can move down to Comment No. 5.  
16    I had a question about snow storage because of the  
17    new access points and the elimination of the  
18    cul-de-sac bulb.

19                  Can you confirm that you're able to  
20    store all of the snow that's being generated by the  
21    slight increase in impervious coverage?

22                  THE WITNESS: Yes.

23                  I don't believe there was any snow  
24    storage in that snow storage plan on the cul-de-sac  
25    previously.

1                   So there's no change there. I have to  
2 review and confirm that and I can do that, but there  
3 are areas -- we have to work with the landscaping to  
4 make sure if any additional snow storage is needed,  
5 we have to work with the landscaping a little bit,  
6 but we can make sure that there's sufficient area  
7 provided, yes.

8                   MS. GREEN: So that as a part of any  
9 potential approval, can we get an updated -- it was  
10 previously Sheet 26 was your snow removal plan.

11                   So we can get whatever that is in this  
12 revised set.

13                   THE WITNESS: Yes.

14                   MS. GREEN: Thank you.

15                   Comment No. 6, we did not receive  
16 details in this plan set for some various  
17 improvements.

18                   THE WITNESS: This permit set that was  
19 created was just to show the changes. The site plan  
20 itself was updated and so the -- with these changes  
21 as well and those details are in that site plan, but  
22 we can just add them to this plan to avoid any  
23 confusion.

24                   So either way I can provide them.  
25 They're part of the original site plan application.

1 MR. HIPOLIT: Why can't we just include  
2 that sheet in your site plan set instead of having  
3 two -- I don't want to have two different sets of  
4 plans.

5 I'd rather have that sheet added to  
6 this set.

7 MS. GREEN: Well, this isn't the full  
8 set.

9 That's the problem.

10 MR. HIPOLIT: Well, let's get us one  
11 set. Just have one full set, not multiple different  
12 sets of plans I think.

13 MR. WOLFSON: Makes sense.

14 MS. GREEN: Go back and revise the  
15 original approval set.

16 MR. HIPOLIT: Yes.

17 MR. WOLFSON: Whatever is easier for  
18 you, we'll do that.

19 MR. HIPOLIT: I think it's easier when  
20 you get to construction, it's more easier for you.

21 MR. WOLFSON: We're happy to do it.

22 MR. HIPOLIT: Okay. So we'll have one  
23 set of plans.

24 CHAIRMAN DEPINTO: Please.

25 THE WITNESS: I thing it's done

1 already.

2 MS. GREEN: Good. All right.

3 So then jumping ahead to Comment No. 7.  
4 So the Chairman sort of touched on this earlier about  
5 with the ability of cross between the two property,  
6 if I'm a Montvale resident, can I park in Park Ridge  
7 and vice versa.

8 THE WITNESS: Yes.

9 MR. WOLFSON: Well, I will say that  
10 each resident in each building will have at least one  
11 assigned space.

12 MR. HIPOLIT: That's great.

13 MS. GREEN: And can you tell us what  
14 the -- I know you said you comply with the Park Ridge  
15 parking requirements. Were they RSI -- RSIS  
16 compliant or less.

17 THE WITNESS: They have a waiver from  
18 RSIS. Their requirement was 1.8 spaces per unit and  
19 we exceed that.

20 MS. GREEN: 1.8 regardless of unit  
21 type.

22 THE WITNESS: Regardless of unit type,  
23 every unit was 1.8 spaces per unit and we exceed that  
24 requirement.

25 MS. GREEN: And I believe there is some

1 townhomes on the Park Ridge side of the project,  
2 correct?

3 THE WITNESS: Yes.

4 MS. GREEN: And do they have garages  
5 associated with those units?

6 THE WITNESS: Yes.

7 MS. GREEN: Did Park Ridge require any  
8 sort of restriction to ensure those garages are  
9 available for the parking of vehicles?

