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2  
3 PLANNING BOARD  
4 BOROUGH OF MONTVALE  
5 COUNTY OF BERGEN  
6  
7 IN RE: BLOCK 2802, LOTS 2 AND 3  
8 300 WEST GRAND AVENUE  
9 BLOCK 1002, LOTS 3 AND 5  
10 159-161 SUMMIT AVENUE  
11 MONTVALE DEVELOPMENT ASSOCIATES, LLC  
12 SHOPPES AT DePIEROS  
13 PRELIMINARY AND FINAL SITE PLAN  
14 APPROVAL, PRELIMINARY AND FINAL  
15 SUBDIVISION APPROVAL, PLANNED UNIT  
16 DEVELOPMENT AND SOIL MOVING PERMIT  
17 -----  
18  
19 VOLUME 1  
20  
21 Tuesday, August 6, 2013  
22 Pascack Hills High School Auditorium  
23 225 W. Grand Avenue, Montvale N.J.  
24  
25 B E F O R E:

1 MONTVALE PLANNING BOARD  
2  
3 JOHN DePINTO, CHAIRMAN  
4 FRANK STEFANELLI, VICE CHAIRMAN  
5 COUNCILMAN MICHAEL GHASSALI  
6 CHET WEBNER  
7 JEFF FETTE  
8 JOHN CULHANE  
9 WILLIAM LINTNER  
10 WOLFGANG VOGT  
11 DANTE TEAGNO, Absent  
12  
13 ROBERT REGAN, ESQ., BOARD ATTORNEY  
14 ANDREW HIPOLIT, ENGINEER  
15 RICHARD PREISS, PLANNER  
16 KEENAN HUGHES, PLANNER  
17 LORRAINE HUTTER, SECRETARY  
18  
19  
20  
21 -----  
22 DONNA LYNN J. ARNOLD, CCR  
23 COMPUTERIZED TRANSCRIPTION SERVICE  
24 REPORTED BY: BETH CALDERONE, CCR  
25 (201) 666-3490

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APPEARANCES

BEATTIE PADOVANO, P.C.

BY: ANTIMO A. DEL VECCHIO, ESQ.,  
50 CHESTNUT RIDGE ROAD  
MONTVALE, NEW JERSEY 07645  
ATTORNEY FOR THE APPLICANT

SEGRETO, SEGRETO, SEGRETO, ESQS,  
BY: JOHN SEGRETO, ESQ.,  
329 BELMONT AVENUE  
HALEDON, NEW JERSEY 07058  
ATTORNEY FOR OBJECTOR A&P

ALSO PRESENT:  
CHIEF OF POLICE JEREMY ABRAMS

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I N D E X

WITNESSES:

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RICHARD JAMES PETT, JP2  
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KARI SOLOMON  
KENNETH BARILE  
LAURENA ORGAN  
LORI CHARKEY  
ALAN KRAMPERT  
INAUDIBLE AUDIENCE MEMBER

## EXHIBITS:

A-1 Affidavit of Notice Document,  
two volumes.

A-2 Site Plan drawings prepared by  
L2A, 42 sheets, 6/21/13.

A-3 Architectural Plans by JP2  
consisting of 8 sheets, dated 6/18/13.

A-4 Wegmans Elevation drawings  
prepared by Bignell, Watkins & Hasser, single sheet  
dated 7/24/13

A-5 Floor Plans prepared for Wegmans  
building, 5/14/13

A-6 Roof Plan (Wegmans), single  
sheet 6/20/13

A-7 RTKL Master Plan Booklet

A-8 Thumb Drive containing two  
PowerPoint Presentations

A-9 Stone Sample Board

A-10 Split Base Sample

A-11 Material Board Wegmans  
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## BOARD EXHIBITS

B-1 Letter 8/5/13 from Chief of  
Police, Site Plan

B-2 Letter 8/5/13 from Chief of  
Police, Soil movement

AUGUST 6, 2013 @7:38 PM

THE CHAIRMAN: Okay. Members of the

public that are here that have an interest in this  
application, this young lady that's standing here  
with a clipboard, her responsibility is to take the  
names of anyone who wishes to speak to the board.  
Any questions that you may have. And if you put  
your name on the list, when we do open the meeting  
to the public, you will be given that opportunity  
to speak. I know a few people have already signed  
it, we may have missed some of you coming in. So  
anyone wishing to speak, please raise your hand,  
and Darlene will come to you to get you to sign for  
this, okay.

With that said let's hold on one  
second, and let's get this document passed out.

Good Evening everyone. Notice  
requirements of the law have been satisfied meeting  
dates and times have been published in two  
newspapers, in this case, the Bergen Record and the  
Ridgewood News of this regular meeting of the  
Montvale Planning Board which is held on the first  
and third Tuesday of each month. Dates and times of

1 these meetings are also posted on the bulletin  
2 board in the lobby of the Municipal building.

3 I asked every one please to please  
4 stand for the pledge of allegiance.

5  
6 PLEDGE OF ALLEGIANCE

7  
8 THE CHAIRMAN: May I have a roll  
9 call, please.

10 ROLL CALL BY MS. HUTTER

11  
12 MR. CULHANE: Here.

13 COUNCILMAN GHASSALI: Here.

14 MR. FETTE: Here.

15 MR. LINTNER: Here.

16 MR. STEFANELLI: Here.

17 MR. TEAGNO ABSENT

18 MR. VOGT: Here.

19 MR. WEBNER: Here.

20 CHAIRMAN DePINTO: Here.

21 (MISCELLANEOUS MATTERS OF PLANNING  
22 BOARD)

23 COMMENCING AT 7:48 PM

24 THE CHAIRMAN: Next, we're going  
25 into the public hearing on Block 2802, Lots 2 and

1 3, 300 West Grand Avenue, Block 1002, Lots 3 and 5  
2 159-161 Summit Avenue in the Borough.

3 The applicant is Montvale  
4 Development Associates, LLC Shoppes At DePiero.  
5 This is an application for preliminary and final  
6 site plan approval, preliminary and final  
7 subdivision approval, planned unit development and  
8 soil moving permit.

9 Before we do ask the applicant to  
10 step forward and introduce himself and start to  
11 present the case, at the request of the Mayor I'm  
12 going to make an announcement to kind of advise  
13 members of the public that are here who have an  
14 interest in this application. You may have  
15 recently attended, and I believe that was back in  
16 April, a meeting of the Mayor and Council where in  
17 fact the Mayor and Council amended the zoning  
18 ordinance in order to allow for the use that is  
19 being proposed this evening.

20 There were many people who had  
21 attended that meeting and unfortunately the  
22 attendance exceeded the seating capacity of the  
23 Montvale Borough Hall, and thus tonight's meeting  
24 which starts the public hearing in this process has  
25 been moved to the high school so that we did not

1 have a repeat of the difficulty that they did have  
2 at that meeting. Their responsibility, which they  
3 did do, was to consider the adoption of an  
4 ordinance as I indicated to allow for this use.  
5 And the ordinance is very specific as to the  
6 details associated with the application. As it  
7 relates to building size, location, spacing,  
8 landscaping, lighting, ingress, egress and the list  
9 goes on and on. It's an extremely detailed  
10 ordinance. And that is the concept that the  
11 governing body had approved and adopted in that  
12 ordinance and the next natural step with the  
13 adoption of the ordinance, is to allow the  
14 applicant to come before this board to present  
15 their plans for development.

16 About a year ago, the governing body  
17 elected to eliminate the Zoning Board of Adjustment  
18 that had existed for many years in Montvale and to  
19 the advantage of the Borough and particularly to  
20 the advantage of this board, we do have former  
21 members and former chair people who have served on  
22 that zoning board for many years. So we have the  
23 expertise of those members who are voting members  
24 of this board, as well as the board members who  
25 have sat here for many, many years. I, for one,

1 have sat here in excess of 30 years. All of the  
2 voting members of this board are residents of  
3 Montvale. The board is advised by its  
4 professionals. Those professionals are not  
5 required to live in town. Most of our  
6 professionals have served the Borough minimally for  
7 eight years, and some as many as 20 years. Their  
8 familiarity with the community cannot be surpassed  
9 by anyone else. We have a very stable board, we  
10 have a very stable legal, and engineering and  
11 planning representation as well.

12 Tonight we are going to start the  
13 process in the public hearing of this application  
14 as I have read by title into the record. The  
15 applicant has indicated to me that they expect this  
16 evening to present the testimony of both their  
17 planner, who is a world renowned planning  
18 institution, as I understand it, and he will  
19 present to us his credentials, as well as the  
20 architect who was involved in the design of the  
21 structures that are proposed to be constructed, if  
22 and when an approval is granted.

23 The public should understand that  
24 because, and the mayor was quite emphatic on this,  
25 because of the governing body had adopted an

1 ordinance, the ordinance is not site plan approval.  
2 That does not grant the applicant the automatic  
3 right to build whatever they may want to build,  
4 whether it is consistent with the requirements of  
5 the ordinance or not. They still are required to  
6 come before this board who has that expertise in  
7 determining whether what is proposed; A) complies  
8 with code, and B) is in the best interest of the  
9 Borough with respect to, and paramount to all, is  
10 public safety. And because of that, I have asked  
11 the Police Chief and his name is Chief Abrams and  
12 he is sitting at the end of dais, he is not a  
13 voting member of this board, but we rely upon him  
14 with respect to his opinion on matters relating to  
15 public safety. Under his direction, a lieutenant  
16 and others in his department have prepared reports  
17 which are now before the board and part of the  
18 public record. When the applicant has completed  
19 his introduction of the project and the  
20 introduction of the planner and the architect, the  
21 Chair is going to call upon our Police Chief for  
22 his comments, from his perspective and that is  
23 public safety, so that we could look at that before  
24 the board member have their opportunity to speak.

25 The process that is followed in a

1 public hearing in Montvale, is the applicant is  
2 given the opportunity to present its professionals,  
3 and neither the board, nor members of the public  
4 will be permitted to interrupt that process. And  
5 when in fact, the applicant's professionals have  
6 completed their testimony, in this case I will  
7 first go to the Police Chief for his questions or  
8 comments or his opportunity to elaborate on his  
9 report. Following that, I will then go to the board  
10 members and allow them to ask questions of the  
11 professionals that may have testified.

12 Additionally this evening, we have a  
13 gentleman here who will be identifying himself, he  
14 is a New Jersey Attorney At Law, he is representing  
15 an objector, he is going to put his appearance on  
16 the record. We will give him his opportunity to  
17 speak, just as the applicant gets an opportunity,  
18 just as the board members do, and just as the  
19 public does. He may chose not to speak, or he may  
20 chose to speak. That's at his option. Following  
21 that, I will then call for a motion to introduce  
22 and second, to open the meeting to the public. The  
23 public participation at this point is limited to  
24 the same participation that the board members have.  
25 That participation is for the purpose of asking

1 questions. So when the architect has testified with  
2 respect to a design feature of the proposed  
3 development, any board member here could ask him  
4 questions of why he selected to go one-way versus  
5 an alternative way. That same opportunity will be  
6 given to objector's counsel. The same opportunity  
7 will be given to you, the members of the public.  
8 What no one at this point, will have an opportunity  
9 to do, is offer comments. You cannot offer a  
10 comment saying to one affect, I think this is the  
11 greatest thing since slice of bread. We don't want  
12 to hear that. Or I don't want to hear this is the  
13 worst thing I ever seen, because your comments are  
14 only admissible at the end or the conclusion of the  
15 public hearing. And this evening, the testimony  
16 you're about to hear will be from the planner and  
17 the architect, your questions will only be allowed  
18 limited to that specific discipline. When we reach  
19 the final day of that hearing, or this hearing,  
20 whenever that may be, you can stand up, I will  
21 recognize you, you could tell us whatever you like  
22 to tell us, good, bad or otherwise, about what is  
23 proposed. That is the proper way to conduct the  
24 hearing. That is the only way I will allow a  
25 public hearing. It's a simple procedure.

1 Same rules that apply to you, apply  
2 to the board members. They too will not have an  
3 opportunity to interrupt the testimony. They too  
4 will not have an opportunity to offer their  
5 comments on the application until we reached the  
6 deliberation, which is the end of the public  
7 hearing. If we all follow that rule, we'll be able  
8 to get through this public hearing. If any of us or  
9 you, attempt to deviate from the rule the Chair  
10 will shut it down and we will move on. You were  
11 asked if you wanted to speak to please enter your  
12 name on the pad that Doreen has, a few of you have  
13 and at the end of this meeting when the board  
14 members have spoken, and opposition has spoken, I  
15 will call in order those that signed the list.  
16 Time permitting, I will ask anyone else, who did  
17 not sign that list, if they have a question that  
18 they would like to ask. All the questions are  
19 directed to and through the Chair. You present the  
20 question to me, I will redirect the question either  
21 to the applicant's professional that has testified  
22 or if I think it's more appropriate that a board  
23 professional answer the question, it will be  
24 redirected. You will not be permitted to ask your  
25 question directly of the applicant. Those are the

1 procedures that must be followed. I believe on the  
2 rear of the agenda --

3 MS. HUTTER: It is next to the  
4 agenda.

5  
6 THE CHAIRMAN: Next to the agenda  
7 there is a document on borough stationery that  
8 explains to you how the board is permitted to  
9 participate, and we follow it pretty closely.

10 And I thank you for being so  
11 attentive. You will have the same opportunity as  
12 board members, but no greater opportunity to speak  
13 than those that are permitted to board members.

14 And with that said, I'm going to ask  
15 counsel representing the applicant to identify  
16 himself and to commence proceedings.

17 Mr. Del Vecchio.

18 MR. DEL VECCHIO: Good evening, Mr.  
19 Chairman, members of the Board. My name is Andy  
20 Del Vecchio, I am a member of the firm Beattie  
21 Padovano on behalf of the applicant, Montvale  
22 Development Associates, LLC.

23 We are here as you had indicated on  
24 a public hearing concerning property that is owned  
25 in part by Ed and Elaine DePiero. And that is, in

1 particular, Blocks 2802, Lots 2 and 3, Block 1002,  
2 lot 5. The other portion of the property that is  
3 part of this application, is owned by Katalin Deim  
4 and is under contract by Montvale Development  
5 Associates, and she owns Block 1002, Lot 3. The  
6 requisite consents to this application have been  
7 signed by both of the property owners to permit the  
8 application and move forward.

9 The property denoted as Block 2802  
10 is generally defined with an address of 300 West  
11 Grand Avenue. The property located on Summit Avenue  
12 or the block 1002 property, those are both located  
13 on Summit Avenue and respectfully designated 159  
14 and 161 Summit Avenue.

15 The property, all of these  
16 properties were part and parcel of the rezoning  
17 ordinance adopted by the governing body, as your  
18 Chairman had alluded to in his opening remarks.  
19 That ordinance was designated as 2013-1374, and  
20 created the AH-PUD Affordable Housing Planned Unit  
21 Development Zone within the Borough of Montvale.

22 The application as is presented to  
23 you and has been filed in the latter part of June,  
24 consists of an application requesting the following  
25 approvals: 1. Environmental Impact Statement

1 approval pursuant 128-17.1 of your ordinances. A  
2 major soil moving permit for the retail component  
3 of this project, which consists of 225,122 cubic  
4 yards of total soil movement, of which 21,518 cubic  
5 yards is proposed to be exported from the site.

6 The applicant has also requested PUD  
7 approval, as by the very nature and title of the  
8 ordinance, this is a PUD district and hence the  
9 need of PUD approval. I know PUD approval is  
10 something we don't normally face before the  
11 planning board, but in this case that's what the  
12 zone calls for and we'll talk about some of the  
13 details required for PUD approval as we get into  
14 the application. We also requested preliminary site  
15 plan approval for the retail component of the site.  
16 And also final site plan approval for the retail,  
17 for most of the retail component of the site. In  
18 particular 140,000 square foot anchor retail  
19 proposed to be occupied by Wegmans Supermarket, and  
20 an additional 60,000 square feet of lifestyle  
21 retail. Those are the areas for which we have  
22 requested final site plan approval.

23 Generally speaking boiling the  
24 application down and moving away from the legal  
25 requirements and formal titles, the application

1 before you is a proposal to redevelop the Block  
2 2802 property, which is primarily occupied today by  
3 the DePiero Farm Store and its related agricultural  
4 fields into an upscale lifestyle retail center,  
5 which will consist of 140,000 square foot Wegmans  
6 Supermarket, six individual buildings, in addition  
7 to the Wegmans, ranging in size from 5,700 square  
8 feet to 22,000 square feet in size, and totaling  
9 60,000 square feet in total, in what I generically  
10 call the upper lifestyle retail component of the  
11 site. As we get into the testimony, I will point  
12 out where those upper and lower phases of the site  
13 exist on the plans.

14 We have requested only preliminary  
15 site plan approval, and not final site plan  
16 approval for the lower retail center contemplated  
17 to be occupied as its currently presented to you,  
18 with five additional buildings, ranging in size  
19 from 4,000, 8,000 square feet and those are  
20 totaling about 24,000 square feet in the aggregate.

21 Finally as part of the PUD approval,  
22 we're required to deal with the affordable housing  
23 obligation that was placed upon the site and the  
24 ordinance requires us to do so primarily on the  
25 Block 1002 property where we show PUD approval for

1 a one building, two-story residential building,  
2 consisting of 32 units of affordable housing. For  
3 that segment of the application, we are seeking  
4 only PUD approval at this time.

5 I have with me this evening our  
6 project designer and planner --

7 THE CHAIRMAN: Mr. Del Vecchio, I'm  
8 going to interrupt you one second. I overlooked  
9 allowing Mr. Segreto to enter his appearance, I  
10 apologize.

11 MR. SEGRETO: No, that's all right,  
12 I thought I would do it after Andy did his opening.

13 Good evening Mr. Chairman, as well as  
14 members of the board. My name is John Segreto, I  
15 am from the Law firm Segreto, Segreto & Segreto.  
16 Our law offices is at 329 Belmont Avenue in  
17 Haledon. Obviously in New Jersey. We are entering  
18 our appearance on behalf of objectors, that's Great  
19 Atlantic and Pacific Tea Company, they have  
20 corporate headquarters at 2 Paragon Drive,  
21 Montvale, commonly known as A&P. Thank you, Mr.  
22 Chairman.

23 THE CHAIRMAN: Thank you very much.  
24 Is there anyone else, any other attorneys in the  
25 audience that wish to enter an appearance?

1 NO RESPONSE.

2 THE CHAIRMAN: No. Thank you. Please  
3 continue Mr. Del Vecchio.

4 MR. DEL VECCHIO: I am going to move  
5 out of order a little bit before I intend to  
6 proceed, given Mr. Segreto's entering appearance.  
7 First of all I need to place upon the record the  
8 applicant's reservation of their rights concerning  
9 Mr. Segreto's participation in these hearings. It  
10 is my understanding that Great Atlantic & Pacific  
11 Tea Company are merely a tenant, and not a property  
12 owner within this community, and as such I question  
13 whether or not they rise to the status of  
14 interested party, as that term is defined in the  
15 Municipal Land Use Law. At this time I'm reserving  
16 our right, obviously it is up to the board to  
17 determine who does and who doesn't get to speak,  
18 but on behalf of the applicant, we are just  
19 preserving our right on the record concerning that  
20 issue.

21 Secondly, again, as it pertains to  
22 the objector being a competitor, I would ask that  
23 the board treat the testimony, comments or the like  
24 that may be forthcoming from the competitor,  
25 objector in accordance with the standards set forth

1 by Village Supermarkets, which I believe govern the  
 2 board's proceedings and consideration to their  
 3 testimony. So, I want to put those preservations  
 4 on the record. I also again because this is now a  
 5 objector situation where we have a competitor,  
 6 objector out, before we get too far in these  
 7 proceedings, obviously notice of these hearings  
 8 were given by the applicant submitted to the board.  
 9 I believe they were reviewed by Mr. Regan and the  
 10 board secretary. I want to make sure that the  
 11 hearing notice is proper for these hearings to  
 12 proceed. I did as a curtesy extend on the  
 13 anticipation that Mr. Segreto would appear, I did  
 14 send him an advance copy of the notice before it  
 15 was published for his comments, should he have any.  
 16 For the record, I did not receive any. And before  
 17 we get too far, if there is any issue with the  
 18 notice I would like it to be stated now so we could  
 19 deal with it before the hearing gets too far along.

20 MR. REGAN: Mr. Chairman, I reviewed  
 21 the various notice documents submitted to me by  
 22 counsel for the applicant prior to this evening,  
 23 including the affidavit of public notice, the  
 24 affidavit of mailing and the affidavit of  
 25 publication. I reviewed them in detail. And in my

1 opinion, the notices are in order, they comply with  
 2 the statutory requirements of the Municipal Land  
 3 Use Law and the board has jurisdiction to continue  
 4 the application and proceed.

5 THE CHAIRMAN: Thank you. Mr.  
 6 Segreto, do you wish to respond to either the  
 7 statement made by Mr. Del Vecchio or by Mr. Regan?

8 MR. SEGRETO: Yes, with regard to the  
 9 question of whether or not A&P is an interested  
 10 party. Obviously we think Mr. Del Vecchio is  
 11 wrong. A&P has been a long time corporate resident  
 12 of Montvale. They have been at corporate  
 13 headquarters pursuant to a ground lease and as part  
 14 of that ground lease, they pay taxes to the  
 15 Borough. The property that they occupy is a stone  
 16 throw away from this property, not 200 feet, but  
 17 they are very close. We did attend many of the  
 18 hearings that was for both master plan amendments  
 19 as well as the hearings with regard to the adoption  
 20 of the ordinance. We have in fact filed three  
 21 lawsuits challenging both master plan amendments as  
 22 well as the zoning ordinance. And I can say not,  
 23 no one has raised any defense that we were not an  
 24 interested party or we have no standing filing  
 25 those lawsuits. But I think it's absolutely clear

1 with regard to Mr. Del Vecchio's comments that  
2 somehow our objections and what we have to say and  
3 our witnesses have to say, somehow tainted because  
4 we are a competitor. Wouldn't that apply to all of  
5 these witnesses who have been paid to come up and  
6 tell you how wonderful this project is? They are  
7 doing so because they represent the Wegmans and  
8 every other user of this property, and the owners.  
9 And they want to convince you it is the most  
10 wonderful thing in the world for Montvale. So it  
11 works both ways. They are all professionals, they  
12 are all going to have an oath before they testify,  
13 and obviously this board has its job to look and  
14 consider all of the evidence and that the evidence  
15 that we present, as well as what they present, in  
16 making an informed decision. There are many, many  
17 cases that tell us cross-examination is the best  
18 vehicle to get to the truth. So it's not through  
19 direct testimony, but it's through  
20 cross-examination by an adverse party. So I would  
21 hope that you would not take Mr. Del Vecchio's  
22 advice. Don't look sinisterly at what I say or  
23 questions that I ask, or what the witnesses say but  
24 consider it and give it the same consideration that  
25 you would give this side of the aisle. Thank you.

1 MR. REGAN: Mr Chairman, if I could  
2 just respond. Just for the record, Mr. Segreto is  
3 incorrect in terms of the issue pertaining to  
4 interested party and standing. As the Board is  
5 aware, he has filed two lawsuits against this board  
6 in connection with two amendments to the master  
7 plan. One of which was done in July of last year,  
8 July of 2012. And a most recent, early April of  
9 this year. In both lawsuits, I have raised an  
10 affirmative defense, the issue of whether A&P has  
11 standing to challenge the board's amendment of the  
12 master plan.