10 MR. WOLFSON: I don't recall.

11 MS. GREEN: Do you have any idea how  
12 many of the 448 units were townhomes?

13 Ball park, half? 25 percent?

14 THE WITNESS: 80.

15 MR. WOLFSON: No, I don't think it was  
16 that high.

17 MALE AUDIENCE MEMBER: I think it's 77.

18 THE WITNESS: Oh, 77.

19 MR. WOLFSON: That's 25 percent.

20 MS. GREEN: Okay.

21 So approximately 25 percent.

22 MR. WOLFSON: No. It's not even  
23 25 percent. 438? 448? Yeah, so 77 into 448.

24 MS. GREEN: Less than 25 percent.

25 MR. WOLFSON: Right, less than.

1 MS. GREEN: Okay. All right.

2 So then moving down to Number 10, the  
3 parking that was on Sheet 2 notes that you have an  
4 eight-space electric vehicle credit, but you're  
5 actually -- you can have four charging spaces.

6 So you actually only receive a  
7 four-space credit. So we just need those notes  
8 amended.

9 THE WITNESS: There are four spaces  
10 within the garage that are not shown on here.

11 So there's going to be four --

12 MS. GREEN: Well, that's sneaky.

13 THE WITNESS: Spaces in the garage.

14 MS. GREEN: Okay. All right. That  
15 answers that.

16 THE WITNESS: The parking count should  
17 be correct.

18 MS. GREEN: And then can you confirm  
19 underneath Comment 11 the new parking area in  
20 Montvale, because there wasn't a dimension on the  
21 plans.

22 THE WITNESS: They're 9-by-18 with  
23 24-foot-wide aisles. Yes, I'll add dimensions.

24 MS. GREEN: Thank you.

25 And then we noted a discrepancy in the

1     luminare schedule. Can that be fixed as part of  
2     resolution compliance?

3                   THE WITNESS: Yes.

4                   The -- there's one that's labeled A-2  
5     that should be A-1.

6                   So the number that's shown is correct.  
7     There's one extra, A-2 and one short A-1. So that  
8     will be fixed.

9                   MS. GREEN: Great.

10                  And then the last comment I had, there  
11     was some discrepancies with the landscaping table.  
12     Can that be updated?

13                  THE WITNESS: Yes.

14                  It should match exactly except the new  
15     screening shrubs for the -- all the equipment.

16                  MS. GREEN: Excellent.

17                  THE WITNESS: Otherwise it should match  
18     exactly. I'll make sure that it does.

19                  MS. GREEN: Okay. Thank you.

20                  That's all I have, Mr. Chairman.

21                  CHAIRMAN DEPINTO: Thank you.

22                  Anyone have any questions of Darlene?

23                  (No response.)

24                  CHAIRMAN DEPINTO: Okay.

25                  Let's move on and let's mark into



1 evidence two other board exhibits.

2 One from the Montvale Police  
3 Department, dated August 16th.

4 MR. REGAN: B-3.

5 (Whereupon, Montvale Police Department  
6 Report, dated August 16th is marked as Exhibit  
7 B-3 for identification.)

8 CHAIRMAN DEPINTO: Which reads:

9 "After reviewing this application,  
10 Montvale Police Department has no concerns."

11 And then we have August 11th from the  
12 Montvale Fire Department.

13 MR. REGAN: B-4.

14 (Whereupon, Montvale Fire Department  
15 Report is marked as Exhibit B-4 for  
16 identification.)

17 CHAIRMAN DEPINTO: Okay. Do you have a  
18 copy of this report?

19 THE WITNESS: Yes.

20 CHAIRMAN DEPINTO: Okay. And have you  
21 addressed these concerns of the Montvale Fire  
22 Department.

23 THE WITNESS: Yes, we spoke with Chief  
24 Gibbons actually during the intermission here.

25 For number one, the turning radius of

1 45-feet-1-inch is what is shown on our vehicle  
2 circulation plan.

3 It's a little confusing as a curb  
4 radius that's referenced, but the wall-to-wall  
5 furthest radius is -- does match the speck that was  
6 provided.

7 CHAIRMAN DEPINTO: And number two?

8 THE WITNESS: And number two, there on  
9 the Parkway side of the previously approved building,  
10 there's a grass paver and sidewalk that was provided  
11 and approved a part of the previous application.

12 The total width, there's a 10-foot-wide  
13 grass paver and a 4-foot-wide sidewalk.

14 Chief Gibbons has requested that that  
15 be 20-feet wide total and we are amenable to making  
16 that change.

17 MR. HIPOLIT: Twenty foot of grass  
18 pavers or grass pavers and sidewalk?

19 THE WITNESS: I guess I need to confirm  
20 with him if it needs to be 20 feet of grass paver or  
21 16 and 4 of grass paver and sidewalk.

22 CHAIRMAN DEPINTO: Chief, do you have a  
23 comment on that.

24 CHIEF GIBBONS: As we spoke before,  
25 just needs to be able to set the outriggers out on

1 the aerial and it just needs to be, you know,  
2 delineated somehow, some type of marker so that we  
3 know, you know, where we can put the outriggers.

4 MR. HIPOLIT: If they had their  
5 sidewalk 6-feet wide.

6 THE WITNESS: Four feet.

7 MR. HIPOLIT: Four-feet wide.

8 So if they had 16 feet of grass pavers,  
9 could you use the grass pavers and the 4-foot  
10 sidewalk.

11 CHIEF GIBBONS: Yes.

12 MR. REGAN: You'll provide as a  
13 condition.

14 MR. HIPOLIT: So it will be a  
15 20-foot-wide area, 16 feet of grass pavers.

16 CHAIRMAN DEPINTO: So it's grass pavers  
17 that can accommodate the weight.

18 MR. HIPOLIT: Like we did with KPMG if  
19 you remember.

20 CHAIRMAN DEPINTO: And the outriggers.

21 Is there something that has to be  
22 placed on the resolution relative to snow and the  
23 plowing of that area.

24 MR. HIPOLIT: They have to keep it  
25 clear.

1 MR. KURZ: Per fire code.

2 MR. REGAN: Make that a condition.

3 MR. HIPOLIT: So they're going to have  
4 to -- if you go to -- if you go look at KPMG, they  
5 park it. They put a sign there. They have to plow  
6 it. They put the stanchions there for the snow  
7 plower.

8 MR. REGAN: So snow will have to be  
9 removed?

10 MR. HIPOLIT: Every time.

11 CHAIRMAN DEPINTO: Right. John, you  
12 will know this probably. So if it snows an inch,  
13 does it have to be plowed?

14 MR. KURZ: It's got to be cleared.  
15 It's an emergency access road. Yes, it needs to be  
16 cleared no matter --

17 CHAIRMAN DEPINTO: So any snowfall  
18 requires plowing.

19 MR. KURZ: Yes.

20 CHAIRMAN DEPINTO: To get a truck back  
21 there.

22 MR. KURZ: It has to be clear.

23 CHAIRMAN DEPINTO: Chief, you agree  
24 with that?

25 CHIEF GIBBONS: Yes.

1 MR. HIPOLIT: It has to be deiced too.  
2 So if it's just ice, they have to deice it.

3 MR. REGAN: Any snowfall and any ice  
4 accumulation.

5 MR. KURZ: Even though the truck and  
6 then engines are heavy pieces of equipment, they will  
7 not -- it's tough to get through two inches.

8 Jeff, do you automatic chains on those?

9 CHIEF GIBBONS: Yes.

10 MR. KURZ: Two inches, inch, two  
11 inches, those chains don't work.

12 So as per code it's supposed to be  
13 cleared at all times no matter what how much it  
14 falls.

15 CHAIRMAN DEPINTO: And, Chief, just a  
16 question, with respect to -- I mean, that's a pretty  
17 narrow way to put a large piece of equipment. Would  
18 you fight a fire by bringing your equipment that  
19 close?

20 CHIEF GIBBONS: Not necessarily  
21 fighting a fire, but it would be for rescue or it  
22 would be accessing the building. You know, it  
23 depends where the fire is in the building as far as  
24 where you would place the apparatus.