13 That being said, however, I'm fully  
14 cognizant of the fact that the Courts of this State  
15 have accorded the term "interested party and  
16 standing" the interpretations have been liberal in  
17 favor of permitting an interested party to object  
18 or who has standing to raise objections to a zoning  
19 amendment or master plan amendment. I want to know  
20 for the record that we have interposed a separate  
21 defense as to whether A&P has standing as an  
22 interested party to challenge the boards's  
23 amendment to the master plan.

24 I think what should be placed on the  
25 record, I assume Mr. Segreto, since I didn't hear

1 anything from you, you have no objection to the  
2 form of the notice that was provided.

3 MR. SEGRETO: Counsel, I don't think  
4 it is appropriate that an objector's attorney is  
5 asked to give an opinion as to whether or not the  
6 notice is sufficient.

7 MR. REGAN: Well, I respectfully --

8 MR. SEGRETO: It is a decision for you  
9 to decide and Mr Del Vecchio to decide --

10 MR. REGAN: I think it is.

11 MR. SEGRETO: And even if I said I  
12 thought that the notice, and I'm not given this  
13 opinion that the notice was valid, and then it  
14 turns out if this board approved it, and we went to  
15 court and one of the challenges would be the  
16 insufficiency of the notice, there could not be a  
17 waiver because the waiver goes to the question of  
18 jurisdiction.

19 MR. REGAN: Well, Mr. Segreto, you  
20 know what the notice is. It was provided to you.  
21 Quite frankly, Mr. Del Vecchio provided the form of  
22 notice to you, based on my recommendations.  
23 Because I'm not going to subject the board or the  
24 public to six months or a year or longer of public  
25 hearings, and then have you raise an objection to

1 the form of the notice at the last meeting. We  
2 don't do things that way. We get it out on the  
3 record now. Either you object to the notice or you  
4 don't. I think the notice is perfectly fine. It's  
5 appropriate. But I would like to hear whether you  
6 have an objection as of today to the form of the  
7 notice, because again, we are not going to sit here  
8 and waste valuable time of board members, who are  
9 volunteers, our board professionals, the public who  
10 are hear, who are also not being compensated as you  
11 are and the applicant's representatives are. I want  
12 to know at this juncture whether you have an  
13 objection to the form of the notice. It's a simple  
14 question. You had that notice for at least a couple  
15 of weeks.

16 MR. SEGRETO: I don't think I had it  
17 for a couple of weeks.

18 MR. REGAN: You had it before it went  
19 out. It went out at least ten days ago. So you it.

20 MR. SEGRETO: Secondly, I think it is  
21 inappropriate for you to be asking me whether I  
22 object or not to a notice. I'm not going to give  
23 my opinion as to whether or not I think the notice  
24 is sufficient or not, because I think it's  
25 inappropriate. That's for you to decide whether or

1 not the notice is appropriate.

2 MR. REGAN: And I have advised the  
3 board, in my opinion, it is appropriate.

4 I am simply asking you a question, if you don't  
5 want to answer it, if you want to play a game like  
6 that, that's fine. That's your right to do it.

7 MR. SEGRETO: I'm not playing a game,  
8 sir. I've been doing this for a while and I never  
9 had any one ask me to give an opinion as an  
10 objector's attorney whether or not I think the  
11 notice or anything else that the applicant has  
12 submitted is sufficient or not. That's for you to  
13 decide and for Mr. Del Vecchio to decide.

14 THE CHAIRMAN: Mr. Segreto, you made  
15 your statement on the record. Clearly, that you  
16 are not prepared to provide us with that  
17 information, which is fine. The record is clear at  
18 this particular time.

19 It is your advice, Mr. Regan, that it  
20 would be preferential in your opinion for the  
21 Board's benefit, if in fact he would. But he has  
22 refused to do.

23 MR. REGAN: On occasions before this  
24 board we had an objector attorney come in at the  
25 first public meeting, and object to the form of the

1 notice. And I have directed or recommended that  
2 the objector attorney, and the applicant attorney  
3 sit down and work out the form of the notice.  
4 Again, we're not going to spend six months, a year  
5 or longer dealing with a complicated application  
6 and then have, at the very last meeting, an  
7 objection raised to notice. It is not fair to  
8 anyone.

9 THE CHAIRMAN: Understood. With  
10 respect to the other point that was brought up, Mr.  
11 Segreto representing A&P, who is in fact a tenant  
12 for many, many years, does he have standing as an  
13 interested party in the borough?

14 MR. REGAN: In my opinion, I believe  
15 he does.

16 THE CHAIRMAN: So therefore, we will  
17 proceed with the hearing with that understanding.  
18 Mr. Del Vecchio, you placed your objection to that  
19 on the record, unless there is anything else you  
20 want to say at this point with respect to that, I  
21 would suggest that you move forward and introduce  
22 your first witness.

23 MR. DEL VECCHIO: No, Mr. Chairman,  
24 I'm prepared to proceed. First of all I would like  
25 to mark some documents in advance of us proceeding,

1 just so that we don't have do stop the testimony as  
2 it proceeds this evening to mark them.

3 With that said, I would propose with  
4 yours and Mr. Regan's permission the following  
5 makings. The Affidavit of Notice document which  
6 contains all the notice proofs as A-1, I believe  
7 that consists of two volumes in this case because  
8 of the magnitude of the mailing. So both volumes  
9 would be A-1.

10 I would like to mark the site plan  
11 drawings that were submitted with the application  
12 prepared by L2A, they consist of 42 sheets as A-2,  
13 they are dated June 21, 2013.

14 A-3 would be the architectural plan  
15 prepared by JP2, they consist of eight sheets and  
16 they are dated June 18, 2013.

17 A-4 is the Wegmans Elevation Drawings  
18 prepared by Bignell, Watkins & Hasser. That is a  
19 single sheet dated July 24, 2013. A-5 is the floor  
20 plans prepared for the Wegmans building dated May  
21 14, 2013.

22 A-6 is the Wegmans prepared roof plan  
23 also a single sheet dated June 20, 2013.

24 And A-7 will be the RT KL master plan  
25 booklet which is on power point this evening, but I

1 also bought hard copies for the board members and I  
2 do have some extras for any one else as well.

3 And then I leave to Mr. Regan, both  
4 the PowerPoint presentations this evening by Mr.  
5 McCoach and Mr. Pett are contained on a thumb drive  
6 which we are prepared to file with this board if  
7 it's appropriate, I would like to mark that single  
8 thumb drive as A-8 containing those two PowerPoint  
9 presentations, which you will see this evening.

10  
11 EXHIBITS A-1 through A-8 marked.

12  
13 THE CHAIRMAN: Mr. Del Vecchio,  
14 before you proceed, I'm going to ask Mr. Regan,  
15 could you kindly first swear in the professionals,  
16 our planners, our engineers.

17 MR REGAN: And Chief of Police.

18 THE CHAIRMAN: And Chief of Police,  
19 all at the same time.

20 MR. REGAN: Mr. Preiss, Mr. Hughes,  
21 planners and Mr. Hipolit, Board Engineer and Chief  
22 Abrams, raise your right hand, please.

23 Do you swear or affirm that the  
24 testimony that you give in this proceeding is the  
25 truth.

1 MR. PRIESS: I do.  
 2 MR. HIPOLIT: I do.  
 3 MR. HUGHES: I do.  
 4 CHIEF ABRAMS: I do.  
 5 MR. REGAN: Let the record reflect  
 6 that the planners, the engineer and the Chief of  
 7 Police were sworn in.  
 8 THE CHAIRMAN: I ask also that the  
 9 applicant's representatives be sworn at this time,  
 10 as well.  
 11 Mr. Del Vecchio, just introduce the  
 12 gentlemen that will testify.  
 13 MR. DEL VECCHIO: Yes. First is Mr.  
 14 McCoach from RTKL and Jamie Pett from JP2.  
 15 MR. REGAN: Gentlemen, will you raise  
 16 your right hand, do you swear or affirm that the  
 17 testimony you give in this proceeding shall be the  
 18 truth so help you God.  
 19 MR. McCOACH: I do.  
 20 MR. PETT: I do.  
 21 MR. REGAN: I request you each place  
 22 your full name on the record, and spell your last  
 23 name.  
 24 DOUGLAS BRUCE McCOACH: Douglas Bruce  
 25 McCoach. Spelled M, small c, Capital C, O-A-C-H,

1 SWORN AND TESTIFIES AS FOLLOWS:  
 2 RICHARD JAMES PETT: I do. Richard  
 3 James Pett, P-E-T-T, SWORN AND TESTIFIES AS  
 4 FOLLOWS:  
 5 MR. REGAN: Thank you.  
 6 THE CHAIRMAN: Mr. Del Vecchio.  
 7 MR. DEL VECCHIO: Before I have Mr.  
 8 McCoach start his testimony, I kind of want to  
 9 explain why I asked Mr. McCoach as the site  
 10 designer and site planner to appear before you this  
 11 evening, because it's a little out of the ordinary  
 12 for what we typically do when we handle a site plan  
 13 application before the board.  
 14 In this case as it was mentioned  
 15 early on, this property has been zoned within the  
 16 confines of the PUD district. And the PUD District  
 17 has some special attributes and requirements to it.  
 18 One of which is for lack of a more legalistic  
 19 pinpoint correct term, we have to do a concept plan  
 20 approval for the entire site. The big picture, if  
 21 you will. And understand how the big picture of the  
 22 site translates down into all of the typical things  
 23 that we typically do when we handle a site plan  
 24 application. And the details, the very many details  
 25 that come with the site plan application.

1           As you know the DeFiero property and  
2 the proceedings that occurred before we got here I  
3 think bear it out, hold a very special place in the  
4 community's heart, and in the fabric of this  
5 community. And in coming up with a proposal that  
6 would do justice to the site, and the place that it  
7 holds in the community, we thought it appropriate  
8 to the get the best of the best, in terms of how to  
9 design and layout and create a vision for this  
10 site. And after much searching and contemplation,  
11 the property owners, Montvale Development  
12 Association sought out RTKL. And Washington located  
13 for Mr. McCoach's purposes, but an international  
14 design firm that has its fingers in all parts of  
15 the United States, and the World in its design.  
16 And we thought no better person would be able to  
17 plant the seed of the many seeds that have been  
18 planted on this property, and germinated over the  
19 years, but plant the next seed that will germinate  
20 and take this property to its next elevation, its  
21 next generation, and in this case while it is not  
22 going to be crops, it's still going to be a  
23 development that we think, if approved by this  
24 board, will be giving back to the community in many  
25 ways, not merely by providing an outlet for retail

1 goods and services, but also in a very functional  
2 way that it will connect to the many attributes  
3 that surround and tie into this property.

4           One of the things that struck me when  
5 I look at this plan, for probably the 12th, 13th or  
6 14th time, was the magnitude of open space that  
7 remains on this site after the development of the  
8 this site. The retail component of this site is  
9 25.79 acres. The residential component is  
10 approximately 3.3 acres. Putting aside the  
11 residential component, and focussing solely on the  
12 commercial or the retail aspect of it, the retail  
13 aspect as it's currently laid out on the drawings  
14 has approximately one and a half miles plus walking  
15 trails on the property. It has almost seven acres  
16 of open space. No, it is not seven acres in a  
17 block, in the middle of a lot that creates a huge  
18 park, but it has a number of what I consider to be  
19 pocket parks, or pocket amenities built into the  
20 center that provide places for people to gather,  
21 for people to enjoy the outdoors that come to  
22 Montvale to work. That live in Montvale, and raise  
23 their kids in Montvale.

24           And we think the development as was  
25 envisioned by Mr. McCoach, and hopefully takes

1 roots here before the Board by way of receiving  
2 your approval, is one that will germinate and  
3 provide many benefits to this community over the  
4 long run. While that may not be one of the  
5 standards that we're charged with providing you  
6 proofs on, it's one that we consider important to  
7 this application, and in introducing Mr. McCoach, I  
8 wanted the board to understand why we chose to  
9 bring him here before you, because we're offering  
10 him in the context of being the design planner or  
11 the design consultant who created the seed, the DNA  
12 for the development that Mr. Pett will put the fine  
13 point details on the architecture, Mr. Dipple will  
14 put the fine point details on the engineering, and  
15 other professionals will deal with the fine points  
16 that they are charged with and have the knowledge  
17 to deal with it.

18 With that said, I would like to ask  
19 Mr. McCoach to come forward. Mr. McCoach has  
20 prepared a PowerPoint, as we indicated, and is  
21 contained on the A-8 exhibit which we have marked  
22 as a thumb drive, and I would like to, at least to  
23 some foundation presentation with him and then let  
24 him run with this presentation for you.  
25

1  
2 DOUGLAS BRUCE McCOACH.

3 DIRECT EXAMINATION BY MR. DEL VECCHIO:

4

5 Q. Mr. McCoach, could you give the Board  
6 the benefit of your educational professional  
7 experience?

8 A. Absolutely.

9 THE CHAIRMAN: You may be better off  
10 sitting down and getting closer.

11 A. Again, my name is Doug McCoach, I'm a vice  
12 president with RTKL Associates. My office is based  
13 in DC, we maintain thirteen offices around the  
14 World. I'm responsible for the planning and Urban  
15 design division in my office in Washington, D.C and  
16 my markets are broadly speaking anywhere in North  
17 America, portions of the Middle East, South America  
18 and even extending into China. And all of those  
19 places, we do what's best described as development  
20 plans and for all of us speaking, it is our job to  
21 synthesize the interest of our clients and  
22 retailers that they represent, the interest of  
23 communities and the resident populations and then  
24 pool together different types of programming to  
25 create places where people want to go. So our

1 project always include retail components, they  
 2 regularly include residential, they can included  
 3 office, but that they also include open space, and  
 4 gathering spaces, and we found over the years that  
 5 they create great open spaces of recipe for  
 6 creating good communities.

7           On a professional level, I've been  
 8 practicing 29 years. I am a graduate from Syracuse  
 9 University with a bachelors in architecture, and  
 10 I've been at RTKL for almost the entire duration.  
 11 First working as an architect for the first 20  
 12 years of my career, doing commercial and retail  
 13 design work. And then taking a leave of absence  
 14 from the firm to serve as planner director for the  
 15 City for Baltimore, and also serving for eight  
 16 years as a planning commissioner for the City of  
 17 Baltimore. I know something about what you do  
 18 here.

19           While I was an architect at RTKL --  
 20 well, actually, after two years as planning  
 21 director I returned to RTKL to pick up the reigns  
 22 from the planning and urban side group. That's  
 23 where I am today.

24           While I was an architect at RTKL, I  
 25 maintained registration in thirteen states. I had

1 reciprocity with Encarp, and I am a Certified LEED  
 2 professional. I have let those registrations in all  
 3 of those States, except for Maryland, dormant. As  
 4 I'm now working in Washington as a planner, not as  
 5 an architect. But I certainly understand the  
 6 requirements of registration for the State of New  
 7 Jersey. And that's why the client actually  
 8 retained the services of an additional professional  
 9 planner to actually handle the technical details of  
 10 the plan.

11           RTKL maintains a legal identity and  
 12 registration in the State of New Jersey, as RTKL  
 13 New Jersey PC, I believe. So we have our presence  
 14 legally in this State as well. So, I think that  
 15 covers a lot of my experience.

16           I've been involved in projects of  
 17 this type for the past 20 years, I have been  
 18 involved giving testimony, planning testimony such  
 19 as yours, around the region and throughout the east  
 20 coast of the U.S. and Washington, D.C. and  
 21 Maryland, New York and New Jersey. So I feel as  
 22 though I bring qualified expertise to the table.

23           MR. DEL VECCHIO: Mr. Chairman, at  
 24 this point we're offering Mr. McCoach as an expert  
 25 in the field of site design and site master

1 planning, not as a planner for purposes of  
 2 providing same types of variance proofs, or  
 3 architect for purposes of dealing with  
 4 architectural issues. Mr. Pett, who is sitting  
 5 next to him will deal with the architecture, Mr.  
 6 Steck who will come later will deal with the  
 7 planning proofs.

8 THE CHAIRMAN: Mr. McCoach, could you  
 9 provide the Board and the public with the identity  
 10 of other projects that you worked on in the State  
 11 of New Jersey?

12 THE WITNESS: Yes, I can provide that.

13 THE CHAIRMAN: Specifically what  
 14 comes to mind?

15 THE WITNESS: Well, we have worked on  
 16 residential designs and master planning outside of  
 17 Newark, a large scale project. We done retail  
 18 projects outside of Newark. I'm currently working  
 19 with ARCO actually, that's in New York City --

20 THE CHAIRMAN: We don't care about  
 21 New York. I don't like New York. I don't go there.  
 22 There is nothing about New York I like. Stay in New  
 23 Jersey.

24 THE WITNESS: I could provide that  
 25 list to you.

1 THE CHAIRMAN: I would like to know  
 2 how I could hop in my car or any other board member  
 3 or member of the public, can go to a project that  
 4 you were closely involved with, saying with pride,  
 5 they are coming to Montvale. I would like you to  
 6 provide that information prior to our next meeting.

7 THE WITNESS: Okay.

8 THE CHAIRMAN: Okay. Mr. Regan with  
 9 respect to the credentials that Mr. McCoach has put  
 10 on the record and presented to the board, do you  
 11 recommend that we accept this gentleman?

12 MR. REGAN: Yes, I think he can be  
 13 accepted and qualified.

14 THE CHAIRMAN: Then the Chair will  
 15 accept the recommendation. Please continue, Mr.  
 16 Del Vecchio.

17 Q. Mr. McCoach, you had visited the  
 18 property which is the subject of the application?

19 A. Yes, I have.

20 Q. And you made yourself familiar with  
 21 not only the property, but the surroundings which  
 22 the property sits.

23 A. Yes, I have.

24 Q. And the document that is on the thumb  
 25

1 drive and the PowerPoint presentation that we're  
2 about to embark upon, that's attributed to you and  
3 prepared by you, or under your supervision?

4 A. Yes, I have.

5 Q. Now, the crazy lawyers are out of the  
6 way, I'm going to ask you to take your presentation  
7 and move forward with it. I won't interrupt.

8 A. Thank you. So the presentation which is  
9 behind the panelist, I think some of you have sat  
10 in prior public forums, and this actually I think  
11 goes back to the point of our engagement by the S.  
12 Hekemian Group.

13 Our detail was asked to assist Hekemian as  
14 it moved forward in concepts for developing the  
15 DePiero site. They explained to us that there was  
16 a need to create a vision for this project, which  
17 was innovative, that brought, I think a  
18 contemporary retailing concepts and technical  
19 concepts to the Borough. A vision for the site  
20 which was integrated in the sense that the site  
21 which is really I think a significant location  
22 within Montvale, has the opportunity to tie  
23 together many aspects of daily life within the  
24 Borough based on its location.

25 And they asked for us to ultimately also to

1 find a way to recall the legacy of site, the  
2 DePiero's presence on the site for so long, and  
3 recognize the importance of the DePiero Farm  
4 Enterprise in that location.

5 So if you could go to the next slide, Dan.  
6 This is a little bit of my background. The images  
7 that you see in here, while not in New Jersey, to  
8 talk about our extensive experience within our firm  
9 of creating great places that people want to visit  
10 and spend time in quality places to the benefit of  
11 th community that they are in. Including downtown  
12 Silver Spring, which was really a desolate downtown  
13 area which is now a vital thriving entertainment  
14 and shopping district. Pentagon Row, in Arlington,  
15 Virginia, which is an integrated residential and  
16 retail lifestyle center. Reston Town Center in  
17 Virginia which is recognized as one of the premiere  
18 town centers in America, which we're actually  
19 currently involving in expanding to introduce more,  
20 I think, residential development, and you know  
21 bring more great park space. And the Merrifield  
22 Town Center, which again is a newer lifestyle  
23 development, also integrating residential with  
24 retail and testing some new opportunities for  
25 integrated vertical development and mixed uses.

1           Next slide, Dan. In addition to, we'll point  
2 this out, in addition to my focus on planner design  
3 I've been assisted by Clair Bedat, who is a  
4 designer in our landscaped studio, in our  
5 Washington office. And Claire has done a very good  
6 job, I hope you agree, in interpreting some of  
7 those goals that were set forth by our client, and  
8 looking for us to make the landscaping a  
9 significant part of our design as opposed to an add  
10 on. I believe that she will have a chance to  
11 testify at a later hearing, and she will go into it  
12 in more depth into the design. I think she brings  
13 passion and also a significant amount of  
14 experience.

15           You will also see, and you have to forgive  
16 me for my memory loss, some of the projects at my  
17 studio and that I have been involved with, are  
18 located here in New Jersey. The River Walk project  
19 was the one that I was referring to, a waterfront  
20 property at Port Imperial. Again, a mixed use  
21 property, residential and significant waterfront  
22 property and open space development. A really very  
23 nice project in Livingston, New Jersey a  
24 residential town center, including a city hall, a  
25 civic space, retail and residential. And then

1           other residential projects including Crown Farm in  
2 Maryland and a projects throughout Washington, D.C.  
3 The Capital Visitor Center. So Claire brings great  
4 skill and knowledge to this team.

5           Next slide. So, again we understood that the  
6 challenge here was to bring design quality and  
7 innovation to Montvale. And perhaps that was in  
8 response to discussions that occurred with the  
9 developer prior to our involvement, it was  
10 explained in our description of RTKL and my role  
11 there, we focused on making great places that  
12 people want to go to and visit and spend time in.  
13 And that's a secret of economic success and the  
14 secret how they contribute making great  
15 communities, and the example that you see up here,  
16 gives you some ideas of some of the different  
17 techniques that we used. And some of the strategy.

18           In the design that we show today, and in  
19 many of our designs, we focus actively on community  
20 buildings. Creating landmark places that broaden  
21 people's understanding of where they live, and the  
22 character of where they're placed. We look to  
23 intergrade public activities, outdoor activities  
24 into our plans. The image you see on the top of  
25 the screen is actually in Reston Town Center, is

1 the pavilion, the market pavilion which in the  
2 summertime used for farmer's markets in Summertime  
3 and wintertime, ice skating.

4 We're always looking for diversity of  
5 uses. I think that's a little bit different than a  
6 lot of shopping centers. And so, the images that  
7 you see at the top of the screen talk about how you  
8 could integrate dining, food service with some  
9 different types of retailing concepts, including  
10 the Garden Center.

11 Our projects more and more are focussing on  
12 low impact development, and we think this is very  
13 important for the Borough. And so the project has  
14 inundated sustainability strategies. Very, very  
15 broad range, in fact.

16 And then lastly, we're always looking to  
17 find a balance, to strike a balance between  
18 pedestrian and automobiles. We think across the  
19 U.S. you need both to have a successful place, but  
20 all too often for the past 50 years, we've given  
21 too much weight to the automobile, so we look for  
22 ways to enhance the pedestrian experience and a lot  
23 of pedestrian connections to occur on our projects.