25 CHAIRMAN DEPINTO: So you might put a

1 ladder truck there to get --

2 CHIEF GIBBONS: Right, to access the  
3 roof for something on the other side of the building  
4 or...

5 CHAIRMAN DEPINTO: All right.

6 And then we have one other exterior EV  
7 charging stations are acceptable.

8 Okay. Do we have any other board  
9 exhibits?

10 MR. REGAN: No.

11 CHAIRMAN DEPINTO: That's it.

12 And, Mr. Wolfson, any other testimony?

13 MR. WOLFSON: No further testimony.

14 CHAIRMAN DEPINTO: Thank you.

15 I guess we should open to the public.

16 MR. REGAN: Yes, you have to.

17 CHAIRMAN DEPINTO: The Chair will  
18 entertain a motion to open the meeting to the public.

19 MR. CULHANE: So moved.

20 VICE CHAIRMAN STEFANELLI: Second.

21 CHAIRMAN DEPINTO: All in favor?

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

24 CHAIRMAN DEPINTO: Anyone from the  
25 public wish to be heard?

1 (No response.)

2 CHAIRMAN DEPINTO: No?

3 The Chair will entertain a motion to  
4 close to the public.

5 MR. CULHANE: So moved.

6 MR. RYAN: Second.

7 CHAIRMAN DEPINTO: All in favor?

8 (Whereupon, all present members respond  
9 in the affirmative.)

10 CHAIRMAN DEPINTO: Bob, do you have  
11 enough to --

12 MR. REGAN: I think so.

13 CHAIRMAN DEPINTO: -- do a resolution.

14 Now, you had indicated that you're  
15 going to be revising the plans to reflect the  
16 recommendations of both the engineer and the planner  
17 and other things that have been agreed upon by the  
18 applicant.

19 All of which will be incorporated in --

20 MR. REGAN: Are the plans going to be  
21 revised pre-resolution or post-resolution?

22 CHAIRMAN DEPINTO: I think  
23 post-resolution would be okay.

24 I think they're somewhat de minimus.  
25 It's more detail.

1 MR. HIPOLIT: I agree.

2 MR. REGAN: I can condition the  
3 resolution on the plan.

4 CHAIRMAN DEPINTO: Adam, when would you  
5 expect to have plans to reflect the changes that you  
6 agreed to this evening.

7 THE WITNESS: Within the next two weeks  
8 or so we could have that.

9 CHAIRMAN DEPINTO: Fine.

10 MR. REGAN: Well, our next meeting is  
11 in two weeks.

12 Do you want to resolution for two  
13 weeks?

14 CHAIRMAN DEPINTO: No.

15 MR. REGAN: You don't.

16 CHAIRMAN DEPINTO: No.

17 I want to see the --

18 MR. REGAN: You want the plans before  
19 the resolution? Okay.

20 MR. HIPOLIT: But -- so the only -- one  
21 other question then I have is, I think the question  
22 the applicant's had for a long time to our office is  
23 can we start the transformer and generator so we can  
24 get the building open?

25 In my -- in my opinion, they should



1     only do that if they can't open the building.

2                     They were tying it in -- the  
3     transformers are more important, and the generator is  
4     less important.

5                     CHAIRMAN DEPINTO:  Yeah, I don't have a  
6     problem, personally I don't have a problem with that,  
7     but because of the significant changes to the site  
8     and the details that were brought out in Ms. Green's  
9     letter, I think we should have a revised set.

10                    MR. HIPOLIT:  I agree.

11                    MR. REGAN:  Before the resolution.

12                    CHAIRMAN DEPINTO:  Does anyone have any  
13     difficulty?

14                    (No response.)