24 I think that all five or six of these ideas  
25 find a home in this project in this project, the

1 Shoppes at DePiero Farm. Dan, next.

2 So I guess this would have been a year and a  
3 half ago 2011 when we first started to learn more  
4 about the site, and we did some analysis of the  
5 site and we were struck by some interesting  
6 opportunities. In particular, the fact that the  
7 site is surrounded by I think an interesting and  
8 useful mix of uses. The corporate uses on Mercedes  
9 Drive and Philips Parkway, the Borough Hall and  
10 library and police station, open space adjacent to  
11 the Borough Hall, and so we think that immediately  
12 in that site, there's seeds of community of people  
13 that work there, and visit there everyday. When you  
14 look at the broader Montvale, particularly the open  
15 space assets in town, what we see is a very  
16 disconnected array of public facilities, and very  
17 nice, but it isn't apparent there is any kind of  
18 walk connectivity or integration, and so we started  
19 to think maybe this site can actually provide some  
20 of that. Maybe this site isn't about the 29 acre  
21 triangle of land, but rather it's about the bigger  
22 picture of all of the facilities around the site  
23 and how they can become a more cohesive experience.

24 We know that there is an anchor to downtown  
25 Montvale and we're not interested in threatening

1 that downtown, or competing with it, but we believe  
2 we are close enough to the Garden State Parkway,  
3 that this site can actually survive on its own  
4 without adverse impacts. Next slide, please.

5 So Hekemian asked us to consider a couple of  
6 program elements. The first being a large grocery  
7 anchor. And the second being this lifestyle retail  
8 buildings. And then the third being, I think a  
9 significant amount of open space. And the challenge  
10 was to find a way where they can all work together  
11 and create a project that sort of was more than the  
12 sum of its parts. As we looked at the site we  
13 started to notice some real opportunities,  
14 including obviously access coming down Grand Avenue  
15 and the intersection at Mercedes and Grand, which  
16 we recognize as currently has traffic issues, so  
17 any kind of a development here presented the  
18 opportunity to address those issues. And also  
19 presents the opportunity for site identity and to  
20 communicate for people heading east on Grand what's  
21 happening on this site. Part of the Grand Avenue  
22 where the grade levels out and the grade on the  
23 DePiero property goes to Grand Avenue, we saw the  
24 opportunity for a major entry element, right in and  
25 right out off of Grand Avenue. And we really like

1 that because it is prior to the heart of the site.  
2 But also it took some pressure off of Mercedes  
3 Avenue intersection. So, as we headed down Grand  
4 suddenly, at this location, the site really opens  
5 up and allows people to sort of enter and connect  
6 landmark location and then proceed to the entire  
7 development.

8 Heading down Grand Avenue by virtue of the  
9 grades on the site, we recognize there is an  
10 opportunity for an additional lifestyle center  
11 component which we wanted to start develop  
12 something that would compliment the development on  
13 the balance of the site, but have the ability to  
14 function independently. We recognize the  
15 intersection of Philips Parkway and Grand, the need  
16 to connect to the rest of the Borough. Philips  
17 again, we have the public library, there was an  
18 opportunity to acquire open space and so we started  
19 to recognize that all of these things fit together  
20 nicely. With the notion of our pedestrian  
21 experience, we started to identify how people could  
22 use this site on a daily basis. A visitor here  
23 could perhaps drop their kids off at the library  
24 and then head over to do some grocery shopping.  
25 That the folks that work at Mercedes or some of

1 these other offices, maybe could come over here and  
 2 take advantage of a network of pedestrian pathways  
 3 for exercise, walks at lunch. We thought that after  
 4 work, folks could head over here and maybe there  
 5 are restaurants over here. That could be an  
 6 attraction for them, or certainly stop at Wegmans  
 7 on their way home and pick up groceries.

8 We started to see that you connected to the  
 9 broader Borough of Montvale, this really could  
 10 become a great hub for community life.

11 Next slide Dan. And so this image I think  
 12 shows pretty clearly the conception of looking down  
 13 Grand Avenue and looking at Mercedes seeing the  
 14 green space at our entrance, which identifies the  
 15 project and then the lifestyle center. And in the  
 16 foreground and beyond that, the Wegmans. And  
 17 you'll see those elements that relate to the  
 18 varying legacies of the site. And we'll talk more  
 19 about how you interpret that with a equestrian-stye  
 20 design. But it is not a particularly dense  
 21 development, nor is it particularly tall. We think  
 22 it fits nicely into the scale and the context of  
 23 the site.

24 Next slide, please. So the elements of the  
 25 project, we're including, to start with the park

1 space up at the intersection of Mercedes and Grand.  
 2 Lifestyle Village of about 50,000 square feet.  
 3 Wegmans Grocery store 140,000 square feet. And an  
 4 entrance, with an entrance feature off of Grand  
 5 Avenue. The main street entrance off of Mercedes,  
 6 the town green, speaking of off of that entrance  
 7 and connected to Wegmans. Pedestrian arcades and a  
 8 walking experience around the lifestyle center.  
 9 Storm water solutions which are integrated into  
 10 pedestrian pathways. Phase II lifestyle  
 11 development. Park space interspersed into the  
 12 project. Bike and pedestrian trail system that  
 13 both connect through the project and also connect  
 14 to the library, and to the open space.

15 In response to recommendations from the  
 16 Borough, the project has a significant landscaped  
 17 component which we'll talk more about as it relates  
 18 to the theme, but we believe we have met the  
 19 intention of the Borough's ordinances with regard  
 20 to landscaping across the entire site.

21 Next slide, please. Now, one of the defining  
 22 features on the site is the significant grade  
 23 change from east to west. And there always been a  
 24 question of how can we address that. We note from  
 25 other projects what we didn't want to do is

1 introduce a significant single retaining wall into  
2 the upper and lower portion of the site right here  
3 (indicating.) I think we address the grade change  
4 of approximately 15 to 20 feet in this location, so  
5 our strategy in doing that was actually break that  
6 wall down into two small steps, and introduce some  
7 of our storm water solution in that location  
8 between the two wall portions. And also a  
9 significant amount of landscaping to that wall. So  
10 the idea was, you never have a large scale  
11 institutional kind of presence with that retaining  
12 wall on the site. So the grade as we look east to  
13 west in this section B, really presents a  
14 relatively flat parking area, in front of the  
15 grocery store, and service area behind the grocery  
16 store, and then modest steps down to the Phase II  
17 business-style center. And then looking north to  
18 south of the section really shows the intersection  
19 of Grand and Mercedes and the park at the top of  
20 the site, and relatively low elevation of the  
21 lifestyle retail center relative to the  
22 intersection. And then a flat portion of the site  
23 with the parking field for lifestyle retail, the  
24 main street and grocery market.

25 One feature of the project is the green roof

1 that's proposed for the large retail building up in  
2 the lifestyle center. And we think that is an  
3 essential component of the sustainability strategy  
4 and it is also an amenity, in the sense it helps  
5 reduce some of overall institutional appearance of  
6 the building.

7 Next slide, Dan. So, this is a view  
8 looking up Grand Avenue towards the Wegmans and  
9 this shows the concept for the lifestyle phase II  
10 project which was conceived as a sort of a garden  
11 store-type of tenant, which the developer is still  
12 in the process of working with to plan as a tenant  
13 here. But the goal is to see here greenhouses and  
14 garden sheds along Grand Avenue. So much we'll  
15 calling it the DePieros. I guess two, six foot  
16 tall retaining walls screened with landscaped and  
17 the Wegmans beyond. Up on the top of the hill also  
18 screened by significant landscaping (indicating).

19 As your eye follows up Grand Avenue you  
20 could see hints of some of the farm structure  
21 vocabulary and some of the farm amenities. That we  
22 think are useful to introduce character to the  
23 project, and that goes all the way up to the  
24 intersection of Mercedes.

25 Next slide, please. This is another view of

1 the project this one looking across Grand Avenue at  
 2 the town green, a circular entry feature with the  
 3 windmill that's proposed. We actually think there  
 4 is lot of opportunity to introduce these elements  
 5 which would recall the legacy of the DePieros from  
 6 the form of the farming equipment. And so this  
 7 windmill is a very nice detail element.

8 You'll see in this view a number of  
 9 different types of design vocabularies for the  
 10 lifestyle retail buildings. And each of them  
 11 recall the varying architecture region, and then  
 12 you also see the Wegmans, which I think one of the  
 13 great opportunities on this project was to take  
 14 advantage of the Wegmans Store design with the  
 15 spire to start to create identity where we will  
 16 call it the state and main intersection on this  
 17 site, where the town green is sort of right across  
 18 the street from this spire, which is where the  
 19 Wegmans store has their food service. So suddenly  
 20 there is a focus of activity right here at that  
 21 intersection of the project.

22 Next slide please. So we were asked  
 23 again to acknowledge the history of the site and  
 24 the importance of, I think farming in the region,  
 25 through our design. And we find that the projects

1 that we do which are most successful, I think are  
 2 tied together by theme. That we can introduce  
 3 concepts that go beyond just to create retail  
 4 buildings. We can introduce and create  
 5 environments that are meaningful to where the  
 6 projects are located and people that visit them.  
 7 And so we started to consider what did farming mean  
 8 in this area, and how can it be interpreted, how  
 9 can we bring some of this concept into the project.  
 10 And we looked at a lot of examples and precedents  
 11 and started to identify different ways that would  
 12 bring us forward in the project. And the first  
 13 idea was there was a very strong type of vocabulary  
 14 of form and mass of these structures. They have a  
 15 very strong and simple roof forms. They have  
 16 defined shapes, Dutch, Dutch roof, or shed roof, or  
 17 hip roof. Very simple. There is lot of types that  
 18 are vertical elements, like these silos and there  
 19 is always the notion of horizontality within the  
 20 masses. All of these ideas start to transplant  
 21 into the lifestyle retail forms of buildings. And  
 22 in addition, I think with great fortune, start to  
 23 be recalled by the Wegmans store.

24 The next slide, please. There's also  
 25 a very, very strong graphic character associated

1 with the farming of the region. And that includes  
 2 everything from the signage, branding and labels to  
 3 the structures that start to communicate the use of  
 4 the site itself. So we think silos, corn cribs,  
 5 water towers, all start to create identity. And  
 6 then certainly, the equipment that farms used is  
 7 very iconic. Tractor, trucks, and can be used to,  
 8 I think, create an environment.

9 Next slide. We think this is pretty easily  
 10 to understand that with the simple farm structures,  
 11 that there is a common pallet of material that's  
 12 recognized. You know green roof, red roof. The  
 13 material that encloses the building whether it is  
 14 stone or wood siding. The windows and the doors  
 15 and the placement and size and some of the building  
 16 details, such as dormers and ventilators. All of  
 17 these things including details of the construction  
 18 that come together and create a recognizable  
 19 vernacular style.

20 Next slide. So the question then is, how do  
 21 you bring that home to Montvale, New Jersey. And  
 22 how do you sort of walk that fine line between  
 23 something that looks like it came out of the set  
 24 for Green Acres or He Haw, and something that is  
 25 sort of not related to Montvale. And our

1 conclusion was that there is an equestrian-style  
 2 that starts to pull together the agricultural  
 3 influences and put them into a context that  
 4 immediately makes sense for a flow community like  
 5 Montvale. And it certainly relates to the type of  
 6 tenants that we think make sense for this project,  
 7 whether that's fashion or jewelry or other  
 8 services. That there is, I think, a tenant base or  
 9 market that is seized upon this style. So we  
 10 thought this was the way to tie together with  
 11 reference to DePieros, the references to regional  
 12 architectural native-style and also the marketplace  
 13 that the project wanted to respond to.

14 Now a couple of notes about this, the  
 15 equestrian-style this is really defined by a  
 16 particular era. In a sense that people have been  
 17 riding horse for a long, long time. So it's not  
 18 exclusive for Victorian, and it is not exclusive of  
 19 sort of a colonial. The purpose of this, is not to  
 20 create a historic Williamsburg, that really doesn't  
 21 make sense here. The purpose of this is to create a  
 22 broad theme of different elements and connect to.  
 23 And it makes sense for Montvale. So, we think that,  
 24 we think that the theme, I think there is latitude  
 25 in interpreting that theme. And I think that that

1 latitude needs to include certain functional  
2 elements of the plan. So for instance as the plan  
3 has been developed with the engineers and  
4 architects, we need fire hydrants. There is no  
5 such thing as an equestrian fire hydrant, facade  
6 sign, or for that matter, a light pole. So we  
7 think that the technical elements have to be in  
8 plan and we think that they will somewhat fade into  
9 the context of the plan and don't have to conflict  
10 with this equestrian theme that we've developing.

11 Next slide please. One of the important  
12 features of this project is the landscape. The  
13 building covers only a certain percentage of the  
14 site. And I think one of the ways this project is  
15 very, very different than almost any other  
16 commercial retail development is with the  
17 integration of landscaping into the design theme,  
18 and execution across the site. We were very  
19 intrigued by ways of interpreting this agricultural  
20 environment heritage here, in terms of landscape  
21 features. And we are also very interested in  
22 bringing that landscape forward in a context of an  
23 age where we are thinking about its sustainability  
24 and the environment. And so we wanted to find  
25 landscaped solutions that were more natural and

1 utilize the natural materials, that recognize I  
2 think the sort of the idea of farming within our  
3 plan and brought forth features like stonewalls,  
4 instead of concrete retaining walls. Wood fences  
5 instead of plastic fences. Just in a way that  
6 would be more natural, more authentic and more a  
7 part of our overall concept.

8 Next slide, please, Dan.

9 Could you do me a favor, could you go back  
10 to our illustrative site plan. There you go  
11 (indicating). That one.

12 In talking about landscape, a couple of  
13 features, a couple of things are important to talk  
14 about. Within the plan with see our entrance  
15 gateway, a significant location for features like  
16 tractors or windmills. We also see them as  
17 opportunities for field stonewalls, or things like  
18 corn cribs that could become graphic elements. We  
19 look for ways to recall the legacy of the DePieros  
20 by actually creating field rows of different plant  
21 material that would recall the actually the plants  
22 that are growing there right now. We look for  
23 solutions like wood fences that could actually have  
24 grapevines or grass intertwined with them as you  
25 enter into the site. And we looked for ways to

1 treat our trees more as orchards, as opposed to  
2 just shade trees along the parking lot. And so I  
3 think when you try very hard to bring notions of  
4 the history of the site, into the landscape design  
5 and integrate it.

6 Okay, now you could go back. And what this  
7 slide was hoping to explain with some notions of  
8 sustainability, and I don't know if I need the  
9 slide to tell you about what we have proposed,  
10 where you will see a significant areas of green,  
11 landscape, you will see the green roof, we  
12 incorporated bike racks, network of bike accessible  
13 pathways. We incorporated charging stations. We  
14 incorporated lighting which is sustainable, and  
15 both the standard of Wegmans, as well as to the  
16 lifestyle center. We worked to create the storm  
17 water detention pond that meets the requirements of  
18 the borough, but also, I think, contributes to this  
19 notion of keeping water on the site, a fundamental  
20 sustainability. And I think finally introduce the  
21 amount of trees and shaded areas across the entire  
22 site.

23 By and large it's a, I think, a great  
24 opportunity to introduce sustainability into a  
25 retail center, which is a land use which isn't

1 known for being environmentally friendly. And to  
2 do something that is maybe moving advances  
3 sustainability within the Borough.

4 Next slide. I think, I believe, our  
5 two final slides, again giving you the sense of an  
6 arrival onto the site. This is from Mercedes Drive  
7 and we're looking down this main street towards the  
8 spire at Wegmans. Beyond the retail buildings on  
9 the left, you have the village green with its  
10 windmill and the feature of the green. And then in  
11 the distance, the downtown Montvale. You could see  
12 the fences, the stone wall that we talked about, as  
13 well as the use the intention of our design  
14 concept, the use of special paving.

15 Next slide, please. And I believe lastly  
16 this slide gives an overall view of the project.  
17 Again this was a painting that was done at the  
18 conceptual level of the design. Which shows  
19 Wegmans to the right. The lifestyle center in the  
20 center of the painting. Mercedes to the left and  
21 Grand Avenue traversing the back.

22 I guess I would like to add that RTKL and I  
23 have been doing retail projects for a long time.  
24 That's really how we established our reputation.  
25 And you know, I guess I got 30 years of experience

1 under my belt in this business. And I think that  
 2 one of the things that you're going to see, it's  
 3 rare that a designing concept was interpreted I  
 4 think so literally as this one has, many times,  
 5 most times, just about every single time the  
 6 architecture goes through the process of evolution  
 7 and differences, it could be developers, it could  
 8 materiality, it could be availability of tenants.  
 9 These things tend to change the design. Sometimes  
 10 it takes the design sort of off track. I think that  
 11 between the efforts of the borough to define what  
 12 the project should be through the zoning process,  
 13 and then with the efforts of the architect, I  
 14 believe what you will be seeing is something that  
 15 is very, very true to the concept that we outlined  
 16 over a year ago to the Borough. One that really  
 17 does maintain this language of agricultural  
 18 architecture, and landscaping. And one that really  
 19 supports this notion of becoming a community hub.

20 And I think it's rare and I think it is very  
 21 good. And I'm very pleased as the person who sort  
 22 of was the originator of the idea to see that it's  
 23 been maintained. I'm quite proud of it. So again,  
 24 it is unique, and I think it speaks to the  
 25 usefulness of the theme and I think it goes well

1 for the future of the project with respect to the  
 2 Borough of Montvale.

3 THE CHAIRMAN: Thank you.

4 Mr. Del Vecchio.

5 MR. DEL VECCHIO: Mr. Chairman, I  
 6 don't have any further questions of Mr. McCoach at  
 7 this time. I just would note maybe we could take a  
 8 couple of minutes for the court reporter before I  
 9 call my next witness.

10 THE CHAIRMAN: Why don't we do that.  
 11 Let's take a ten minute break. Let the court  
 12 reporter take care of her thing, and we will be  
 13 back in a few minutes.

14 (RECESS 9:10-9:30 PM)

15 THE CHAIRMAN: The meeting will come  
 16 to order.

17 Mr. McCoach, I would like to thank  
 18 you on behalf of the board. That was a good  
 19 presentation. I am sure the Board has questions  
 20 with respect to what you presented to us.

21 However, in the interest of time,  
 22 what I have asked Mr. Del Vecchio is that you  
 23 present your architect who is here to show us the  
 24  
 25

1 mechanics and the vision, and how he put it all  
2 together. And then I will turn to the board  
3 members to allow them to ask questions of both of  
4 your professionals.

5 With that said Mr. Del Vecchio, the  
6 floor is yours.

7 MR. DEL VECCHIO: Thank you, Mr.  
8 Chairman. As I indicated earlier on, we do have  
9 our project architect, Jamie Pett here from JP2.  
10 He was previously sworn. At this point I would  
11 like to proceed in qualifying Jamie in connection  
12 with his appearance here this evening.

13 I am going to give Jamie the  
14 microphone.

15 THE CHAIRMAN: Thank you.

16  
17 JAMIE PETT, SWORN.

18 DIRECT EXAMINATION BY MR. DEL VECCHIO:

19  
20 Q. Jamie, could you provide the Board  
21 with the benefit of your professional and  
22 educational background.

23 A. Certainly. Thank you. My name is Richard  
24 James Pett. I am a licensed architect and graduate  
25 from Carnegie Mellon University, practicing

1 architecture for about 25 years. I was a vice  
2 president and general partner with RTKL for 19  
3 years. Those years, Doug and I known each other  
4 actually well. And I had the benefit of some  
5 shared history with him in terms of the philosophy  
6 of that firm and personal projects.

7 I am the founding partner of JP2 Architects,  
8 which is my practice. It's been in business almost  
9 ten years and we're located in Baltimore, Maryland.  
10 We have a single office there with 15 people in it  
11 and we focus principally on commercial work. I am  
12 licensed in 12 states, including New Jersey. I do  
13 not have a lot of built projects here in New  
14 Jersey. Actually the last stuff that I worked on  
15 was in conjunction with Newport City, and some  
16 residential towers there, as well as some of the  
17 retail in the New Port City area. I haven't done  
18 anything in this jurisdiction, although we are  
19 embarking on a project over in Hackensack.

20 Q. Jamie, in addition to your work that  
21 mentioned here in New Jersey, what other retail  
22 background do you and your firm have in the retail  
23 architectural field?

24 A. Our firm really built the core of our  
25 practice around commercial projects, and this

1 includes both open air centers liked the one  
 2 contemplated here in Montvale, as well as enclosed  
 3 regional shopping centers. In that capacity, I  
 4 have testified and been granted expert witness  
 5 status at a number of entitlement hearings in  
 6 various jurisdictions. Those include Washington,  
 7 D.C. Arlington, Virginia, West Chester, New York,  
 8 Fairfax, Virginia and other locations. Some of the  
 9 projects that I authored include fashion Center at  
 10 (inaudible) City, Shoppes at Boston Commons  
 11 currently working on Jefferson Valley and a number  
 12 of other projects.

13 MR. DEL VECCHIO: I would submit Mr.  
 14 Pett as an expert in the field of architecture as  
 15 indicated he is licensed and practiced architecture  
 16 in the State. And I believe his professional  
 17 background supports his credentials.

18 MR. REGAN: I believe he can be  
 19 accepted and qualified as an expert.

20 THE CHAIRMAN: As per recommendation  
 21 of Counsel, please continue Mr. Del Vecchio.

22 Q. Mr. Pett, you kind of pick up where  
 23 Mr. McCoach left off. And was charged with putting  
 24 the details to the vision created by Mr. McCoach.  
 25 And in the context of your services, what was the

1 parameters of your hiring by Montvale Development  
 2 Associates and your charge in moving that vision to  
 3 the next step?  
 4 A. Well, as Doug alluded to earlier, I think  
 5 that we have a very unique circumstance here  
 6 because both the jurisdiction and the client were  
 7 wise enough to reach out to an extraordinary  
 8 consultant of RKTL, and come up with an  
 9 extraordinary concept. And I will submit to you  
 10 having worked in many, many locations on many  
 11 shopping centers of this kind, that it is indeed  
 12 where to have a really strong conceptual foundation  
 13 that I think links the project to its location and  
 14 really makes it resonate with the community in  
 15 which it's being built.

16 That being in place, they won this  
 17 extraordinary opportunity for us as a firm because  
 18 we were able to really use that as a direct point  
 19 of departure for our design work without really  
 20 having to start with a blank piece of paper, and  
 21 try to source and find those types of things that  
 22 inform the architecture and form crafted. So we  
 23 were really asked by the client to study the work  
 24 that Doug and his team had done, and understand it  
 25 thoroughly and to use it as a point of departure in

1 the development that we did for those buildings  
2 that I'm about to show you tonight. Really without  
3 taking much liberty, and I don't want to say our  
4 hands were tied, but we really respected the work  
5 that had come before us and felt it was an  
6 extraordinary departure and we really tried to stay  
7 very true to it going forward.

8 Q. Now, Mr. Pett, the site of this  
9 project you had an opportunity to visit and make  
10 yourself familiar with it?

11 A. Yes, I have.

12 Q. And the drawings that we attributed  
13 to your authorship were JP2's Title Block, were  
14 prepared by you and under your supervision?

15 A. Yes.

16 Q. And with regard to the drawings  
17 depicting the Wegmans elevations and floor plan and  
18 roof plan, you had an opportunity to study those  
19 drawings and understand them and are prepared to  
20 present testimony concerning what they represent  
21 and how they work.

22 A. Yes, I am. Again, with the caveat that we  
23 were not the architects, we are not the architects  
24 for the Wegmans building, but I am prepared to, as  
25 a professional architect, to tell you about that

1 building and try to address your questions that you  
2 may have.

3 Q. And in connection with your  
4 appearance here this evening, you too have prepared  
5 a PowerPoint which is a compilation of the  
6 architectural drawings that we marked respectfully  
7 this evening as A-2 through A-6 and then also  
8 supplemented within your PowerPoint presentation  
9 certain additional exhibits that you felt you  
10 needed to illustrate testimony.

11 A. Yes, it is.

12 Q. And those are all depicted on the  
13 thumb drive as A-8.

14 A. Correct.

15 Q. And again, I just wanted to again  
16 reference drawings that were attributed to you were  
17 marked as A-3, and then the various Wegmans'  
18 drawings were marked A-4, 5, 6 respectfully.

19 A. Correct.

20 Q. With that said, I will offer you the  
21 very same opportunity that I offered to Doug. I  
22 will sit down and ask you to take the Board through  
23 your Powerpoint presentation depicting the various  
24 plans and elevations for the project.

25 A. So Doug already showed you what I think is

1 actually a slightly more current version of this  
2 rendering. But everyone is intimately familiar  
3 with the site and the foreground being the  
4 intersection of Mercedes and Grand, and you can see  
5 clearly the green space on the corner (indicating).  
6 And these are artist depictions and some of these  
7 feature elements evolved with the Windmill and this  
8 silo, is no longer contemplated in that location.  
9 But there is a stonewall here, a monument wall,  
10 this is a featured green space and it does in deed  
11 carry sort esthetically up on the roof of that  
12 junior anchor building in this location. The  
13 lifestyle center, the Wegmans, Grand and Mercedes.

14 You could go to the next slide for me.  
15 This is the same illustrative site plan. I won't  
16 dwell on it too long other than for the purpose of  
17 orientation and building arrangement on the site.  
18 The lifestyle component is really six buildings in  
19 Phase I. There's six buildings here. Then the  
20 Wegmans in this location (indicating). These  
21 buildings total 60,000 square feet, all of them are  
22 in conformance with your ordinance which says that  
23 none of them are less than 4,000 or more than  
24 25,000 square feet in size. These are all within  
25 that size range which is really kind of a very nice

1 and also a unique feature of the project in terms  
2 of the architecture. You don't have real large  
3 extruded buildings you typically see in an open air  
4 center or kind of a more traditional strip center.

5 In addition to those, we have the Wegmans.  
6 This is located on the site as prescribed by the  
7 ordinance facing Mercedes with a primary field of  
8 parking in the front. The lifestyle buildings are  
9 array, also around that parking with two buildings,  
10 against Mercedes. Two buildings, and this building  
11 against Grand. And then finally down in this corner  
12 of the site, that is the far corner here, the lower  
13 corner, if you will, is what we're characterizing  
14 as Phase II of the project. Again, as Doug  
15 mentioned was conceptually thought of as a Garden  
16 center-type retail tenant. That tenant has not yet  
17 been secured. So we have only requested, I think,  
18 preliminary approval, is the right term for that  
19 particular area.

20 I am just -- if you could go back for one  
21 second. So I'm going to focus now initially on  
22 this sort of triangle right here. This upper  
23 portion of the site. That is the Phase I lifestyle  
24 center.

25 Now, if I could have the next slide. So

1 this is again an enlargement of that area. You  
2 could see the six buildings. They are reasonably  
3 modest in footprint. We refer to this one as the  
4 junior anchor building. The buildings A and B, and  
5 C and D. These buildings are placed against  
6 Mercedes Drive and there is a retaining wall that  
7 runs along the site of this location. So the site  
8 right here in front, if you will, on the parking  
9 side of Buildings A and B, is actually lower than  
10 Mercedes. So these buildings are set into the  
11 earth. They are pushed down as it is. This  
12 building, all of that in addition to the height  
13 cap, keeps the scale of this project really quite  
14 low in terms of the impact.

15 Q. Jamie, if I could interrupt for a  
16 moment, if you would, for the record, when you  
17 refer to a particular building, if you could use  
18 the designated letter so the record picks it up and  
19 we're clear for the record.

20 A. So buildings A, B and C all have their --  
21 pardon me, A B and F all have their rear facade  
22 sort of against a retaining wall condition. And  
23 I'll show you those as we go through the  
24 elevations. Buildings C and D and E are  
25 effectively freestanding buildings out on the site

1 in conjunction with those wonderful open spaces  
2 that Doug described earlier.

3 Give me the next slide. So the first  
4 buildings I'm going to talk about this key plan  
5 here will help you orient yourself, these are  
6 buildings A and B these buildings along Mercedes  
7 and this top elevation. The front elevations of  
8 those buildings face the primary parking field.  
9 These buildings again are intended to be highly  
10 articulated, in that they have gable roof on the  
11 front third of the building. That gable roof is  
12 further articulated with dormer windows. There are  
13 variant heights to that roof line. There are  
14 tripart-type composition of bays. Both arch and  
15 straight store fronts. Building has a base, middle  
16 and top. Stone bases in these locations.  
17 Traditional siding. Store fronts which run the  
18 entire length of the building, which store fronts  
19 which wrap the building for the first 20 feet or  
20 more in conjunction with your ordinance.

21 If you could take me to the next slide.  
22 This is an enlargement of building A, the left hand  
23 building, you could see the materials just a little  
24 better more clearly. Again, the stone bases,  
25 traditional wood siding, wood detailing on the

1 piers, dormers, standing seam metal roof.

2 This building is also articulated, as I  
3 mentioned, in this tripart composition it is  
4 articulated in the plan so this surface is not  
5 flush with this surface, but it's in fact behind  
6 it.

7 If you will go to the next slide for me.  
8 You could see that the front facade of the building  
9 steps in and out, giving it that high level  
10 articulation. The roof line slides off to create a  
11 canopy at the primary entrance. The central bays  
12 is taller than the flanking bays. The roofs here  
13 are tall, all of these things intended to add to  
14 the character of the building and to further that  
15 sort of equestrian-theme that we're evoking  
16 throughout the project.

17 The rear portion of this building is  
18 accommodated with a kind of parapet here  
19 (indicating), and I think the drawing may be a  
20 little bit misleading. This is intended to be a  
21 solid parapet. So these spaces, if you will,  
22 between the X's or the X motif are in fact in  
23 filled with solid construction. This is sort of a  
24 half wall that then has trim work applied to it.  
25 The intention of that is to screen all the

1 mechanical equipment that will sit behind this, up  
2 on the roofs, so the roof line is actually down  
3 here by this brown trim work, and that parapet wall  
4 protrudes above that three and a half, four feet  
5 screening that mechanical equipment  
6 (indicating).

7 You can see in this slide that the section  
8 of Mercedes, the actual road slopes up as you're  
9 moving up towards the intersection at Grand. And  
10 you can see here that grade is higher.

11 Go to the next slide please. I stress that  
12 because this illustration on top is the rear of  
13 building A and B. So this dark line right here is  
14 actually the profile of Mercedes as it passes these  
15 buildings some 20 feet away.

16 If you go to the next slide. This is the  
17 same rear elevation, go one more slide forward for  
18 me, please. This is really how those buildings sit  
19 in relation to the land form. So you could see a  
20 considerable amount of these buildings are  
21 concealed by the retaining wall and the proposed  
22 and required street trees that march along  
23 Mercedes.

24 Hit the next slide, please. We're now at  
25 buildings C and D. These are the farm-form

1 buildings. And you'll notice in this area that we  
 2 have a traditional gambrel roof. This is a very  
 3 sort of typological barn roof that you see. Again  
 4 all of these varying forms of gables and dormers on  
 5 the earlier building reminiscent of equestrian  
 6 structures, the gambrel here creates a sense of  
 7 diversity among these buildings. They look like  
 8 buildings that might have been built over the  
 9 course of time on the site. Although the pallet of  
 10 materials that we used is consistent throughout  
 11 with stone bases, traditional siding, and standing  
 12 seam roofing. So, they look as though they create  
 13 a kind of campus and belong together, but they also  
 14 look like they sort of evolved over time and are  
 15 distinctly unique as opposed to the kind of  
 16 traditional strip center mentality that you see  
 17 more in a conventional shopping center.

18 This is extraordinary, in my experience, to  
 19 find a developer willing to go through these  
 20 lengths to carry out a concept of this strength.

21 This particular building again has a  
 22 tripart-type facade and you'll notice these  
 23 buildings are sort of brother and sister to one  
 24 another, but not identical twins. Again there is  
 25 an intention there, the same thing is true for the

1 couple on the other side. That is buildings A and  
 2 B, slightly different from one another. Building C  
 3 and D are slightly different. This one has a  
 4 narrow center base. This one has a two bay  
 5 expression. The coloration of the buildings is a  
 6 little different from one building to the next.  
 7 Again, adding that sense of diversity and that  
 8 sense of interest to the center as opposed to  
 9 making it all the same. I think if you drive  
 10 around and look at the most of other centers in the  
 11 area, you'll see this doesn't happen too often.

12 This building again, these para-buildings,  
 13 modulated in bays, just as A and B were. There is a  
 14 variety of roof heights. All of the facades are  
 15 minimum of 15 feet all in conformance with the  
 16 ordinance.

17 These buildings which sit sort of out in the  
 18 site kind of float, if you will, and you have the  
 19 opportunity to kind of view them from both the  
 20 keynote park and entry area, as well as the parking  
 21 area. These buildings are afforded with full  
 22 roofs, all the way across the entire building and  
 23 full sloped roofs in the rear. That's again a  
 24 rather extraordinary detail for retail buildings.  
 25 Very rarely you see that.

1 Again store fronts from end to end. Light  
 2 fixtures, stone bases, wood board and batten  
 3 siding, standing seam roof (indicating). And areas  
 4 and opportunities also for tenant signage which I  
 5 believe is going to be a completely separate review  
 6 with you at a later date.

7 Again, this is an enlargement of one of  
 8 those buildings. One of the things I didn't  
 9 mention on A and B, here we're proposing to use a  
 10 board and batten siding on Building A and B we're  
 11 proposing to use a tongue and groove siding, so  
 12 we're even varying subtlety from building to  
 13 building, the colors, the pallet of stone that you  
 14 find in the base in materials, in the buildings and  
 15 the general detailing for brackets and light  
 16 fixtures to make them sort of a family, but one  
 17 that also has some interest.

18 These lower two elevations on this exhibit  
 19 are the rear elevations of building C and D. The  
 20 site falls slightly in this location so these  
 21 buildings are accommodated with an elevated walkway  
 22 here that provides emergency egress. These are the  
 23 emergency egress doors, and we gone even to great  
 24 lengths to enhance the esthetics of those by  
 25 creating these sort of sliding barn doors like

1 appurtenances that sit next to the actual door  
 2 itself. Again, to try to reinforce that equestrian  
 3 and equine-look throughout the buildings, even in  
 4 utilitarian areas. There's a heavy path of  
 5 landscape in this location as you're facing out  
 6 into that central park.

7 Finally, the fifth small building, building  
 8 E, which is located here, sits along Grand  
 9 (indicating). This is a building that will be very  
 10 prominent as you drive in and on the central green.  
 11 And this is also a building that makes a bit of a  
 12 connection down to Wegmans, which is sort of right  
 13 here (indicating). This building is envisioned  
 14 again as a very conventional equine building, a  
 15 barn if you will. This building is also afforded  
 16 with a complete sloping roof across the entire  
 17 structure. The roof form is again modulated into  
 18 multiple bays, varying heights on the roof,  
 19 articulation up high on the building, as well as a  
 20 base of metal on top. Featured lighting, lighting  
 21 on the facade of these buildings. Stone bases, and  
 22 store fronts across the entire width facing the  
 23 park and wrapping both sides of the buildings for  
 24 fully two-thirds of its length, back into the  
 25 spaces. Again these are extraordinary, and I think

1 if you drive around and look at most retail  
 2 buildings, there are store fronts in the front and  
 3 cinder block everywhere else. These are highly  
 4 articulated buildings, extraordinary high quality  
 5 materials, all the way around. The expectation on  
 6 this building that we hope there may be food in  
 7 this building, in the from of a restaurant. Again  
 8 availing itself of that Central Park place.

9 And finally in the lifestyle component, I  
 10 would like to show you the building F. The junior  
 11 anchor sort of sits in this location on the site.  
 12 This building is again highly articulated. In this  
 13 instance a five-part composition of the facade  
 14 shown at the top. Kind of a strong corner element  
 15 at either end anchoring the building, and  
 16 intermediate arcade here and here (indicating), and  
 17 then a tripart-type composition again, with a  
 18 strong base, middle and top. Varying roof heights.  
 19 And you could see on this side elevation shown  
 20 here, that the barn form or gambrel roof, again  
 21 covers a significant portion of the front of the  
 22 building and the store front wrapping that side  
 23 elevation for almost half the depth of the building  
 24 along Grand. This building again utilizing a board  
 25 and batten siding, standing seam roofs, true

1 copulas, stone bases, and stone piers, strong  
 2 window elements, and decorative feature facade.

3 This is the building that I mentioned  
 4 earlier, is also sort of pressed into the site so  
 5 you can see shown in gray here, this is the  
 6 retaining wall that runs along Mercedes, and runs  
 7 up to the back side of this building, if you will,  
 8 and cross behind this building. So when you're at  
 9 the intersection of Grand and Mercedes, you're  
 10 actually seeing a very short rear elevation and  
 11 there is a retaining wall that supports the soil at  
 12 that point.

13 If you could go to the next slide. This is  
 14 the rear elevation and the side elevation of this  
 15 building. I mentioned this because this is one  
 16 location where we are choosing to use a ground face  
 17 block. That's on this portion of the wall here and  
 18 that's also on this portion of the wall here.  
 19 These are portions of the wall that are effectively  
 20 hidden by the adjacent grades. So, the ground  
 21 plane shown here is, in this instance, cutting  
 22 through a staircase that goes down to a walkway  
 23 behind the buildings, that you were several feet  
 24 closer to the intersection of Grand and Mercedes,  
 25 you would see this ground plane continues along

1 this dotted line all the way across the elevation  
2 and then up to the height of Mercedes on this side.

3 If I could have the next slide. This is  
4 what the north elevation looks like when you have  
5 that ground plane in place, you could see the block  
6 face is almost fully concealed and landscaping and  
7 other feature elements that are out in this park  
8 that aren't even represented here, are really in  
9 the foreground of this elevation. And you really  
10 only perceive the building as sort of a short one  
11 story structure from that intersection.

12 I mentioned the materials as I went through  
13 the presentation on these buildings. But these are  
14 photographic representations of the actual colors  
15 and actual materials that we're proposing to use.  
16 The buildings are all accommodated with a standing  
17 seam metal roofs, conventional and traditional  
18 standing seam that you find on equine, equestrian  
19 buildings. We are proposing a charcoal gray for  
20 that. These colors are really illustrative of the  
21 pallet that we're proposing to use throughout.  
22 Different types of wood siding, we are proposing a  
23 vertical tongue and groove-type siding. That's  
24 very commonly seen on barns and equestrian  
25 structures. As well as board and batten siding.

1 Although very traditionally used, we are proposing  
2 to do these in a cementitious board material, like  
3 a hardiplank-like material for durability or  
4 longevity. This material doesn't rot. It's  
5 stable. But for all intense and purposes it looks  
6 exactly like painted wood once it's in place.  
7 We're proposing the base of these buildings to be  
8 manufactured stone veneer. This is represented of  
9 that stone veneer. I actually have the example  
10 sitting on the floor in front of me. It is over  
11 there on the easel. This is being proposed for all  
12 of the bases of the buildings throughout. It is  
13 kind of a thread of continuity between that various  
14 roof forms of the building with their different  
15 colors. These colors are really again, drawn from  
16 that equestrian and equine pallet, earthy tones,  
17 and have a bit of natural quality to them. Greens,  
18 tans and browns. We think that we made the  
19 building's intention a little bit darker. You'll  
20 notice some of the signage proposed is more of a  
21 chocolate brown. That's a color that we think will  
22 propose to look very sophisticated, and very  
23 understated, and also will age very well. There  
24 are natural wood accents on the building, obviously  
25 trim around facias and soffits and other locations.

1 And finally we're are using a little bit of this  
2 split face CMU in concealed locations,  
3 characterized them as is to say the rear walls and  
4 side walls where you're really down below grade.

5 I'm going to, as mentioned earlier, I'm  
6 going to speak a little bit to the Wegmans. We are  
7 not the architects for Wegmans. But I have studied  
8 Wegmans plans and I have some strong understanding,  
9 I think, of how their intended store will work.

10 And how they are composing the facade. This is an  
11 overall floor plan that really just shows the  
12 zoning. So the principal parking field is here.  
13 This is the facade at the bottom of this map that  
14 faces Mercedes. And this is the primary entrance  
15 vestibule here (indicating). This is important to  
16 note because these are arcaded areas, high traffic  
17 areas, where most of the patrons will be moving in  
18 and out of the store. This way and this way from  
19 the parking. And this is sort of a main entrance  
20 right here. (indicating). The store is zoned in a  
21 very kind of a classic manner. The front end is  
22 really your checkouts. There are a number of  
23 offices and other front office functions, if you  
24 will, along the facade here. Checkout lanes. This  
25 purple area on the floor plan is opposite groceries

1 and general merchandise. And we understand there  
2 is a limitation on general merchandise and Wegmans  
3 has agreed that they will conform to the ordinance  
4 requirements for those limitations. There is a  
5 fresh produce section directly in the center of the  
6 store. Prepared foods which Wegmans is really  
7 famous for, and they do an extraordinary job in  
8 prepared foods. And one of the extraordinary unique  
9 features of this store is that in addition to the  
10 prepared foods, there is kind of a cafe-like  
11 setting here. You could see there are some tables  
12 and chairs inside, and there are also some sidewalk  
13 cafe dining opportunities here (indicating). There  
14 are tables and chairs outside, both underneath a  
15 small canopy. That's part of the architecture as  
16 well as being out in the sunshine in this location.  
17 So, this is a store that where you can not only do  
18 your grocery shopping, and get your fresh produce,  
19 and you also could pick up your prepared foods and  
20 go there and buy lunch or buy a snack or buy dinner  
21 and actually take it outside and sit in one of  
22 these inside tables. The back room function,  
23 that's stocking and loading. All of that runs  
24 really across the entire width of the rear, and  
25 this is an employee area (indicating).

1           This is Wegmans proposed principal facade at  
2 the top of this image. And one of the other really  
3 extraordinary fortuitous things that has happened  
4 is Wegmans builds really beautiful grocery stores.  
5 And they build grocery stores that are surprisingly  
6 in conformance and consistent with the concepts  
7 that Doug has overlaid on this site, and that we  
8 run with as the architects for the building. So  
9 you have a facade that's highly articulated, broken  
10 into multiple bays, a variety of roof lines. It  
11 has arcaded areas. It has a lot of glazing and  
12 windows, high level articulation, high quality  
13 material, stone. Again, manufactured stone veneer.  
14 We, in conversation with Wegmans, we're trying to  
15 coordinate the colors and material here so they are  
16 in keeping with the other retail buildings. There  
17 is a synthetic stucco being used up high, that  
18 again, articulated with a barn-like doors. In those  
19 facade areas, high windows, again feature elements  
20 like the clock tower here, sort of a spire that  
21 really is a keynote piece on the site marking that  
22 corner over near the park (indicating). This facade  
23 then wraps the park, and this is the side facade,  
24 which is essentially facing the kind of town  
25 square, if you will, or town park. This is the

1           cafe area that I described where the outdoor  
2 seating occurs, some of this is underneath this  
3 arcade and some of it is out here in the sunshine.  
4 I should also mentioned there is a direct door into  
5 that cafe as they enter the building. So you not  
6 only have the opportunity to go in here at the  
7 principal vestibule and do your shopping, or if you  
8 just want to go over to the lifestyle center, and  
9 you just want to pop in for a sandwich or for some  
10 light fair, you could do so at this location and go  
11 in. And in fact there are checkouts in that  
12 portion of the store as well.

13           The other two facades, and this one is the  
14 facade facing the south end of the site. It gets a  
15 little more utilitarian as you get here, and you  
16 see them switching to combination of block bays and  
17 synthetic stucco, and that wraps the rear of the  
18 building, and this highly articulated facade does  
19 turn the corner and come back again fully a quarter  
20 of the way down the building.

21           One of the things I mentioned earlier, I  
22 think I threw this slide back in just to sort of  
23 keynote this green space, here at the corner of  
24 Grand and Mercedes, turning up on the roofs, sort  
25 of carrying up on the roofs, visually on the roofs

1 of the junior anchor, that is a green roof being  
2 proposed.

3 The next slide please. There were questions  
4 raised about what's the character of that green  
5 roof, and how it will be planted. This green roof  
6 is not intended for recreational use. We do not  
7 see people actually getting up on this roof as an  
8 extension of this site. I want to be clear about  
9 that. This is really a green roof that provides a  
10 reduction in urban heat, island effect that's the  
11 kind of heat thrown off by buildings. It certainly  
12 contributes to minimize storm water runoff because  
13 some of the rain that falls on this roof it's  
14 absorb by the soil and the plants that are provided  
15 there. That's not to be taken lightly because we  
16 are talking about several thousand square feet of  
17 roof area. It's a significant area that would  
18 otherwise would sheet off the storm water. The  
19 plants that go in such a system, they really need  
20 to be a stronger plant, they have to be drought  
21 resistant, they have to take the high heat  
22 associated with being up on the roof, frost  
23 resistant, it really has to be durable. We're not  
24 going to put somebody on this building out there  
25 watering plants and out there trying to mow grass.

1 This is not going to be an intensive use park-like  
2 environment. It is just a green roof that puts  
3 vegetation that's really hardy, that can withstand  
4 the rooftop conditions and thrive. So these plant  
5 selections are not mine. I spoke to a consultant  
6 called Hyper Tech, we intend to use them going  
7 forward in the development of this roof. That's a  
8 real expertise in doing these things. It is not  
9 something that we profess to know how to do. We  
10 will definitely bring a consultant onboard to help  
11 us execute this. These are systems roofs, where  
12 the membrane and installation actual soil  
13 containers are all systematized and planted and in  
14 some instance pre-planted to make sure that plants  
15 are healthy and they are alive and growing well  
16 before they are installed on the roof. And then  
17 these are the types of vegetation that we  
18 frequently see, these are often Sedums and other  
19 herbs that are succulence, that thrive on these  
20 rooftop conditions.

21 In conclusion, we really do think  
22 that this is quite an extraordinary development.  
23 We think you'll be thrilled with it. The  
24 composition of the varied roof lines, the  
25 combination of elements like Wegmans architecture

1 with the spires, shed roofs, the barnlike roof  
 2 forms, the equestrian and gable-type roof forms,  
 3 green roofs, enormous green open spaces  
 4 accommodated on the site. We think all make this a  
 5 very unique development and one that really feels  
 6 like it belongs here in Montvale and hopefully will  
 7 resinate with the community. Thank you.

8 THE CHAIRMAN: Thank you.

9 Mr Del Vecchio.

10 MR. DEL VECCHIO: I have some  
 11 questions for Jamie, I am going to first step out  
 12 here for a minute.

13 Q. Jamie you made reference to the stone  
 14 sample for the base, that is the material board  
 15 that I'm pointing to here.

16 A. Correct.

17 MR. DEL VECCHIO: And with the board's  
 18 permission, I would like to mark that stone sample  
 19 board as A-9.

20 Jamie, with your permission, can I write on  
 21 the back of this?

22 THE CHAIRMAN: Mr. Del Vecchio, can  
 23 you hold that up so all the board members and the  
 24 public could see that, please?