15                    CHAIRMAN DEPINTO:  So specifically what  
16     improvements are they looking for at this point.

17                    MR. WOLFSON:  Transformer.

18                    MR. HIPOLIT:  Transformer and  
19     generator.

20                    MR. WOLFSON:  Generator, yeah.

21                    CHAIRMAN DEPINTO:  And what else  
22     besides the generator?

23                    MR. WOLFSON:  Those two things.

24                    MR. HIPOLIT:  Just the transformer and  
25     the generator, that's it.

1 CHAIRMAN DEPINTO: Okay. That's  
2 basically it.

3 Anybody have a problem with allowing  
4 them to do that?

5 MR. LINTNER: No.

6 CHAIRMAN DEPINTO: Okay. So why don't  
7 we do that.

8 MR. REGAN: I will have a resolution  
9 not for the next meeting, but --

10 CHAIRMAN DEPINTO: Correct.

11 MR. WOLFSON: And Adam will have the  
12 plans back to you in a week.

13 (Laughter.)

14 MR. REGAN: You may want to send them  
15 directly to me.

16 MR. HIPOLIT: Good job, Adam.

17 MR. REGAN: Peter, can you send me it  
18 directly.

19 MR. WOLFSON: Yes.

20 MR. REGAN: You can send Lorraine a  
21 bunch, but if you can send me one directly so I can  
22 reference it within the resolution.

23 MR. WOLFSON: Of course.

24 CHAIRMAN DEPINTO: Any other comments,  
25 questions?

1 MR. HIPOLIT: The only thing, Bob, is  
2 we need the O&M manual too.

3 So we'll need that -- you won't need  
4 that for the resolution, but we need it, it's a  
5 condition of approval though.

6 CHAIRMAN DEPINTO: The --

7 MR. HIPOLIT: The O&M. You don't need  
8 it for the resolution. It's a condition of approval.

9 MR. REGAN: That's going to be a  
10 condition.

11 MR. HIPOLIT: It will be filed by deed.

12 CHAIRMAN DEPINTO: Okay. The Chair  
13 will entertain a motion.

14 MS. HUTTER: Mr. Gruber?

15 MR. GRUBER: Yes.

16 MS. HUTTER: Will you let your staff  
17 know that if they can move forward with that without  
18 the resolution so that when they go there, that  
19 they're not blind-sided that they don't have the  
20 resolution and they hold them up.

21 MR. GRUBER: I will.

22 MS. HUTTER: Thank you.

23 CHAIRMAN DEPINTO: Okay.

24 Anyone care to make a motion?

25 MR. LINTNER: I'll make a motion.

1 VICE CHAIRMAN STEFANELLI: Second.

2 CHAIRMAN DEPINTO: And ask Bob to  
3 prepare the resolution.

4 Bill, Frank seconded it.

5 Discussion on the motion?

6 (No response.)

7 CHAIRMAN DEPINTO: Hearing none.

8 Roll call vote, please.

9 MS. HUTTER: Mr. Culhane?

10 MR. CULHANE: Yes.

11 MS. HUTTER: Mr. Gruber?

12 MR. GRUBER: Yes.

13 MS. HUTTER: Councilmember Koelling?

14 COUNCILMEMBER KOELLING: Yes.

15 MS. HUTTER: Mr. Lintner?

16 MR. LINTNER: Yes.

17 MS. HUTTER: Mr. Ryan?

18 MR. RYAN: Yes.

19 MS. HUTTER: Mr. Stefanelli?

20 VICE CHAIRMAN STEFANELLI: Yes.

21 MS. HUTTER: Mr. Teagno?

22 MR. TEAGNO: Yes.

23 MS. HUTTER: Mr. Zitelli?

24 MR. ZITELLI: Yes.

25 MS. HUTTER: Mr. Huysenov?

1 MR. HUYSENOV: Yes.

2 MS. HUTTER: Chairman DePinto?

3 CHAIRMAN DEPINTO: Yes.

4 MR. WOLFSON: Thank you very much,  
5 appreciate it.

6 Does anybody remember what time the  
7 Crumbles closes?

8 (Laughter.)

9 (Whereupon, this matter is concluded.

10 Time noted: 10:07 p.m.)

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## C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, 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.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

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LAURA A. CARUCCI, C.C.R., R.P.R.  
License #XI02050, and Notary Public  
of New Jersey #50094914, Notary  
Expiration Date December 3, 2023

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