25 MR. DEL VECCHIO: (Indicating).

1 THE CHAIRMAN: Okay, very good.

2 Thank you.

3  
 4 EXHIBIT A-9 marked

5 Q. Jamie, we also have a samples that  
 6 you picked or pointed to of the split face stone  
 7 material that is intended for the base.

8 A. Correct.

9 Q. And these are intended for the base  
 10 which --

11 A. Those occur on building F which is the  
 12 junior anchor and those are in the service bay area  
 13 and the rear facade down below the retaining wall.

14 MR. DEL VECCHIO: With the board's  
 15 permission I would like to mark the split base  
 16 stone sample as A-10.

17  
 18 EXHIBIT A-10 marked

19  
 20 Q. Jamie, and finally there is a  
 21 material board here labeled material board Wegmans  
 22 Food Market, Montvale dated August 2013, and if you  
 23 could just review for the board quickly where these  
 24 materials appear on the Wegmans building and as you  
 25 do that I would like to mark that as A-11.

1 MR. REGAN: Give me the title.

2 MR. DEL VECCHIO: Sure. Material  
3 board Wegmans Food Market, Montvale dated August  
4 2013.

5 EXHIBIT A-11 marked.

6  
7  
8 A. I apologize, I failed to walk you through  
9 that. We did not prepare this board. This was  
10 prepared by Wegmans and/or their architects, and  
11 submitted to us. If we could go back to the  
12 Wegmans elevation, please.

13 So the sample board that you see to  
14 the right is a representative of the materials  
15 being proposed for these elevations. The  
16 preponderance of the base of the elevations and  
17 these kind of feature elements that I'm pointing  
18 to, have gable roofs and arched arcaded and spire  
19 tower. All of these are rendering manufactured  
20 stone, which is represented on the board. I can't  
21 see the board from here. Do they have the stone?

22 The intent of this stone material is  
23 essentially to be the same as the stone material  
24 that we marked as an earlier exhibit on the retail  
25 buildings. So it's does not appear I think on the

1 Wegmans board. But it would be the same consistent  
2 same stone veneer. In addition, they have brick  
3 piers with accented base colors and then kind of  
4 red brick shaft. And those brick colors are here  
5 on the board on the lower left hand corner. There  
6 are synthetic stucco areas higher up here. These  
7 are predominately the second story of the building.  
8 These light tan areas shown on the building those  
9 samples are here (indicating). The rear of the  
10 building is a combination of synthetic stucco and  
11 ground face block, split face block. I believe  
12 that's the block sample there (indicating). And  
13 there are standing seam metal canopies. These are  
14 accent canopies that occur throughout the  
15 composition on top of the arcade, on top of the  
16 feature architecture element that's shown here.  
17 That being kind of deep burgundy. And then some  
18 the standing seam roofs are a light gray -- no,  
19 pardon me. These locations are shingled roofs on  
20 the spire tower on these flanking roofs here, they  
21 are sort of gray these are intended to be shingled,  
22 and that's the shingle sample here (indicating).  
23 Did I get everything?

24 Q. Jamie, if I could, as you alluded to  
25 in your testimony, the ordinance is very specific

1 about certain architectural features and I wanted  
2 to walk you through them and ask you the question  
3 as to each.

4 Does your design comply with the ordinance  
5 requirements based upon the standard that is being  
6 announced. You touched upon some of them and those  
7 that you touched upon, I will skip over. Let's  
8 start with some of the basic ones. The lifestyle  
9 retail component, maximum building width shall not  
10 exceed eight times the height of the building.

11 Does your design meet that requirement of  
12 the ordinance.

13 A. Yes, it does.

14 Q. As it pertains to the orientation of  
15 the building, you touched upon the anchor retail  
16 orientation. And I'm going to skip over that. So  
17 the lifestyle retail building located closest to  
18 Mercedes and Grand shall face the central parking  
19 field. Does it comply or not?

20 A. Yes, it does.

21 Q. The largest retail building of the  
22 lifestyle center shall be located at the north end  
23 of the parking field. Do we comply?

24 A. Yes, we do, and that would be building F.

25 Q. And the smaller buildings generally

1 meet the plank of the east and west sides of the  
2 parking field, and face that parking field.

3 Do we comply?

4 A. Yes, we do.

5 Q. The retail buildings shall be  
6 accessible only from Philips Parkway -- with regard  
7 to the retail buildings accessible only from  
8 Philips Parkway, they need to be sited near the  
9 corner of Philips Ave and Parkway with the parking  
10 field to the rear?

11 A. Yes, they are. If I could interject, I think  
12 the ordinance was written to some extent, reflected  
13 -- it was reflected in the site plans initially  
14 generated by RTKL, and we have not fundamentally  
15 changed any aspect of that. We used that plan  
16 related to the departure, so the ordinance language  
17 ultimately was reflected by the concept plan and  
18 which is now reflected in further development plan  
19 of our buildings.

20 Q. Let me ask you a question I guess  
21 more generally. There is a building massing and  
22 articulation section of the ordinance for the  
23 retail components, and it is reflected on page 19  
24 of the ordinance. You had an opportunity to review  
25 those design standards as it pertains to the

1 necessary massing and articulation for both the  
2 anchor retail as well as the lifestyle retail  
3 buildings. Correct?

4 A. Yes, I have.

5 Q. And in each case, your design  
6 intended to and does in fact comply with each of  
7 the standards elicited in the ordinance as a  
8 concern for articulation and building massing?

9 A. Yes, it does. We were redirected to perform  
10 specific review of the ordinance internally in our  
11 office to make sure we were in conformance with  
12 each point of it. And I think in fact at that  
13 point in time there were some very minor tweaks to  
14 building height and I know Wegmans made some  
15 adjustments to the height of some of the elements  
16 on some of their components to make sure we're in  
17 full compliance with the ordinance.

18 Q. With regard to the roof accent and  
19 the rise and run requirements of the ordinance. I  
20 want to touch upon those a little more  
21 specifically, if we can. The roof accents forms  
22 that are gabled need to have a minimal slope of  
23 9/12 rise to run, do we comply?

24 A. Yes, we do.

25 Q. For the gabled roof, the minimum

1 slope requirement again is 5/12, do the designs  
2 comply with that standard?

3 A. Yes, they do.

4 Q. The gambrel roofs are required to  
5 have a rise and run of 6/12 or steeper as measured  
6 from the eaves to the peak. Do we comply?

7 A. Yes, we do.

8 Q. Any barrel or bolted roofs must have  
9 a rise and run of a slope of 1/3 or steeper, do  
10 have any barrel roofs, and if so, do we comply?

11 A. We do not have any barrel roofs.

12 Q. Now, with regard to the completion of  
13 the finishes of the various buildings, they are all  
14 completely finished in the highly articulated  
15 material that you indicated in your testimony,  
16 there is, however, a couple of locations on  
17 building F that does use essentially a split block  
18 finish, correct?

19 A. That is correct.

20 Q. And in the instance where that split  
21 block finish is utilized, that building wall is or  
22 is not located within 30 feet of a retaining wall.  
23 Or a retaining wall that is high enough to cover  
24 the use of that split block material.

25 A. Yes, it is located within proximity of a

1 retaining wall, and it is concealed by that  
2 retaining wall.

3 MR. DEL VECCHIO: I have no further  
4 questions of Jamie at this time. I make him  
5 available to the board and Mr. McCoach, given our  
6 procedure this evening for their questions.

7 THE CHAIRMAN: Thank you very much.  
8 Mr. Pett, I would like to compliment you on your  
9 presentation. I found it to be very informative  
10 and enlightening. And I am sure both members of  
11 the board as well as the public will have  
12 questions, because it was quite detailed.

13 But, before we move onto that I have  
14 but one question. With regard to the rooftop  
15 mechanicals the HVAC, I know you studied the plan  
16 well, are you suggesting that the materials that  
17 you propose in the design will screen all of that  
18 equipment from view, from the roadways that may be  
19 higher than the elevation of the structures?

20 THE WITNESS: We are proposing and on  
21 the architectural exhibits that were submitted as  
22 A-1 through 8, I believe we indicated additional  
23 screen walls that would be roof-mounted. These  
24 would be continuation of the same facade material,  
25 but built as essentially a screen wall up on the

1 roof for any equipment that might exceed heights  
2 and ultimately result in visibility from the roads.  
3 So we would be in full compliance with no equipment  
4 being visible from the road.

5 THE CHAIRMAN: Okay, very good. Thank  
6 you.

7 Before I open to the board  
8 professionals and board members, as I had indicated  
9 earlier I had asked the police chief to attend this  
10 meeting primarily because of a report that his  
11 office provided back to the planning board which  
12 references some concerns. I want to thank him for  
13 attending this evening, and I'm going to go to  
14 Chief Abrams.

15 Chief Abrams, I believe the board is  
16 in receipt of two letters from your department and  
17 I would like to have these letters mark into  
18 evidence.

19 MR. REGAN: B-1 and B-2, they are  
20 both dated August 5th.

21 THE CHAIRMAN: One is entitled site  
22 plan review, we will mark that B-1.

23 MR. REGAN: We will make that B-1 and  
24 the other one refers to soil movement permit.

25 THE CHAIRMAN: We will mark that one

1 as B-2.

2  
3 EXHIBIT B-1 and B-2 marked

4  
5 THE CHAIRMAN: And Chief Abrams in  
6 reverse order, starting with Exhibit B-2 pertaining  
7 to soil movement, could you please share with us or  
8 elaborate on the comments set forth in your letter.

9 CHIEF ABRAMS: We are concerned about  
10 roadway debris. As a result of other projects that  
11 we seen in the Borough where soil movement has been  
12 done, roads have been left filthy with rocks and  
13 debris.

14 And so Andy, we're suggest a few  
15 things. I understand there is 21 thousand square  
16 feet of cubic feet of soil that has to be removed  
17 from the site, is that accurate?

18 MR. DEL VECCHIO: In the opening  
19 remarks he gave was 21,000 plus or minus cubic  
20 yards of soil.

21 CHIEF ABRAMS: What we will be asking  
22 for is a sweeper company on site whenever soil is  
23 being moved off site to clean the area and a  
24 staging area on site, as well, where the trucks can  
25 be sanitized before they hit the streets. We don't

1 want that mess and damage to the cars, particularly  
2 in that neighborhood with Mercedes Benz across the  
3 street and the high end cars that tend to go up and  
4 down that road. We don't want to be taking  
5 accident reports and damage reports as a result of  
6 that.

7 THE CHAIRMAN: One second, Chief.  
8 Mr. Regan, if in fact the board so elected, could  
9 those requirements as recommend by the police chief  
10 be recorded in any resolution of approval?

11 MR. REGAN: Yes, typically some of  
12 them are, Mr. Chairman, and in every soil movement  
13 approval granted by this Board, and I think we can  
14 supplement those conditions with the conditions  
15 recommended by the chief.

16 THE CHAIRMAN: Fine. That's  
17 acceptable chief?

18 CHIEF ABRAMS: Yes, I find that  
19 acceptable.

20 THE CHAIRMAN: Please continue, Chief  
21 Abrams.

22 CHIEF ABRAMS: Secondly, if there is  
23 going to be any soil movement or any roadwork as a  
24 result of that where the street is going to be  
25 blocked, we would like to have the developer come

1 to the police department, develop a traffic plan so  
2 we could avert, redirect traffic, set up work  
3 zones. That may not be the case, it may all be  
4 done on site and then off, but if in fact it does,  
5 we want the ability to protect the motoring public  
6 from the flagmen and police officers, and that kind  
7 of thing.

8 THE CHAIRMAN: Mr. Del Vecchio, on  
9 behalf of your client do you agree to that  
10 condition?

11 MR. DEL VECCHIO: I need to discuss  
12 with our engineer who hadn't testified yet. We  
13 just get handed this document this evening just the  
14 nature and scope, I would be happy to answer or  
15 report back at the next meeting once I have a  
16 chance to do that.

17 THE CHAIRMAN: Please do.

18 CHIEF ABRAMS: Moving onto B-1. We  
19 have, in looking at the land designs, we had some  
20 serious concerns starting off with the alleyway or  
21 walkway that is in the back of buildings A and B.  
22 And also in the back of building F. That appears  
23 to be about six foot in width and 12 foot high  
24 behind building F, the entire length, and from 12  
25 foot down to about four foot from buildings A and B

1 as it slopes down the hill, as it slopes down  
2 Mercedes Drive. From a security standpoint, it's  
3 very difficult to control that route. What we're  
4 asking for is an 18 foot walkway. When we drive  
5 patrol cars behind those buildings, preferably a  
6 continuous loop, connecting it to the proposed  
7 three buildings and continue around the rest of the  
8 site as part of our daily patrol function. And then  
9 there is officer safety, the officers get out of  
10 the vehicles having to go down alleys, it is very  
11 concerning for me to have those officers being  
12 behind a long building without anybody else being  
13 able to see them. It would be much more efficient  
14 for us to have us to be able to drive around the  
15 site, and I think that the fire department would  
16 have similar concerns if there was a fire in  
17 between the wall and the building, and having to  
18 fight a fire.

19 There are two recent examples where,  
20 for security purposes, both in Woodcliff Lake about  
21 a year and a half ago. The Apple Store was  
22 burglarized and they actually broke in two stores  
23 down, and punched in walls to get in the Apple  
24 Store. I assume that retail in that lifestyle  
25 center will be high end retail, and will probably

1 set itself up for high end burglars who are really  
2 more innovated in their ways and will take extra  
3 steps. And we, in fact, at 17 Philips Parkway  
4 which is the building that borders that site, about  
5 seven years ago we had the same thing on the side  
6 there, where there was no access there, they actual  
7 punched through the outside wall, broke the brick  
8 on the outside wall and went through. This is a  
9 concern that might happen. It has happened twice,  
10 one less than 100 yards from the site and one  
11 another mile away from the site. So for us, that's  
12 a significant security concern. We would like to  
13 have that addressed.

14 There has been some talk about  
15 security cameras in addition, and this isn't a  
16 replacement for that driveway, but if we're going  
17 to have security cameras placed up there, which I  
18 think is a great idea, we would like to be able to  
19 access them and monitor them if there was a  
20 problem, but in the event there was a problem if  
21 our dispatch center can flip it on and direct  
22 responding units to the direct place, that would be  
23 very helpful. Again, as a result of what may or  
24 may not happen there as a result of high end  
25 clients.

1 There also have been promises and  
2 talks of the intersections being improved in the  
3 area as a result of this project. We would like to  
4 see that done prior to the project opening. We  
5 don't want to have to play catch up and have all of  
6 that traffic coming in and not being able to  
7 deliver on what was said at the previous meetings,  
8 at the Borough hearings with the Mayor and Council.  
9 We would like to have all of those design  
10 improvements at the, I think the seven  
11 intersections all totaled, to have them fixed  
12 before we actually open the complex for business.

13 And finally, this is not on here  
14 (indicating) this is really directed towards the  
15 Borough. But at one point, one and a half miles of  
16 trails, was that accurate? Again, they are not wide  
17 enough for us to get a patrol down some significant  
18 elevation issues going from one area to another  
19 area. We would like the borough to consider again  
20 as far as safety for our police, there are police  
21 ATVs and altering vehicles of different kinds, some  
22 look more like cars that are narrow that we can  
23 actually park in the garage adjacent to the site  
24 and the police department and be able to get up  
25 there and have a gurney on there because some of

1 ambulances couldn't get to that trail, as well as  
2 emergency use vehicles to back into that property,  
3 in particular.

4           And my final question also is not on  
5 here (indicating). Being that the tenant has not  
6 been secured for the lower section on, off of  
7 Philips Parkway, and in reviewing the plan the  
8 buildings that are there are greenhouses and an  
9 open structure that look for outdoor sales. We  
10 don't have any problem because of the nature of  
11 those buildings and the view from Grand Avenue and  
12 from Philips Parkway with the security measures  
13 there. However, if those are not going to be those  
14 kind of buildings and the plan is changed, if you  
15 can't secure that type of tenant, then we will  
16 seriously need to reconsider basically the same  
17 thing as to what we are asking for the buildings on  
18 top, so we can get around those buildings and  
19 perform security as well.

20           THE CHAIRMAN: Before we address  
21 those concerns, we're going to ask Mr. Del Vecchio  
22 if you please have your people display one of the  
23 pictorial site plans on the PowerPoint.

24           MR. DEL VECCHIO: Dan, see if you can  
25 roll back to the site plan.

1           THE CHAIRMAN: If someone could pass  
2 the laser pointer to the Chief.

3           Chief, with respect to your comments  
4 about passageways around, I presume buildings A and  
5 B --

6           CHIEF ABRAMS: A and B, yes.

7           THE CHAIRMAN: Please show us from a  
8 patrol point of view, how would you instruct your  
9 officers to observe the activities that are going  
10 on, or proposed to go on the subject property?

11           CHIEF ABRAMS: What we would like to  
12 be able to do is have continuous loop behind here,  
13 a service road maybe, just for emergency service  
14 vehicles, bringing it around, and then following  
15 the natural back which already exists around the  
16 other building. (Indicating). You could see here,  
17 you see here, this area here and this area here  
18 what's problematic for us behind A, B and F. And we  
19 would like to be able to patrol right around those  
20 buildings and be able to see any activity, so there  
21 is no hidden activity to lend themselves to people  
22 wanting to do no good. And initially they will be  
23 clear, but eventually a person will put a potted  
24 plant there or put boxes out their back doors and  
25 then they won't be visible and then we will have

1 obstructions here and here for my guys, and that is  
2 a problem. We want a continuous loop around and to  
3 come through that parking lot to effectively and  
4 efficiently patrol that area, and then do it in a  
5 fairly rapid pace, so we don't spend hours and  
6 hours up there everyday.

7 THE CHAIRMAN: In your opinion, would  
8 it be an alternative to put security cameras at  
9 strategic locations to the rears of these buildings  
10 which can be monitored to determine if there is any  
11 foul play taking place?

12 CHIEF ABRAMS: The cameras would be  
13 supplementary, not in replace of, ancillary and we  
14 could monitor as needed but not as a primary, no.

15 THE CHAIRMAN: Okay. Let's move onto  
16 the altering vehicle and your request that such a  
17 vehicle be purchased so that you better patrol the  
18 property. How in fact and where would you use that  
19 type of equipment on site?

20 CHIEF ABRAMS: We have these walking  
21 paths, they are clearly more problematic. You  
22 can't get a patrol car all along here, here and  
23 down in here (indicating). If somebody got hurt,  
24 there are elevations there, there is that pond. If  
25 somebody get hurt in there, it is difficult for us

1 to get in there and patrolling is also difficult.  
2 In some of these access ways, I don't see anywhere  
3 exactly the access ways will be, but this right  
4 here is our police department shed in the Borough.  
5 The garage and shed, if we had to come up this way  
6 or if there is a path made down the library and the  
7 nature area here, we would come and use that  
8 pathway to access this area here and be able to  
9 patrol this as well. (Indicating). Particularly  
10 if there was the need get in there, they make all  
11 different types of configurations for these  
12 vehicles. We actually can purchase one with a  
13 gurney and use it in conjunction with the ambulance  
14 corp, because they are not going to get back there  
15 in that area either. It will create a lot of  
16 problems depending on where the lay of the land is,  
17 and where the person is hurt.

18 THE CHAIRMAN: Okay. And then  
19 finally with respect to the intersection  
20 improvement, until we hear some testimony from the  
21 design engineer, because some of the proposed  
22 improvements to the intersection will be done  
23 consistent with the approvals that are granted by  
24 the Board, and prior to the issuance of certificate  
25 of occupancy. There are other offsite improvements

1 that may be undertaken at some point in the future,  
2 and I think until we reach that point, we will  
3 reframe from any discussions on that.

4 Back to the access to the rear of,  
5 particularly buildings A and B. Mr. Hipolit, you  
6 heard the concern of our police chief, you're  
7 obviously familiar with the plan. In your opinion,  
8 can the plan accept modification to accommodate the  
9 needs of the police protection?

10 MR. HIPOLIT: We have to look at the  
11 site design, topography and the lay out of the  
12 walls. It would be possible to put a road around  
13 the site. You might change the upper design. You  
14 might change the area of the cul-de-sac, the  
15 roundabout and the larger green area between the  
16 south side, it is possible. It's possible. I  
17 haven't looked at it, but it is possible.

18 THE CHAIRMAN: Mr. Del Vecchio, in  
19 the design phase of this project, has your client  
20 ever considered such a plan that we incorporate the  
21 passage of vehicles behind, particularly, A have B?

22 MR. DEL VECCHIO: We have not.

23 THE CHAIRMAN: So what you attempted  
24 to do is comply with the requirements as set forth  
25 in the ordinance and therefore you brought

1 buildings to those limits?

2 MR. DEL VECCHIO: Our charge was to  
3 comply with the ordinance requirements. The charge  
4 was given to the design professionals. Also,  
5 having a secondary roadway run parallel to the back  
6 of buildings A and B which are a very short  
7 distance to Mercedes Drive, which already runs  
8 parallel to A and B, from a land use planning  
9 perspective seem to be a very inefficient design  
10 because you're essentially creating parallel pieces  
11 of impervious coverage that really sort of serves  
12 no purpose. I understand the Chief's purpose, but  
13 from a land use planning perspective, that's a very  
14 inefficient design, so it was not considered.

15 THE CHAIRMAN: But my understanding  
16 of the testimony that we heard this evening from  
17 Mr. Pett with regards to the HVAC systems being  
18 screened from view from the roadways, if we're  
19 going to be relying upon the police department to  
20 have a patrol car on Mercedes, and he is unable to  
21 see the rooftops support systems, how from Mercedes  
22 will he be able to see that five or six foot wide  
23 walkway behind buildings A and B, or am I incorrect  
24 in my assumption?

25 THE WITNESS: No, I think you are

1 correct in the assumption. The retaining wall that  
 2 runs behind buildings A and B varies in height. It  
 3 starts out at a very low condition here, just a few  
 4 feet, and it increases in height as you move up  
 5 Mercedes towards the intersection. So by the time  
 6 you are at the north end of building B, you do  
 7 indeed have a condition where from this location on  
 8 Mercedes, you cannot see into that corridor from  
 9 here (indicating). The discussion that we -- the  
 10 preliminary discussion that we had with the  
 11 representative of the police department, with the  
 12 possibility of a police car in this location,  
 13 viewing down this sort of a corridor condition,  
 14 would alleviate some of that concern because there  
 15 was a clear view. And while I certainly respect  
 16 the concern, these are egress corridors as well for  
 17 life safety from these buildings, and they must be  
 18 kept clear. You cannot stack boxes in them. You  
 19 cannot leave potted plants there. They must be  
 20 kept clear. So it is our expectation that this  
 21 space will consistently be an open area and you  
 22 could see through.

23 Now, on this building, I will absolutely  
 24 concede that you cannot see down into that space,  
 25 from any of the surrounding roads or from any of

1 the adjacent parking areas.

2 The only prospect that I could envision of  
 3 putting an 18 foot road in these locations, would  
 4 be to carve that out of this green space and take  
 5 these buildings and shift them eastwards, and carve  
 6 it out of this green space so we could great a road  
 7 here. Because this parking field is absolutely as  
 8 tight as it can be. There are ordinances mandates  
 9 on widths of these sidewalks --

10 THE CHAIRMAN: Mr. Pett, with all due  
 11 respect. You're giving this board a worst case  
 12 scenario. You're saying, we can provide public  
 13 safety, but we're going to take away from open  
 14 space, there may be other alternatives --

15 THE WITNESS: There absolutely may be  
 16 --

17 THE CHAIRMAN: But for the record,  
 18 say that may be a possibility, but that may not be  
 19 the only possibility or alternative. It reminds me  
 20 when school Boards need a budget passed, and they  
 21 are getting resistance from the public, the first  
 22 thing they talk about, they are taking away all of  
 23 the goodies from the children. They are going to  
 24 cut the sports, the are going to cut the arts, all  
 25 of those things, so the public comes out in support

1 of the budget. I don't want to hear you're going  
 2 to eliminate green space. I want to address public  
 3 safety. So let's not assume, let's not assume  
 4 taking away from the green will achieve that goal.  
 5 I think you can be more creative, based upon what  
 6 you presented, both you and Mr. McCoach I think are  
 7 very creative people. Let's not talk about taking  
 8 away green space.

9 THE WITNESS: Okay.

10 THE CHAIRMAN: Okay, but you could  
 11 continue.

12 THE WITNESS: Thank you very much.  
 13 To reiterate, the only way that I see to create an  
 14 18 foot space, would be to carve it out of what our  
 15 existing green space is on the site. However,  
 16 there may be other alternatives -

17 THE CHAIRMAN: That's what I want to  
 18 hear.

19 THE WITNESS: -- that provide  
 20 additional safety opportunities. The Chief  
 21 mentioned a smaller ATV vehicle that will access  
 22 these rather more limited dimension pathways and  
 23 presumably to be used to patrol portions of the  
 24 site elsewhere that have tighter dimensions. And I  
 25 guess I would like to understand what those tighter

1 dimensions might be and if those vehicles could in  
 2 fact also be utilized to patrol these areas.

3 THE third solution that was taken  
 4 under consideration by the team, is the possibility  
 5 that these corridors be enclosed. And actually be  
 6 internal to the building and controlled by the  
 7 buildings, and the retaining wall effectively will  
 8 become the rear wall of the building. The dilemma  
 9 that we have with that right now, is that we have  
 10 made these buildings and sized these buildings to  
 11 the square footage allowances currently in the  
 12 ordinances.

13 THE CHAIRMAN: Okay.

14 THE WITNESS: So enclosing those  
 15 spaces, would make the building bigger.

16 THE CHAIRMAN: I understand what you  
 17 are saying. And albeit we just received this  
 18 report this evening, and you have not yet had an  
 19 opportunity to look at the report and look at the  
 20 plans to come up with other alternatives. I think  
 21 the better answer that I, for one, would like to  
 22 hear, that you heard the comments of the person who  
 23 is responsible for public safety in this Borough.  
 24 And you would like the opportunity to go back to  
 25 your office, reflect upon those comments, and

1 possibly come up with some changes. Not  
 2 necessarily limited to let's eliminate all the  
 3 grass and trees and all the pretty pretties. Okay,  
 4 I think you need to be more creative than that.  
 5 You are not a school board, we are not a school  
 6 board, let's do something a little bit better than  
 7 that.

8 Chief, you've expressed those  
 9 concerns. I presume you would be willing to look  
 10 at alternate plans?

11 CHIEF ABRAMS: Absolutely.

12 THE CHAIRMAN: Mr. Hipolit, I think  
 13 we will require your input as well. And I would  
 14 like to hear from Mr. Preiss.

15 Mr. Preiss, do you share the Chief's  
 16 concerns with regard to public safety?

17 MR. PREISS: In this instance I would  
 18 defer to the chief, he is the person that's most  
 19 knowledgeable. And I think it's a good idea to  
 20 kind of take a look at alternatives, because I  
 21 think the 18 foot does create some changes that may  
 22 have some impacts that are undesirable. So there  
 23 may be some other alternatives that require lesser  
 24 width or alternatives in terms of increasing the  
 25 building or creating some kind of closed space that

1 would be inaccessible. Not necessarily increasing  
 2 the size of the building, but creating paths and  
 3 arcades with gates on either end that could be  
 4 locked and secured, so there would be no  
 5 opportunity for people to access that.

6 THE CHAIRMAN: I'm going to authorize  
 7 that you, your office, Mr. Hipolit and Chief Abrams  
 8 meet to discuss amongst yourselves what could be a  
 9 viable solution. And then I'm going to ask Mr.  
 10 Hipolit to share his findings prior to our next  
 11 scheduled meeting with the applicant so the  
 12 applicant could ask his professionals or share with  
 13 his professionals what the Borough professionals  
 14 and Chief believe might be a way to approach this.

15 I want this to happen sooner rather  
 16 than later. I don't want the applicant to say that  
 17 you waited until the eleventh hour to do something.  
 18 It's being handled at meeting number one. And I  
 19 expect professionals to come prepared to meeting  
 20 number two with alternatives, other than reduce  
 21 green space and increase coverage. That doesn't  
 22 make me a happy camper.

23 THE WITNESS: Understood.

24 THE CHAIRMAN: Okay, good. Let's  
 25 move on from that.

1 Chief, is there anything else that  
2 you want to bring to the board's attention at this  
3 time?

4 CHIEF ABRAMS: That covers it for  
5 now.

6 THE CHAIRMAN: Thank you. Before I  
7 ask board members if they have any questions of  
8 these professionals, I'm first going to go board  
9 professionals, starting with Mr. Hipolit.

10 Mr. Hipolit, any questions of the  
11 testimony you have heard this evening of Mr.  
12 McCoach or Mr. Pett?

13 MR. HIPOLIT: I have only one  
14 question for Mr. Pett. You had said the Wegmans  
15 building, their style of architecture, the  
16 applicant was coordinating with them to try to make  
17 the two styles mesh?

18 THE WITNESS: I was referring more  
19 specifically to the pallet of materials they are  
20 using. The stone and colors being used on the  
21 building so we're using a fairly consistent pallet  
22 across all the buildings.

23 MR. HIPOLIT: How we guarantee that  
24 happens? I don't think we want that not to happen.

25 THE WITNESS: I think we can

1 certainly make it a condition associated with that.  
2 I don't know what the regular court process would  
3 be to make that happen. We're certainly amenable  
4 to agreeing to it. I don't believe there's any  
5 issue of working with you on it.

6 MR. DEL VECCHIO: The anchor retail  
7 building design standards are contained in the  
8 ordinance. We fully comply with them. I think the  
9 only area that we were talking about coordinating  
10 with Wegmans was on the, perhaps on the color of  
11 the stone, which between now and the next time Mr.  
12 Pett comes back, we will have definitive stone  
13 colors picked out for you. That's easy enough.

14 MR. HIPOLIT: Okay. And the second  
15 question I have is, you indicated the green roof  
16 wasn't for recreation use or public use?

17 THE WITNESS: Correct.

18 MR. DEL VECCHIO: No soccer fields.

19 MR. HIPOLIT: Andy, we probably  
20 should have, if the board does approve this, have  
21 some type of restriction on that.

22 THE CHAIRMAN: Mr. Regan, do you have  
23 anything?

24 MR. REGAN: No, I don't.

25 THE CHAIRWOMAN: Okay, Mr. Preiss?

1 MR. PREISS: Just a couple of things.  
2 We're looking at the material pallet for the first  
3 time and the green roof detail, so I would like an  
4 opportunity to kind of review that. And just in  
5 terms of a comment, I do agree in terms of the  
6 Wegmans building having some kind of compatibility  
7 with the other buildings, I don't think you have to  
8 have exactly all the same materials. In fact, the  
9 contrast between that design, the anchor building  
10 and the lifestyle retail, I think is fine. It's in  
11 the same kind of architectural vernacular. But I  
12 do think the suggestion of having the stone bases  
13 of Wegmans be the same as that of the lifestyle  
14 retail is a way really to connect them to have some  
15 kind of commonality. I think there will be other  
16 features, landscaping, perhaps some other items,  
17 such as outdoor light fixtures and street furniture  
18 that kind of ties those together.

19 I had a question about, does the  
20 Wegmans have a mezzanine, as well as is there some  
21 kind of a second level or is everything one level?

22 THE WITNESS: Yes. They are  
23 contemplating a mezzanine and the footprint of the  
24 building is 125,000 square feet, and 15,000 square  
25 foot mezzanine.

1 MR. PREISS: And would that mezzanine  
2 be office space, cafe space, do we know anything in  
3 detail at this point?

4 THE WITNESS: I understand it is --

5 MR. PREISS: It would be support  
6 space. If we could get a floor plan of exactly  
7 what's going in there.

8 MR. DEL VECCHIO: We will have a  
9 representative of Wegmans who is familiar with  
10 their operations here, and we could confirm that  
11 when he testifies.

12 MR. PREISS: And there is a  
13 restriction in terms of the way the anchor retail  
14 store definition was written that there be up to 20  
15 percent of space for certain products and items, so  
16 if we could have some testimony on that, or some  
17 colored floor plan which indicates compliance.

18 MR. DEL VECCHIO: We could stipulate  
19 to compliance with that here and now. We can fill  
20 in through the Wegmans representative's testimony  
21 what part of the grocery/general merchandise area,  
22 what those prohibited uses or limited uses where  
23 they would be generally, and how much.

24 MR. PREISS: Okay. Also, in terms of  
25 your -- and I have to compliment both of you in

1 terms of the presentation that you gave and the  
2 extent to which you do comply with the design  
3 guidelines. We have engaged a Urban Design  
4 Architect Consultant who did some markups and some  
5 suggestions for tweaking the building, that I think  
6 you are 95 percent of the way, and we provided that  
7 as part of our review and we would like the  
8 opportunity to discuss that with you or get some  
9 reaction of whether you can comply with that. I  
10 think some of it is related to the flat roof of  
11 some of the elements that you talked about, the use  
12 of the transom windows towards the top and making  
13 that a consistent theme in the lifestyle retail.  
14 We also had some comments about tweaking the design  
15 of the Wegmans facade, adding some windows, putting  
16 in a gable roof sort of at the corner, so if you  
17 could look at that, and comply, that would be  
18 great, or if you do have a need to discuss that  
19 with us we will be happy to do that.

20 As I said before I would like to take  
21 a look at the materials pallet and get a sense of  
22 what that is. The reason why we asked for that is  
23 because we're not accusing your client of doing so,  
24 which often you get an architectural rendering  
25 that's colored in a certain way, and the building

1 gets built and it looks completely different. So  
2 to actually not only to see it in its flesh, but  
3 actually to be able to, once it's built, to go in  
4 and say yes, it truly is this material and it is  
5 that color. That provides the board with insurance  
6 that what you're presenting, is actually being  
7 built. So we would like to do that. And there are  
8 some other minors, I am sure as we move forward and  
9 we go through the ordinance standing upon the  
10 testimony that you provided in terms of compliance,  
11 maybe there are some other elements that we need  
12 some testimony to insure compliance with some of  
13 the architectural or the design standards. We will  
14 identify those as we move through the process. But  
15 again, thank you for the presentation.

16 THE CHAIRMAN: Thank you.

17 Board members questions, starting with Mr.  
18 Stefanelli.

19 MR. STEFANELLI: Thank you, Mr.  
20 Chairman.

21 I just have two questions, and one  
22 is, I look at the site plan on page eight and I'm  
23 driving west on Grand Avenue, I'm looking at the  
24 back of Wegmans anchor store. I see you have  
25 loading areas and I see the top of that. I'm just

1 wondering and curious why, the right side of the  
2 building which faces the Borough, which also faces  
3 the conservation, we have it decorated there. And  
4 we don't have it decorated in the back of the  
5 building where 20,000 drivers driving by the  
6 building everyday. So I just have a concern there,  
7 that that should be what we're doing towards the  
8 back, toward the Borough, makes no sense.

9           To me, I would rather see the element  
10 in the back of the building on the top section of  
11 the building, so that it really looks consistent  
12 all the way around. That's my comment.

13           THE CHAIRMAN: Mr. Del Vecchio, is  
14 there anyone here to answer that or wait for a  
15 Wegmans representative to answer it?

16           MR. DEL VECCHIO: I think the answer  
17 is going to be in part through Jamie, and in part  
18 through Mr. Dipple and Claire Bedat, who is our  
19 landscaped representative. You're seeing an  
20 elevation that is called and striped away from a  
21 site plan and the setting in which it sits. I  
22 think once the context of the landscaping and  
23 retaining walls that are in that area, are layered  
24 into the process, you will understand why it was  
25 done. So it is hard to answer without everybody

1 testifying.

2           THE CHAIRMAN: Mr. Stefanelli, can  
3 you hold that testimony until we get the testimony  
4 of Mr. Dipple?

5           MR. STEFANELLI: Sure.

6           MR. PREISS: If I could make a  
7 suggestions with regard to that, I think the answer  
8 was, we all from day one when we all saw where the  
9 Wegmans was located and where the orientation was,  
10 we're very concerned about drivers on Grand Avenue  
11 seeing essentially the loading area, the service  
12 area. And so we put very specific requirements in  
13 the ordinance to screen that area and I think what  
14 we would like to see is, we can have some verbal  
15 assurances from the applicant, but I think one of  
16 the things that would be very useful for the board  
17 is basically to have cross section that goes from  
18 Grand through the back of the building with the  
19 retaining walls, with the fencing, and with the  
20 landscaping so we get a sense of exactly what  
21 portion of the building that you're seeing. And  
22 then to the extent that you see a portion of the  
23 building and you believe that that portion needs to  
24 have some articulation, I think you could discuss  
25 it at some point.

1 MR. STEFANELLI: If you look back at  
2 the drawing, even the concept, you do still see the  
3 top of building. And I'm just concerned that if  
4 you look at the top, I'm just looking at a plain  
5 warehouse building, I'm concerned about --

6 THE CHAIRMAN: It is a valid point.  
7 Frank, what was your second point?

8 MR. STEFANELLI: The second point was,  
9 I will defer the second point until we talk about  
10 it, was the sidewalks. The Mercedes Drive, the  
11 path that goes behind the building, is that  
12 considered the sidewalk that pedestrians use -- no,  
13 this is something separate. So there is a sidewalk  
14 on Mercedes also?

15 THE WITNESS: There is a sidewalk on  
16 Mercedes about the same elevation that follows the  
17 grade of the street, that be a pedestrian, out in  
18 the open air environment. The walkway in question  
19 that is of a security concern that we're going to  
20 look it, is actually hiding that building and is  
21 really thought of as put the emergency egress  
22 passage, and a servicing passage for those retail  
23 tenants. So goods and services will come into the  
24 building, trash will leave the building through  
25 that, but it is not a general public environment

1 entrance.

2 MR. STEFANELLI: So on the other  
3 plan, I think there is on on the other site plan  
4 that you show, 17, I don't know if you could bring  
5 that one up. I guess it shows a pathway -- that  
6 one shows a squiggly --

7 MR. McCoach: What happened, because  
8 this was our concept phase, we still maintain a  
9 sidewalk along Mercedes, so it does move back off  
10 of the curb, but in addition to support the  
11 requirement for servicing the stores, trash  
12 removal, we have a separate access way behind the  
13 building.

14 MR. STEFANELLI: I guess it is  
15 unclear, I guess I have to take another look at the  
16 site plan, but it's very unclear.

17 MR. PREISS: Just one other thing  
18 that I wanted to mention because nobody mentioned  
19 it before. There is actually a staircase from the  
20 sidewalk between buildings A and B, those rounded  
21 lines are actually a stairway coming down. You  
22 could actually -- the pedestrians can enter between  
23 Buildings A and B.

24 MR. McCOACH: Just to remember that 17  
25 was intended to illustrate issue of sustainability

1 and was superseded by the more current site plan on  
2 page eight.

3 THE CHAIRMAN: Frank, anything else?

4 MR. STEFANELLI: That's it.

5 THE CHAIRMAN: Thank you. Mr. Vogt.

6 MR. VOGT: Thank you Mr. Chairman.

7 My question this evening is for Mr. McCoach or Mr.  
8 Pett, either one can answer. I understand your  
9 design is very environmentally-friendly. You even  
10 put electric charging stations in there, the green  
11 rooftop. Have you ever considered putting solar  
12 panels on Wegmans or any other building?

13 MR. PETT: We have not considered  
14 active solar panels on the project, principally  
15 because we found that at this juncture in time they  
16 are not particularly cost effective for buildings  
17 that generally close at about nine o'clock or ten  
18 o'clock at night. So, you really are not running  
19 light late into the night, you're not generating  
20 enough electric out of those photovoltaic panels to  
21 really justify the use. We sort of seen them out  
22 in the marketplace today, they really work really  
23 well for streetlights and really low demand  
24 elements. But in a retail building the demand,  
25 when they are in use and the air conditioning is

1 running, the lighting is running, the solar panel  
2 barely contributes to that level of load. And  
3 later in the evening when the buildings are closed,  
4 you can't use them, it is dark anyway. So no, we  
5 really haven't seen those. I can't really speak  
6 for Wegmans on the record, but I know a lot of the  
7 larger tenants are looking at augmenting powered  
8 lighting with natural skylights and we seen that in  
9 a lot of the larger format retailers. I don't know  
10 if Wegmans has adopted that program or not, but  
11 certainly will check for you and let you know. I  
12 don't envision active photovoltaic .

13 MR. VOGT: Okay. Thank you. I have  
14 one other question for you, Mr. Pett.

15 In your presentation you showed the  
16 rooftop of the F building, what you call the F  
17 building with the planted rooftop, you showed no  
18 rooftop equipment on there. Will there be any  
19 rooftop equipment on there?

20 MR. PETT: There will be rooftop  
21 equipment.

22 MR. VOGT: I don't think the picture  
23 showed it.

24 MR. PETT: I don't think the picture  
25 showed the green roof either. The rendering which

1 is an artist conception, it was done by wire  
2 colorist. The rendering here does in fact show a  
3 more extensive amount of green roof than we have  
4 actually anticipate in this direction. And in fact  
5 the architectural exhibits that were submitted do  
6 show this edge of the green roof here back on the  
7 roof just a little bit farther, and there is a zone  
8 right behind the gable and behind the green roof  
9 that would be screened and would have mechanical  
10 equipment in it for those retailers. So yes, there  
11 will be mechanical equipment on that roof.

12 MR. VOGT: I also saw some, you know  
13 fencing or wall like you would, in the other  
14 buildings, in A, B on one of the pictures of the  
15 green rooftop building, do those fences, do they go  
16 all around? And how high will they be? Will the  
17 rooftop show exactly as you're showing it here?

18 MR. PETT: There is a parapet on this  
19 building in this area here around the perimeter of  
20 the building. Then there is the green roof, then  
21 there would be a rooftop screen and then the  
22 mechanical equipment right in here (indicating).

23 MR. VOGT: So there would be no other  
24 screening on either one of the surrounding walls,  
25 other than the rooftop appurtenance screening.

1 MR. PETT: If you go to page seven,  
2 we have an updated version, I think I mentioned as  
3 I was going through the version of the rendering  
4 that I was showing, and Doug's version is a little  
5 more updated --

6 MR. DEL VECCHIO: RTKL.

7 MR. PETT: Could you go to the PDF. I  
8 think this might be clearer. So this is really much  
9 more accurate than the intent of our design right  
10 now, so you could see there is a parapet just  
11 slightly raised, edged to the wall. And then these  
12 are the green roof areas. We necessarily have to  
13 have some sort of maintenance walkways to be able  
14 to inspect and maintain that to some extent. And  
15 then this is a screen wall in this location and the  
16 equipment is intended to sit behind that screen  
17 wall between this gable and this screen wall.

18 MR. VOGT: Okay, that answers my  
19 question. Thank you very much. I do have a  
20 question for Chief Abrams.

21 THE CHAIRMAN: You can do that.

22 MR. VOGT: Can I do that?

23 THE CHAIRMAN: You can do that.

24 MR. VOGT: A quickie. You mentioned  
25 Chief Abrams, the Woodcliff Lake break in at the

1 Mac store that they busted in through the wall in  
2 the back.

3 CHIEF ABRAMS: No, they broke in two  
4 stores down through the walls of the other two --

5 MR. VOGT: On that side, they broke in  
6 right, from behind the building.

7 CHIEF ABRAMS: From the side.

8 MR. VOGT: And that's really your  
9 concern that you want a driveway back there so you  
10 could drive-thru there.

11 CHIEF ABRAMS: Right. We are concerned  
12 we don't want them to be hidden where they can bust  
13 in the outside wall there, if there is a high end  
14 retailer.

15 MR. VOGT: I understand. Chief Abrams  
16 in those stores where they broke in Woodcliff Lake,  
17 there is a road right behind it and yet people  
18 broke in, how would you have prevented a break in  
19 with a road being right behind those stores? It  
20 didn't work in Woodcliff Lake, how is it going to  
21 work?

22 THE CHAIRMAN: Woo, woo, it sounds  
23 like a gauntlet to me.

24 CHIEF ABRAMS: By providing extra  
25 opportunity for thieves to break in, is not the

1 smart thing to do. Just because. This will not  
2 guarantee that stores don't get broken in, there is  
3 no guarantee the stores aren't going to get broken  
4 in. What it does, it maximizes the patrol officer's  
5 opportunity to get all the way around the building  
6 to see what's going on because we have two examples  
7 where they broke through walls. One was an outside  
8 wall at 17 Philips Parkway where they took a safe  
9 and the other one was what we're talking about by  
10 the Apple Store. That doesn't mean that a creative  
11 or innovated thief isn't going to find a different  
12 way in. What it does it would maximizes the police  
13 officer's opportunity to make the arrest. There is  
14 no guarantee, if you're looking for a guarantee, I  
15 don't have one.

16 MR. VOGT: Okay. Thank you very  
17 much. That's all I have, Mr. Chairman. Thank you  
18 for the extra time.

19 THE CHAIRMAN: Thank you. Mr.  
20 Lintner.

21 MR. LINTNER: Thank you, Mr. Chairman.  
22 I have no questions at this time.

23 THE CHAIRMAN: Very good, thank you.  
24 Councilman Ghassali.

25 COUNCILMAN GHASSALI: The green roof

1 is intriguing to me. I think it is a comment, not  
2 a question. Wildlife might be an issue,  
3 maintenance, seasonal views, in the Winter view  
4 versus the Summer view. How do you stop the  
5 wildlife issues? I was looking on line there is a  
6 case in Michigan where a specific species came in  
7 and set home there and it became a big issue.

8 MR. PETT: I'll try to address those.  
9 That's the first I actually heard of a wildlife  
10 issue being raised. Typically, these are plant  
11 materials on this type of, and I'm describing it as  
12 an extensive green roof. And I make the  
13 distinction between -- and this again comes from  
14 our consultant and I make that distinction what  
15 they call might call it an intensive roof, which  
16 might be active, and have plastic areas, or grass  
17 areas used for recreational purposes.

18 This is really a roof intended to  
19 reduce runoff, reduce heat impacts and be low  
20 maintenance in nature. And so the nature of the  
21 planting that we typically put in those  
22 installations are almost like dessert-type plants.  
23 They have to be able to survive low rain  
24 conditions, high heat conditions, high wind  
25 conditions. They have to be extremely hardy and

1 they are not usually particularly attractive to an  
2 animal that you're going to find in the region that  
3 come in. We just have not experienced that. I've  
4 done three or four of those installations in  
5 various locations and that has not been an issue.  
6 From a maintenance point of view, there is some  
7 maintenance involved, but there are a variety of  
8 plants that can be selected that are hardy and  
9 we're envisioning a roof here that would not need  
10 watered, it would rely on natural rain water. The  
11 ground cover-type stuff, it doesn't need to be  
12 trimmed or cut, once you install it and get it  
13 established, it really, really is very low  
14 maintenance.

15 From a standpoint of the seasonal  
16 view, there are still quite a broad range of  
17 various plant materials that bloom different times  
18 of the year. So ultimately, and I don't have the  
19 final design here tonight to share with you, but  
20 ultimately I think the landscape selection would  
21 necessarily have to address that. And we would  
22 want to provide a diversity of plant material on  
23 that roof so that some of it seasonally does have  
24 some color and have some attractiveness, even if in  
25 the winter times.

1 THE CHAIRMAN: Mr. Del Vecchio, we're  
 2 going to hear testimony from your landscape  
 3 architect with respect to that?  
 4 MR. DEL VECCHIO: With respect to the  
 5 green roof?  
 6 THE CHAIRMAN: The specifics of the  
 7 species of the green roof.  
 8 MR. DEL VECCHIO: We can provide some  
 9 additional testimony on that, sure.  
 10 THE CHAIRMAN: Because I am sure Mr.  
 11 Vogt's opinions with respect to that, so rather than  
 12 kind of answering the abstract, I would like to see  
 13 some detail information on that.  
 14 Councilman?  
 15 COUNCILMAN GHASSALI: The Borough's  
 16 purpose for an ATV, would a bicycle be an option?  
 17 CHIEF ABRAMS: Bicycle is an option  
 18 but it is not an option in cold weather, snow or  
 19 rain. We do have four bicycles. But it doesn't  
 20 really provide any help if there's an injured party  
 21 to transport them out of there. With the different  
 22 ATVs, they come with gurneys on them and others are  
 23 used for extraction rescues.  
 24 COUNCILMAN GHASSALI: Thank you.  
 25 THE CHAIRMAN: Mr. Webner?

1 MR. WEBNER: A couple of questions.  
 2 One is, the rendering and some of the drawings  
 3 don't actually portray what's going on. There's  
 4 pieces missing, additions, there is green space,  
 5 and a green spot on Grand Avenue, is that going to  
 6 be --  
 7 MR. McCOACH: If you could let us  
 8 know what drawing.  
 9 MR. WEBNER: RTKL, number seven.  
 10 THE CHAIRMAN: Are you referring to  
 11 the island?  
 12 MR. WEBNER: Yes, the island.  
 13 MR. McCOACH: We're not proposing to  
 14 make changes to the cross section, that was  
 15 artistic.  
 16 MR. WEBNER: I know from that  
 17 rendering, it painted a pretty picture. But it  
 18 really should be more accurate. We also have a  
 19 secondary tower on the Wegmans, that's shown right  
 20 here (indicating).  
 21 MR. McCOACH: The cupola.  
 22 MR. WEBNER: Yes, the secondary one.  
 23 But it's not shown on the Watkin's Architects.  
 24 MR. DEL VECCHIO: Just so you're  
 25 aware, we had submitted revised drawings about ten

1 days in advance of today's proceedings, based upon  
 2 some comments in Mr. Preiss' report looking for  
 3 additional information on the height calculation of  
 4 the Wegmans building. In making those changes, we  
 5 submitted them, we haven't yet testified to them  
 6 yet this evening, but the cupola that's was taken  
 7 off in order to make sure we stayed within the  
 8 height limitations for that building. So that's  
 9 the reason for the difference between them and  
 10 we'll straighten the rest of that out.

11 MR. WEBNER: And the clock tower  
 12 that's not shown on the additional two elevations  
 13 on the this submission, do you see it? It's on the  
 14 right side elevation and the rear elevation.

15 MR. PETT: I think those were left  
 16 off only because it would be so distant. In other  
 17 words, the comment is, that you are looking at, and  
 18 this far elevation, you're looking at this far  
 19 elevation, you're not at this tower in the  
 20 distance, or when you are looking at this rear  
 21 elevation of the store --

22 THE CHAIRMAN: The question is, is  
 23 the clock tower there?

24 MR. PETT: Yes.

25 THE CHAIRMAN: It is there. Show it.

1 MR. WEBNER: Onto the safety issues.  
 2 The space between buildings A and B, where Chief  
 3 Abrams was saying being able to get down there, and  
 4 the comment was made, you could look straight down.  
 5 There is a staircase that comes into there. You  
 6 wouldn't have a perfect unobstructed view.

7 MR. McCOACH: We will have to take  
 8 that into consideration. That's the developer.

9 MR. WEBNER: And the safety issue  
 10 goes to if you build up over that square footage,  
 11 you're going to enclose that, will that give access  
 12 to the roof or for children and vandals?  
 13 Unfortunately in this day and age, kids want to see  
 14 if they could jump that four feet, five feet from  
 15 the top of the retaining wall to the roof. That's  
 16 something to think about. And I think that's it.

17 THE CHAIRMAN: Thank you. Mr. Fette,  
 18 questions?

19 MR. FETTE: Two comments. Number one  
 20 I want to reiterate Chief Abrams about the road  
 21 dirt. Wheel cleaning aprons look excellent on the  
 22 engineering plan, but in reality they don't work.  
 23 I agree we need some sort of additional cleaning  
 24 there, which I believe Mr. Del Vecchio said they  
 25 will address when they have testimony of their

1 engineer.

2           The other item that was brought up by  
3 the Chairman De Pinto and Mr. Preiss about  
4 verifying the colors. One-way we can handle that  
5 is, if the application is ultimately approved.  
6 When they submit for building permits, you also  
7 submit color pallets, we would be happy to do the  
8 additional inspections to verify that material and  
9 we'll report to the board to simplify that. Those  
10 were the questions.

11           THE CHAIRMAN: Thank you. Mr.  
12 Culhane.

13           MR. CULHANE: Thank you, Mr. Chair.  
14 I want to compliment on the presentation you made  
15 tonight. I found it very informative.

16           One thing I'm unclear about, how are  
17 they handling refuse? For example, on the back of  
18 stores A and B we have the pathway which the Chief  
19 commented on, which I understand to look at. But  
20 traditionally, I look at the refuse to be in the  
21 back end of the store. And right now, I have no  
22 idea how to handle refuse on this particular  
23 project. With regard to building F --

24           THE CHAIRMAN: One second, please.  
25 Mr. Del Vecchio are we expecting to hear testimony

1 from Mr. Dipple about refuse and negotiating of  
2 vehicles for collection?

3           MR. DEL VECCHIO: Yes.

4           THE CHAIRMAN: So John, if you can  
5 hold that question until we hear from the design  
6 engineer.

7           MR. CULHANE: Fair enough. Regarding  
8 building F, as far as the comment raised by the  
9 Chief, one possible option to be considered is the  
10 lower portion of that building is up against the  
11 earth. So there will be another retaining wall.  
12 It is reinforced concrete and raised several feet  
13 above grade. I think the perpetrator will find it a  
14 little more difficult to punch through. So I would  
15 suggest that might be an option to some degree.

16           The other question I have is on the  
17 one and a half mile of pathway. I believe on the  
18 site plan some of them have stairways involved.  
19 Are these pathways required to be ADA compliant?

20           MR. McCOACH: We have provided ADA  
21 code compliant routes so the staircases provided  
22 are alternate routes. There are two means to  
23 traverse the site.

24           MR. CULHANE: Thank you. No other  
25 questions.

1 THE CHAIRMAN: Thank you. And I just  
2 have one question of Mr. Regan.

3 MR. REGAN: Yes.

4 THE CHAIRMAN: Mr. Regan, with  
5 respect to design standards, first by the vision  
6 that was shared by Mr. McCoach for the board, and  
7 then secondly by Mr. Pett, and in his more detailed  
8 explanation, let's assume for a moment the  
9 developer finds a tenant or a perspective tenant  
10 for one of the buildings, and that perspective  
11 tenant does not like the design that's set forth in  
12 either the ordinance or any subsequent site plan  
13 approval. The board does not have jurisdiction  
14 within the other zones over architectural character  
15 or structures. But we do in the PUD.

16 MR. REGAN: If there is going to be  
17 any deviation from the standards in the AH-PUD  
18 zone, by this new applicant, or respective tenant  
19 or whatever, it would have to be returned to the  
20 board.

21 THE CHAIRMAN: And that return would  
22 take the form of an application.

23 MR. REGAN: Amendment of site plan  
24 variance, exception or waiver.

25 THE CHAIRMAN: So therefore all of

1 the standards are set forth in the ordinance, if  
2 and when site plan approval is granted, would be  
3 incorporated in resolution and developer's  
4 agreement, and any deviation from that, by demand  
5 of the developer or the perspective tenant, would  
6 trigger this thing back to the board.

7 MR. REGAN: Most approvals would be  
8 required to return to the board by whoever the  
9 applicant is, who deviated those standards.

10 THE CHAIRMAN: Very good. Thank you.  
11 I'm now going to turn to Mr. Segreto.

12 Mr. Segreto, you heard the testimony  
13 of the first two witnesses, do you have any  
14 questions at this time?

15 MR. SEGRETO: Yes, I do.

16 THE CHAIRMAN: I am sure you did.

17  
18 CROSS-EXAMINATION BY MR. SEGRETO:

19 WITNESS DOUGLAS McCOACH

20  
21 Q. MR. McCoach, you have indicated I  
22 guess your firm was engaged in 2011, is that  
23 correct, by the developer?

24 A. I believe that's the case.

25 Q. And as a result of that engagement

1 you did in fact prepare, I guess, it was your  
2 PowerPoint presentation that you shown us today, is  
3 that correct?

4 A. An earlier reiteration of the presentation.

5 Q. And the power presentation you showed  
6 us tonight, is actually -- I think, you showed it  
7 twice before, right? To the Mayor & Council?

8 A. An earlier reiteration of this presentation.

9 Q. And you indicated the developer asked  
10 you to create a vision for the project, right,  
11 because this was a significant site the DePiero  
12 Farm property.

13 A. That's correct.

14 Q. Did the developer tell you what users  
15 there would be on this site prior to you creating  
16 the vision for the project?

17 A. No.

18 Q. Did you come up with the idea to put  
19 a 140,000 square foot Wegmans on the site?

20 A. I was asked to site a footprint of 140,000  
21 square feet without ever knowing who that footprint  
22 was for, so we were substantially involved in the  
23 project.

24 Q. So the developer wanted an anchor  
25 store of 140,000 square feet.

1 A. That is correct.

2 Q. When did you find out that the anchor  
3 store would be a Wegmans?

4 A. We were midway through the process of the  
5 developing the concept at a point where we had to  
6 start to incorporate specific design features in  
7 order to respond to the Borough's requirements.

8 Q. All right. But the Borough's  
9 requirements didn't come until after you put  
10 together a plan, and after that conceptual plan was  
11 shown to the Borough, then came the ordinance,  
12 right?

13 A. I think we were paying attention to the  
14 general codes of the Borough with regards to  
15 roading and general requirements for vehicular  
16 access for the service vehicles. So in some regard  
17 they were Borough code requirements and the others  
18 just general service requirements. Those are the  
19 things that shape the design.

20 Q. Right. But at the time the 140,000  
21 square foot --

22 THE CHAIRMAN: Use that microphone,  
23 please.

24 Q. But at the time that the 140,000  
25 square footprint was designed, there was no AH-PUD

1 ordinance in Montvale, right? It didn't exist.

2 A. Actually ask Mr. Del Vecchio to talk about  
3 the history and the timing of the PUD ordinance.

4 Q. No, right now I am asking you  
5 questions. You are the architect, you came up with  
6 the plan. You say that it complies completely with  
7 the AH-PUD ordinance. AH-PUD ordinance came well  
8 after it was established by the developer, that the  
9 developer wanted a 140,000 square foot anchor store  
10 on the site, correct?

11 A. I would say that's correct.

12 Q. When did you find out that that  
13 140,000 square foot anchor, would be a supermarket?

14 A. I would say in the midpoint of our  
15 development of our site plan.

16 Q. When was that, was that before the  
17 AH-PUD ordinance was adopted or after?

18 A. That was before the adoption of the  
19 ordinance.

20 Q. Did you know it was a Wegmans  
21 Supermarket?

22 A. Yes, we did.

23 Q. Was there any consideration given to  
24 reduce the size of that anchor store, not having  
25 been 140,000 square foot?

1 A. Perhaps there was, with respect to the  
2 design team.

3 Q. Well, I'm asking specifically was  
4 there a discussion?

5 A. Again, when RTKL was engaged, I have no  
6 knowledge of the dialogue that occurred from the  
7 team before we were involved, but when we came onto  
8 the project, the footprint was established as 125,  
9 140,000 square feet.

10 Q. You'll agree with me that the  
11 supermarket is one of the highest generators of  
12 traffic of any of the retail uses?

13 A. Yeah, I'm not so sure that --

14 THE CHAIRMAN: Mr. Segreto, I have to  
15 interrupt. This gentleman has not been qualified  
16 as a traffic expert.

17 MR. SEGRETO: Yes, yes. I understand  
18 Mr. Chairman, but he told us about these great  
19 mixed use developments that he did, all included --

20 THE CHAIRMAN: If you can limit your  
21 questions to the testimony that you heard, I did  
22 not hear any testimony from Mr. McCoach with  
23 respect to traffic.

24 MR. SEGRETO: I understand that, Mr.  
25 Chairman.

1 Q. Was there any discussion or were  
2 there discussions about reducing the size of the  
3 building, that's the Wegmans building?

4 A. From the point of time that we were involved  
5 in the project, there were no discussions about  
6 reducing the size of the building. Perhaps they  
7 occurred earlier.

8 Q. The developer told you that it's  
9 going to be 140,000 square foot Wegmans, and that's  
10 what you would had incorporated in your design?

11 A. The developer told us to design a 140,000  
12 square foot design.

13 Q. You would agree with me, if you  
14 reduced the size of Wegmans, you will need less  
15 parking.

16 A. Yes.

17 Q. You will have more room for  
18 landscaping and open space.

19 A. Unless there is some other use proposed for  
20 that land.

21 Q. Well, this ordinance doesn't say you  
22 have to have 140,00 square foot supermarket, does  
23 it?

24 A. It is very specific about the size of the  
25 primary anchor store.

1 Q. Yes. It says that it can't be less  
2 than 50,000 square feet, right?

3 A. I have to look at the note, but I trust that  
4 that's the correct answer.

5 Q. And if you put a 60,000 square foot  
6 Wegmans there, you will have substantially less  
7 parking, correct?

8 A. Yes.

9 Q. Substantially less impervious  
10 coverage, correct?

11 A. Yes.

12 Q. You will not need all of those  
13 parking spaces, would you?

14 A. I guess I would say if I put a 60,000 square  
15 foot store there, that I would be looking for  
16 something to fill up the other 80,000 square foot  
17 site for some other use.

18 Q. How about having parks and open  
19 space?

20 A. I said commercial use.

21 Q. Open space and lawn areas and trees  
22 what about that? Is there something wrong with  
23 that?

24 A. Getting back to, you started to talk about  
25 the development Pro Forma, which generally is not a

1 part of what we're asked to do to develop as we  
2 develop our site plan response. So there certainly  
3 is some level of economic viability with the size  
4 of a primary anchor that we weren't asked to  
5 consider.

6 Q. Those other projects that you told us  
7 about where you designed them, where you were the  
8 site designer, do they have supermarkets less than  
9 140,000 square feet.

10 A. Livingston does not have a supermarket and  
11 neither does the New Jersey, neither does the --

12 Q. -- and you told us they were very  
13 successful developments, aren't they?

14 A. I was going to finish by saying, the other  
15 projects that we showed you, Merrifield Town Center  
16 has a, I'm going to say nominally 100,000 square  
17 foot Target. Downtown Silver Spring has several,  
18 again, very large scale anchors, I believe  
19 including a grocery. I know Pentagon Row also has a  
20 large format grocery.

21 Q. But are you telling me, from your  
22 experience, that a 60,000 square foot supermarket a  
23 Wegmans, with the same architecture and  
24 architectural amenity, would not be viable here?

25 THE CHAIRMAN: I have to interrupt a

1 second. Mr. Segreto, you're asking this gentleman  
2 to draw an economic conclusion and I don't believe  
3 he is qualified along those lines.

4 Q. Now, the Chief has some concerns  
5 about buildings A and B and there not being a  
6 walkway, driveway, sufficient for a patrol car.  
7 Isn't a viable solution to the Chief's concerns to  
8 take 12 feet off the back of the buildings A and B  
9 and that would solve the problem?

10 A. That's one alternative answer to the --

11 Q. Let's not get rid of green space get  
12 rid of some of the retail and if you do that, you  
13 will reduce the requirement for parking, aren't  
14 you?

15 MR. PETT: If I may, Jamie Pett for  
16 the applicant responding. There is a problematic  
17 depth to store space in order for it to be viable  
18 in the marketplace and attractive to respective  
19 tenants and we're basically in those buildings,  
20 very close to the minimum depth that is considered  
21 to be market viable space --

22 THE CHAIRMAN: Mr. Pett, are you  
23 talking from a design standard or economic  
24 standard, because if you are talking about from an  
25 economic standard --

1 THE WITNESS: I am talking about a  
2 design standard.

3 THE CHAIRMAN: Okay, because if it is  
4 economics, I am not interested in that answer.

5 MR. PETT: I'm talking about a design  
6 and store planning point.

7 THE CHAIRMAN: I will accept that. Mr.  
8 Segreto, please continue.

9 Q. Building F, you could take 12 to 18  
10 feet off the back of building F to accommodate the  
11 drive-thru that the Chief wants, isn't that  
12 correct?

13 A. The building F, and I would agree with you.

14 Q. 22,000 square feet, and you can  
15 reduce it to 18,000 square feet, right?

16 A. That sounds approximately correct.

17 Q. And that would require less parking.

18 A. Yes, it would.

19 Q. And free up the parking lot, that you  
20 said has a tight requirement, is that correct?  
21 Mr. Pet said that, I'm asking Mr. Pett, you talked  
22 about the very tight constraints but in a parking  
23 lot.

24 MR. PETT: What I was referring to,  
25 as you can see there are three, we refer to them as

1 base of parking, and from a site plan and design  
2 point of view, they are at the minimal dimensions  
3 to be functional in terms of length of a parking  
4 space and width of a drive aisle. So if you take  
5 literally six inches out of them, you no longer  
6 have three parking bays, you have two and a half.

7 Q. You'll agree with me if you reduce  
8 the amount of all of the retail footage on the  
9 property, you reduce the requirement for parking  
10 spaces, which gives you more room to do all kinds  
11 of other things. Place the buildings  
12 differently, put more landscaping and open spaces,  
13 isn't that correct?

14 A. Yes.

15 Q. But the applicant didn't chose to do  
16 that because the applicant wants to maximize the  
17 amount of square footage, isn't that correct?

18 A. No, I would respectfully disagree with that.  
19 I think if the applicant wanted to maximize the  
20 amount of square footage he would place a single  
21 continuous extruded strip center building on the  
22 site, he would connect it continuously to the  
23 anchor building, and run it the entire length of  
24 the site. And I can assure you, that would plan  
25 the site with considerably more density than we're

1 showing to you this evening.

2 Q. Right. But that would not be in  
3 compliance with the AH-PUD ordinance would it,  
4 because that doesn't permit you to make a strip  
5 mall, does it?

6 A. Correct.

7 Q. Okay. You couldn't do that, could  
8 you, not with this ordinance.

9 A. Not with this ordinance.

10 THE CHAIRMAN: Excuse me, Mr.  
11 Segreto. I'm going to interrupt you. We are well  
12 beyond curfew at this point. And the testimony, and  
13 I allowed that testimony to go on a little longer  
14 than I anticipated. I am going to ask your  
15 indulgence, I am going to open the meeting up to  
16 the public, and hear from them. If that doesn't  
17 take too long a period of time, then I will invite  
18 you to continue. Or if it does, we will have to  
19 carry this to our next meeting. I would like to  
20 give the public an opportunity to speak. Do you  
21 have a problem with it?

22 MR. SEGRETO: No.

23 THE CHAIRMAN: Okay good. Chair will  
24 entertain a motion to open to the public.

25 MR. STEFANELLI: Motion.

1 MR. VOGT: Second.

2 THE CHAIRMAN: Motion by Mr.  
3 Stefanelli, second by Mr. Vogt. All in favor?

4 BOARD MEMBERS ALL IN FAVOR.

5 THE CHAIRMAN: I have a list of  
6 people signed in I am going to start with Kari  
7 Solomon.

8 You're going to have to come forward  
9 and again, I am going to remind you, that this is  
10 the public's opportunity to ask questions, but not  
11 necessarily to give comments.

12 KARI SOLOMON: I guess my first  
13 question - I have four questions.

14 THE CHAIRMAN: That's okay.

15 MS. SOLOMON: My first question is  
16 for Mr. McCoach. You teased us with a pavilion in  
17 Reston, but I didn't see it in the -- it is not  
18 proposed for what's happening here, is that  
19 correct? Well, because that looked really cool.

20 MR. McCOACH: The intention actually  
21 of the green space was of a gathering space, so  
22 it's been laid out as a lawn area with areas for  
23 seating to support the dining that's happening in  
24 the retail. So you see this area right here  
25 (indicating) and in fact, it is part of our design

1 element, if you go forward to the design features,  
2 that slide, stop. We really think it would be  
3 pretty neat to have a farm frame as sort of a  
4 pavilion structure to have that space. And that's  
5 what's shown in the plans.

6 MS. SOLOMON: Okay. Another question  
7 and I'm sorry I don't have the right language for  
8 this, but how much percentage-wise of the paved  
9 areas are, I guess is it impervious versus like  
10 paved surface, that sort of thing?

11 MR. McCOACH: That question can be  
12 answered by our landscaping people.

13 THE CHAIRMAN: The landscape  
14 architect and design engineer will be more  
15 qualified to answer that question.

16 MS. SOLOMON: That's next meeting, or  
17 later in the evening? How late are we going  
18 tonight?

19 MR. DEL VECCHIO: Not tonight.

20 THE CHAIRMAN: Two and a half years.

21 MS. SOLOMON: The junior anchor store  
22 building F, that is for one retail establishment or  
23 are there multiple stores?

24 MR. McCOACH: We're actually  
25 reserving the flexibility in that building because

1 the tenants haven't been identified. So it could  
2 be single tenant or it could be more than one user.

3 MS. SOLOMON: And that was 22,000.

4 MR. McCOACH: Yes.

5 THE CHAIRMAN: Kari, that was a  
6 poetic term they were using with respect to that  
7 building as a secondary anchor, junior anchor  
8 store. They have the ability to do more than that  
9 with it. So let's not think because they refer to  
10 that as that, that's what it will be.

11 MS. SOLOMON: Okay. I guess the  
12 140,000 square foot number, that seems to be the  
13 number if we're talking about Wegmans. Why not  
14 smaller and more fitting with the other buildings?  
15 It is quite large in comparison, what has been done  
16 I guess from either the planning board, town  
17 council or whatever the powers be, in terms of  
18 encouraging maybe a smaller footprint and not  
19 taking up so much space?

20 THE CHAIRMAN: Well, first with  
21 respect to the size of the structure, the size of  
22 the structure is set forth in the AH-PUD ordinance.  
23 That was recently adopted by the Mayor and Council.  
24 The applicant and, I guess, Mr. Segreto has  
25 indicated, is not compelled to build on that

1 140,000 square feet. They have that option of  
2 building something less than that, but certainly  
3 not greater than that.

4 MS. SOLOMON: Right.

5 THE CHAIRMAN: So I think the  
6 question of the applicant is, did you ever consider  
7 building anything less than 140,000 square feet?

8 MS. SOLOMON: Why are we going to the  
9 max?

10 THE CHAIRMAN: I think that's a fair  
11 question, who would you like to address that?

12 MS. SOLOMON: I don't know, who do you  
13 think should answer that?

14 THE CHAIRMAN: I think Mr. Pett who is  
15 the design architect, because he wants to take away  
16 all the trees and grass, he is going to get all the  
17 tough questions.

18 MR. PETT: I love trees and grass.

19 THE CHAIRMAN: Leave them alone then.

20 MR. PETT: Wegmans like any retailer  
21 has a certain business model and the design of  
22 their stores and the parameters of their size and  
23 physical layout with merchandizing within the  
24 store, is really inherent in their brand. And  
25 while I'm not completely qualified to talk about

1 their business model per se, I can tell you as a  
2 retail architect who has worked with a number of  
3 large number of retailers, they all have certain  
4 sizes and they all have certain footprints.

5 THE CHAIRMAN: And you are not  
6 qualified to speak to Wegmans standards. So Kari, I  
7 am going to ask you to please return at our next  
8 meeting where Counsel indicated that a  
9 representative of Wegmans will be here, and you can  
10 ask that question of Mr. Wegman.

11 MS. SOLOMON: All right I will sure  
12 to do that. Thank you.

13 THE CHAIRMAN: Thank you. Let's go  
14 to the next one, Steven Schwartz. Is he here? No  
15 Steven. Let's move on to Kenneth Barile.

16 Name and address.

17 KENNETH BARILE: 31 Acres Avenue, a 35  
18 year resident of Montvale. I have two questions, in  
19 talking about the plan --

20 MR. DEL VECCHIO: Did we get an  
21 address?

22 MR. BARILE: 31 Acres Avenue. In  
23 talking about the plan you mentioned there is a  
24 Phase I and Phase II. And I understand you're  
25 applying for a lot of things, mostly for Phase I.

1 My question is, what happens time-wise, how do you  
2 see the development of Phase I and Phase II? Is  
3 Phase II happening one year, two years, three years  
4 later? That's question number one.

5 THE CHAIRMAN: You know, I'm not  
6 quite certain. Are we going to be hearing  
7 testimony from a representative of Hekemian?

8 MR. DEL VECCHIO: At this point, that  
9 was not my intention. We have broken up the center  
10 into Phase I and Phase II mostly because of the  
11 testimony you'll hear from the engineer, which is  
12 in order to lay out the Wegmans and the site work  
13 that's necessary to support that area, you pretty  
14 much have to prepare the entire site, the upper  
15 part of the site for development. So we're doing  
16 that and that's the reason why the Phase I and  
17 Phase II line is drawn. We hope that once the  
18 project becomes a reality through approvals, that  
19 tenancy will then dictate how quickly Phase II  
20 portion gets built.

21 THE CHAIRMAN: Ken, once we hear  
22 testimony from the design engineer, we'll have a  
23 better understanding.

24 MR. BARILE: I just have one other  
25 question.

1 THE CHAIRMAN: Sure.

2 MR. BARILE: Approval of Phase I,  
3 does that automatically imply that Phase II will in  
4 fact be approved, and that it will happen?

5 MR. REGAN: Absolutely not.

6 MR. BARILE: They are under no  
7 obligation to complete Phase II if after Phase I is  
8 approved?

9 THE CHAIRMAN: Bob, please explain to  
10 him the application as set forth in Phase I for  
11 preliminary and final versus Phase II preliminary  
12 only.

13 MR. REGAN: There will be a  
14 requirement to return to the board for final site  
15 plan approval on those.

16 MR. BARILE: Could they chose not to  
17 develop this?

18 MR. REGAN: They could, they could  
19 develop it 20 years from now, assuming the zoning  
20 is still in effect.

21 MR. BARILE: Thank you.

22 THE CHAIRMAN: Okay. Let's move on.  
23 We are up to Laureana Organ. Laureana just give  
24 your name and address for the record.

25 LAUREANA ORGAN: Laureana Organ 157

1 Summit Avenue. Good evening everyone. My question,  
 2 I want to comment, you did a good job and Mr.  
 3 DePinto first time I see that someone is looking  
 4 out for (inaudible). My question is, I don't see  
 5 and now talking about Summit Avenue. Now, talking  
 6 about the DePiero family and the Organ family, the  
 7 are the two most families that will be affected in  
 8 this --

9 THE CHAIRMAN: Laureana, I am going to  
 10 interrupt you for a second. Mr. Del Vecchio, Ms.  
 11 Organ is concerned about the development that's  
 12 going to be occurring at some point in the future  
 13 on Summit Avenue. When will you be addressing that  
 14 element of this plan?

15 MR. DEL VECCHIO: We are only seeking  
 16 PUD approval of that aspect of the plan and that is  
 17 part of the site plan set that was submitted by Mr.  
 18 Dipple under the L2A title block.

19 THE CHAIRMAN: And when Mr. Dipple  
 20 testifies, will he be referencing that development  
 21 plan?

22 MR. DEL VECCHIO: Correct, for PUD  
 23 approval purposes.

24 THE CHAIRMAN: So Laureana, we're  
 25 not going to hear that tonight, but when Mr. Dipple

1 testifies and after that testimony is completed,  
 2 you will have the ability to ask questions of the  
 3 Board or Mr. Dipple with regards to that.

4 MS. ORGAN: Okay.

5 THE CHAIRMAN: So right now we're  
 6 just dealing with the commercial development along  
 7 Grand Avenue.

8 MS. ORGAN: Perfect.

9 THE CHAIRMAN: Well, it is not  
 10 perfect, but that's the way it is.

11 MS. ORGAN: And the way it is being  
 12 that, me being the number one affected by that  
 13 project, as a result of that project, I'm the first  
 14 person that's --

15 THE CHAIRMAN: We understand.

16 Laureana, I am going to interrupt you, remember  
 17 what I said, questions only, that's a comment.

18 Ms. ORGAN: I know.

19 THE CHAIRMAN: I am only accepting  
 20 questions.

21 MS. ORGAN: First of all for the  
 22 Organ family, Laureana Organ, my question, who will  
 23 be responsible to pay for the depreciation when  
 24 those affordable houses go up, for the record?

25 The second one, somebody was talking

1 about diversity integration. Beautiful, beautiful  
 2 expression, love it, love it. But, do you think  
 3 that putting an affordable project in one side of  
 4 Montvale is going to be good for the integration?  
 5 I don't think so. My question is, do you have  
 6 anybody who had that idea to put segregation of a  
 7 class in one side of Montvale, wouldn't that not  
 8 affect psychologically that family and those  
 9 children from that family?

10 THE CHAIRMAN: Okay. I think the  
 11 question, because if you sit down right now you  
 12 made a comment, if you stand for a couple minutes  
 13 more, I will consider it a question. With that  
 14 question, the best party to answer that question,  
 15 would be the Borough planner. And I'm going to ask  
 16 Mr. Preiss.

17 Mr. Preiss, if in fact this plan is  
 18 approved, and that ultimately there is constructed  
 19 32 affordable units on Summit Avenue, in the purest  
 20 planner's point of view, is that something that  
 21 could and should be found acceptable in the Borough  
 22 of Montvale?

23 MR. PREISS: Yes. And that's the  
 24 reason why the Mayor and Council adopted the  
 25 zoning. It's already been decided. It is not at

1 issue.

2 THE CHAIRMAN: This is really not  
 3 that complicated, it's on our off. Press the on  
 4 button.

5 MR. PREISS: I'm sorry.

6 THE CHAIRMAN: Start all over again.

7 MR. PREISS: The zoning ordinance  
 8 allows that to happen and it was adopted by the  
 9 Mayor and Council, so it is not part of the site  
 10 plan process. That is already been determined. It  
 11 is permissible, if they build it, they are  
 12 permitted to do so, if the Borough, actually the  
 13 Borough will be building that housing there, so  
 14 that determination already has been made.

15 MS. ORGAN: For the last question,  
 16 for the next meeting. I work for the county, and I  
 17 have to ask for this information and I saw that the  
 18 sidewalks they're doing, for the first project,  
 19 cuts off right next to my property, which is very  
 20 dangerous.

21 THE CHAIRMAN: And Laureana, I have  
 22 to interrupt you again. We're not talking about  
 23 Summit Avenue this evening.

24 MS. ORGAN: I know, for the next  
 25 meeting so they have the idea.

1 THE CHAIRMAN: They will be ready for  
2 you trust me. Thank you.  
3 MS. ORGAN: Okay, no problem. Thank  
4 you.  
5 THE CHAIRMAN: Let's go to the next  
6 one, that would be Beth Razik?  
7 AUDIENCE MEMBER: She left.  
8 THE CHAIRMAN: Then I have Lori  
9 Charkey, and Lori, identify yourself for the  
10 record.  
11 MS. CHARKEY: Lori Charkey, 162  
12 Westwood Avenue, Westwood.  
13 THE CHAIRMAN: Thank you, welcome.  
14 MS. CHARKEY: I am a co-director of  
15 Bergen SWAN, it's a 25 year old watershed  
16 protection group for this area. And I'm going to  
17 go over some of the sentiments of the prior  
18 speaker.  
19 THE CHAIRMAN: I don't want  
20 sentiments, I want questions. Put them as  
21 questions.  
22 MS. CHARKEY: Okay. So the developers  
23 are talking about a green roof, rain gardens, tree  
24 plantations, impervious pavements, it's all great  
25 stuff. But can you drastically reduce the

1 footprint, and really talk about the environmental  
2 development here? I would like to just put that on  
3 the table once again, and can we talk about putting  
4 more imperviousness here, increase the buffers --  
5 THE CHAIRMAN: Ms. Charkey, if we're  
6 going to be talking about impervious area, whether  
7 it is a question or comment, I'm going to want to  
8 hear the testimony first of the design engineer,  
9 because the architects cannot speak to that design  
10 feature of the plan. So if you can hold that  
11 question until we hear the testimony of Mr. Dipple.  
12 MS. CHARKEY: Okay, is that next  
13 meeting?  
14 THE CHAIRMAN: That's actually up to  
15 Mr. Del Vecchio. Mr. Del Vecchio, will Mr. Dipple  
16 be testifying at the next meeting?  
17 MR. DEL VECCHIO: My guess is, he  
18 will be here, my guess, we will not reach him given  
19 the pace of this evening's testimony.  
20 THE CHAIRMAN: So at some point in  
21 the future, Mr. Dipple will be heard.  
22 MS. CHARKEY: Okay. Are the  
23 architects of this project aware, I am sure they  
24 are, that Wegmans does have a plan for smaller  
25 stores, smaller stores, along the lines of Trader

1 Joes that all are very small retail establishments.

2 THE CHAIRMAN: Fair question. Are  
3 either you aware that Wegmans may build something  
4 other than a 140,000 square foot stores?

5 MR. PETT: We are aware of those and  
6 in our experience we seen them in much more urban  
7 denser environments than actual downtown locations.

8 THE CHAIRMAN: Okay. They are aware.

9 MS. CHARKEY: Okay. Has there been  
10 any discussion of retaining certain amount of  
11 active farmland on the property, if we --

12 THE CHAIRMAN: That's a design  
13 standard relative to the land. I want to hear the  
14 testimony of Mr. Dipple first.

15 MS. CHARKEY: I want to put that out  
16 there. And then I have a question for the board,  
17 and that is how is the county public works  
18 department sign off on the road improvements that  
19 are requisite --

20 THE CHAIRMAN: I'm going to forward  
21 that question to Mr. Hipolit, who is the Borough  
22 engineer, who has been in communication with the  
23 County with respect to road improvements.

24 Mr. Hipolit, would you please answer  
25 the question.

1 MR. HIPOLIT: The project is only in  
2 their first hearing. The applicant has submitted to  
3 the County and they have made some comment. The  
4 applicant submitted for preliminary and final for  
5 Phase I, and preliminary Phase II. As part of that,  
6 there will be road improvements to Grand Avenue  
7 made by the developer, Mercedes Drive made by the  
8 developer and then seven, nine intersections which  
9 need minor improvements, made by the Borough, for  
10 the County, paid for by the developer. We're in  
11 the process, but there is a long way to get to that  
12 point. You're going to hear a lot about that after  
13 testimony, so we'll get there but it's very  
14 premature. The answer is yes --

15 THE CHAIRMAN: What's important to  
16 be noted for the record also that is, I'm not quite  
17 certain your surveyor started their work, but they  
18 were out there this week, they were surveying some  
19 intersections in question. And as a credit to the  
20 developer, these have already been posted in order  
21 for that work to commence. That's not a normal  
22 situation, it's a little bit outside of the normal.  
23 So yes, the Borough is very sensitive to the  
24 traffic conditions that will be beyond, somewhat  
25 exacerbated by the proposed improvement, and we're

1 not sitting back waiting for this to happen, we're  
2 looking at that right now.

3 MS. CHARKEY: Thank you.

4 THE CHAIRWOMAN: Is there anyone else  
5 that wishes to ask any questions? First gentleman  
6 here with the red shirt, step forward and state  
7 your name for the record.

8 ALAN KRAMPERT: Alan Krampert, 12  
9 Forest Avenue, Montvale. I'm just curious if there  
10 been any discussions between the town and the  
11 developer on turning over the parkland area to  
12 them? As it stands right now as I walk, it is a  
13 hazard, it is absolutely --

14 THE CHAIRMAN: No comment,  
15 questions.

16 MR. KRAMPERT: Is there any  
17 discussion to turn it over to them, and if so will  
18 they improve it and maintain it?

19 THE CHAIRMAN: I'm going to direct  
20 that question to Councilman Ghassali. Councilman,  
21 has there been any discussion on the part of  
22 governing body with respect to turning it over? I  
23 know the answer.

24 COUNCILMAN GHASSALI: (Inaudible).

25 THE CHAIRMAN: One of the

1 difficulties with is that property was acquired in  
2 part through funds, Green Acre Funds. We don't  
3 have the option to do that. We have to maintain  
4 ownership of that property and we are responsible  
5 for the maintenance of that property.

6 MR. KRAMPERT: I heard about the  
7 library, about dropping children off there. Does  
8 anybody know how the library feels about having  
9 children dropped off? I was under the impression  
10 they had to be monitored, not that somebody could  
11 just drop them off.

12 THE CHAIRMAN: I think that's a good  
13 question, as a matter of fact, the board secretary  
14 is now instructed to communicate with the librarian  
15 to share with her, her thoughts with respect to  
16 that.

17 MR. KRAMPERT: The pictures that I  
18 saw looking up Grand Avenue from down the valley,  
19 they look awfully flat. Is that a true impression?  
20 I look up and I see a bigger hill, it seems to me  
21 they show a little bit flat.

22 THE CHAIRMAN: You're talking about  
23 heading west on Grand Avenue, you're saying the  
24 artist rendering -

25 MR. KRAMPERT: It doesn't appear to

1 be realistic.

2 THE CHAIRMAN: Mr. McCoach.

3 MR. McCOACH: How these renderings  
4 are constructed, we take the actual topography and  
5 we create a computer model and put the building in  
6 that model true to scale and then we take our view.  
7 So it is as accurate as we can possibly make it.

8 MR. KRAMPERT: I would like to go  
9 back to the other slide where you show the  
10 detention pond. I assume it is a retention pond  
11 not detention, but is it a basin or a pond?

12 THE CHAIRMAN: We have to hear the  
13 testimony of Mr. Dipple, he is the design engineer.

14 MR. KRAMPERT: You spoke about bikes  
15 before. Do you really anticipate a lot of people  
16 riding bikes up in this area?

17 THE CHAIRMAN: Mr. McCoach, a fair  
18 question.

19 MR. McCOACH: I think we would like  
20 to be able to accommodate them, if they did.

21 MR. KRAMPERT: Have you ever ridden  
22 a bike down Grand Avenue?

23 MR. McCOACH: That's why we actually  
24 have created sidewalks well off of Grand Avenue to  
25 accommodate their interest.

1 MR. KRAMPERT: On the rear view of  
2 the Wegmans, it showed four loading bays on the  
3 left hand side. I saw none on the right hand side,  
4 although on the vertical view, I saw three on the  
5 right hand side. Are there going to be seven or  
6 four?

7 THE CHAIRMAN: I think Mr. Pett  
8 should answer that question. You're familiar with  
9 the design although you did not do it of the  
10 Wegmans, how many loading bays are on the rear of  
11 the Wegmans?

12 MR. PETT: I believe there are five  
13 actual truck bays for larger trucks and then  
14 there's a trash compactor. So the plan that you  
15 see over here on this board is the most current  
16 plan that Wegmans has submitted to us. So there is  
17 four on this side, and two. So there is four and  
18 two and one compactor. There are six bays and one  
19 compactor.

20 THE CHAIRMAN: Mr. Del Vecchio,  
21 we'll get the confirmation on that --

22 MR. DEL VECCHIO: Yes.

23 THE CHAIRMAN: -- when we hear  
24 testimony from a representative from Wegmans.

25 MR. DEL VECCHIO: Yes.

1 MR. KRAMPERT: On the rear elevation  
2 you didn't show anything on the right hand side.

3 THE CHAIRMAN: Okay, valid point.

4 MR. KRAMPERT: Any consideration  
5 given to bus stops?

6 THE CHAIRMAN: Again, I am going to  
7 defer the question, and wait for Mr. Dipple's  
8 testimony.

9 MR. KRAMPERT: And in the buildings  
10 that the Chief was concerned about, also with  
11 refuse, how are they going to restock those stores,  
12 through the the front door with trucks?

13 THE CHAIRMAN: I think Mr. Krampert,  
14 until we hear, and I hate to keep saying the same  
15 thing, until we hear from the design engineer, he  
16 is going to be testifying as to how the structures  
17 will be operating. What's his concept for employee  
18 parking, loading, unloading of materials, UPS  
19 trucks, things of that nature.

20 MR. KRAMPERT: Well, if it going to  
21 be through the front door, are we going to pass an  
22 ordinance that now deliveries --

23 THE CHAIRMAN: First we have to hear  
24 what Mr. Dipple is proposing.

25 MR. KRAMPERT: Okay. Fair enough.

1 THE CHAIRMAN: Thank you very much.

2 MR. KRAMPERT: Thank you.

3 THE CHAIRMAN: And there was one more  
4 gentleman in the back, I believe.

5 ALEX (INAUDIBLE)

6 THE CHAIRMAN: You have to say it a  
7 lot slower.

8 ALEX (INAUDIBLE) 28 -- Court.

9 My question, is there going to be  
10 any access from Mercedes Drive and Paragon Way?

11 THE CHAIRMAN: Any access to the  
12 subject property from Mercedes?

13 ALEX (INAUDIBLE) or, what's the  
14 other street --

15 MR. DEL VECCHIO: Philips Parkway.

16 THE CHAIRMAN: Back by the Borough  
17 hall and the park? There will be no direct access  
18 from those properties, but there will be an access  
19 off of Mercedes Drive and I think Mr. McCoach and  
20 Mr. Pett pointed it out in their presentation  
21 showing visuals of that.

22 ALEX (INAUDIBLE): Okay and my  
23 second question is, and it peaked my curiosity, the  
24 connection to the public library, what is that  
25 going to be, is that going to be walkway or --

1 THE CHAIRMAN: Mr. McCoach.  
 2 MR. McCOACH: A walkway will be  
 3 provided.  
 4 ALEX (INAUDIBLE): And third question  
 5 for Chief Abrams. The access-way from the park or  
 6 library, would that be direct from the Borough Hall  
 7 to -- would that be a direct road from Borough  
 8 hall?  
 9 CHIEF ABRAMS: That would probably be  
 10 the same one. Although I can't speak for the  
 11 design people, I would anticipate the same one that  
 12 they are talking about the walkway from and to the  
 13 library.  
 14 THE CHAIRMAN: Very good. Thank you  
 15 very much. The Chair will take motion to close the  
 16 public meeting.  
 17 MR. FETTE: So moved.  
 18 MR. CULHANE: Second.  
 19 HE CHAIRMAN: All in favor?  
 20 ALL MEMBERS OF THE BOARD IN FAVOR  
 21 THE CHAIRMAN: The hour is very late,  
 22 Mr. Segreto, do you plan on being at the next  
 23 regularly scheduled meeting?  
 24 MR. SEGRETO: Absolutely, yes.  
 25 THE CHAIRMAN: And I will give you

1 that first opportunity to speak.  
 2 MR. SEGRETO: Thank you.  
 3 THE CHAIRMAN: You are very welcome.  
 4 We'll carry it to the first meeting  
 5 in September which is September 3rd.  
 6 MR. DEL VECCHIO: Mr. Chairman, has  
 7 any determination been made where the meeting will  
 8 take place on the 3rd?  
 9 THE CHAIRMAN: Based upon the  
 10 attendance this evening, I would say that we should  
 11 do that meeting back at the Borough hall rather  
 12 than here. I don't think there is enough people in  
 13 attendance to warrant the added expense and grief  
 14 associated with moving everything over to this  
 15 building. I think we'll run the risk of bursting  
 16 at the seams over there.  
 17 MR. REGAN: They have a 180 seats.  
 18 AUDIENCE MEMBER: A lot of people  
 19 wanted to come, but were on vacation. I'm not sure  
 20 if that would influence -  
 21 THE CHAIRMAN: Then okay, so we'll  
 22 get Giants Stadium.  
 23 MR. REGAN: Even if we tripled the  
 24 crowd, there still will be enough.  
 25 THE CHAIRMAN: I think we are in

1 pretty good shape.

2 MR. DEL VECCHIO: So the next

3 meeting will be on September 3rd, back at borough

4 Hall, 12 Mercedes Drive at 7:30.

5 THE CHAIRMAN: Yes. Members of the

6 public that are here that have an interest in this

7 application, please be advised that no further

8 notice other than this announcement, will be

9 provided to you. There will be no new mailings, no

10 new publication in the newspaper. But the meeting

11 will be carried to that date, at that location.

12 Thank you very much for attending.

13

14 (HEARING CONTINUED TO SEPTEMBER 3rd,

15 2013, Borough Hall, 12 Mercedes Drive, Montvale,

16 New Jersey at 7:30 PM)

17 NO FURTHER NOTICE REQUIRED

18

19 (Whereupon the HEARING is then

20 concluded at 12:08 AM)

21

22

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24

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1

2

3 CERTIFICATE

4

5 I, BETH CALDERONE, License No. XIO1409

6 Certified Shorthand Reporter and Notary Public of

7 the State of New Jersey, certify that the foregoing

8 is a true and accurate transcript of the Proceeding

9 at the place and on the date hereinbefore set

10 forth.

11 I further certify that I am neither attorney

12 nor counsel for, nor related to or employed by, any

13 of the parties to the action in which this

14 Proceeding was taken, and further that I am not a

15 relative or employee of any attorney or counsel

16 employed in this case, nor am I financially

17 interested in the action.

18

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20 \_\_\_\_\_

21 A Notary Public of the State of New Jersey

22

23

24

25