

BOROUGH OF MONTVALE
PLANNING BOARD
Tuesday, September 17, 2013
Commencing at 7:30 p.m.
Regular Meeting

RE: Block 702 - Lots 1 and 39
Ali Enterprises, LLC.
Kinderkamack and Magnolia Avenue
Amended Site Plan Application

TRANSCRIPT
OF THE
PROCEEDINGS

M E M B E R S P R E S E N T:

JOHN DePINTO, Chairman
JOHN CULHANE, Member
DANTE TEAGNO, Member
WILLIAM LINTNER, Member
WOLFGANG VOGT, Member
FRANK STEFANELLI, Member

ORIGINAL

A L S O P R E S E N T:

ANDREW HIPOLIT, Borough Engineer
JEFFREY FETTE, Construction Code Official
RICHARD PREISS, Borough Planner
LORRAINE HUTTER, Board Secretary

REPORTED BY:
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A P P E A R A N C E S :

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BY: JOHN M. MARMORA, ESQ.
Attorney for the Applicant

I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS

ELIZABETH DOLAN

By Mr. Marmora 17

By The Board 27

By The Public 50

E X H I B I T S

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Lieutenant Boman 14

A-6 Traffic Report 19

1 CHAIRMAN DePINTO: The meeting will
2 come to order. The next Application this evening is
3 a continued public hearing on block 702, lots 1 and
4 39, Ali Enterprises, LLC, Kinderkamack and Magnolia
5 Avenue, amended site plan Application. Good evening.

6 MR. MARMORA: Good evening.

7 MR. REGAN: Mr. Chairman, since a D
8 variance is required in connection with this
9 Application, Mr. Webber has requested and Councilman
10 Ghassali has requested and has left the dais and will
11 not be participating.

12 CHAIRMAN DePINTO: Okay, thank you.
13 Mr. Marmora?

14 MR. MARMORA: Okay, thank you. So we
15 have six members -- oh, no. Mr. Fette is a member,
16 right?

17 MR. FETTE: Yes.

18 MR. MARMORA: Okay.

19 CHAIRMAN DePINTO: One of our best, I
20 may add.

21 MR. MARMORA: He wears two hats.

22 MR. FETTE: I couldn't have said it
23 better myself.

24 MR. LINTNER: At least in the top
25 seven.

1 MR. MARMORA: Okay. We were last
2 here -- John Marmora for the Applicant, Ali
3 Enterprises. We were last here before you on August
4 20th, as you will recall. We went through the
5 proposed canopy and redesign of the site through
6 Mr. Jaworski, our civil engineer. At that time, some
7 of you obviously made clear your reservations about
8 whether the canopy might be redesigned, possibly made
9 lower, possibly made a little smaller. We did not
10 have time between then and now to really focus on
11 that. But I would like to request is that the Board
12 not bring this to a vote this evening, and that we
13 have a time to look at that a little bit more. So I
14 would like to hold the discussion of the
15 architectural, the appearance, I would like the
16 opportunity to work a little further with Mr. Preiss
17 and his firm, and possibly see if we can make some
18 adjustments that would address those comments that we
19 heard last week. So what I would like -- last month
20 rather. What I would like to do tonight is focus on
21 traffic, if that's okay with the Board.

22 CHAIRMAN DePINTO: I believe that's
23 possibly a good suggestion. For scheduling purposes,
24 Mr. Marmora, when would you expect to be in a
25 position to present revised plans reflecting any

1 changes that your client may be contemplating?

2 MR. MARMORA: I would like a month,
3 but then we need the ten days and everything else.
4 I'm thinking, if it's possible, if there is a meeting
5 in November, then we would have the month of October
6 to work with Richard Preiss and submit revised plans,
7 have time for Mr. Hipolit to comment, etcetera, and
8 then be prepared to proceed in November, hopefully,
9 to vote.

10 CHAIRMAN DePINTO: Okay. With regards
11 to our scheduling, Lorraine?

12 MS. HUTTER: We have November 6,
13 because we are not meeting on the 5th, and then I do
14 have an opening now for the 13th. It's a Wednesday,
15 of --

16 MR. REGAN: Second Wednesday.

17 CHAIRMAN DePINTO: How about the third
18 Tuesday, Mr. Marmora, in October? Would you be
19 prepared to appear before the Board at that point?

20 MR. MARMORA: The 22nd?

21 CHAIRMAN DePINTO: Yes.

22 MR. MARMORA: I could be prepared to
23 be here on the 22nd.

24 MR. REGAN: The 15th?

25 CHAIRMAN DePINTO: I'm not sure.

1 MS. HUTTER: The 22nd.

2 MR. REGAN: The 5th.

3 MR. MARMORA: Mr. Chairman, the only
4 problem is Mr. Chaudhary won't be here in October.
5 He's away for the holidays.

6 CHAIRMAN DePINTO: So then, all right,
7 let's move to November.

8 MR. PREISS: Lorraine, did you say the
9 6th, Wednesday the 6th?

10 MS. HUTTER: November 6, yes.

11 CHAIRMAN DePINTO: November 6 is, I'm
12 sorry?

13 MR. REGAN: The day after Election
14 Day. Is this room tied up on Election Day?

15 MS. HUTTER: No.

16 CHAIRMAN DePINTO: So our regular
17 meeting, our first meeting of November is scheduled
18 for the 6th rather than the 5th?

19 MS. HUTTER: Right. Because it's
20 Election Day, we cancelled the 5th. We tried to do
21 at least one meeting in November, because the other
22 meeting everyone, the professionals will be at the
23 meeting.

24 CHAIRMAN DePINTO: With respect to
25 October, when do you have -- when is --I'm sorry,

1 DePieros?

2 MR. PREISS: The 22nd.

3 MS. HUTTER: The 15th and the 22nd. I
4 also have November 30th as an available date if
5 everyone else could make it.

6 MR. REGAN: November 30?

7 MS. HUTTER: October.

8 CHAIRMAN DePINTO: Why don't we plan
9 November 6 for this Application?

10 MR. PREISS: I may not be able to make
11 it.

12 CHAIRMAN DePINTO: You may not be able
13 to make it?

14 MR. TEAGNO: I'm out that week.

15 CHAIRMAN DePINTO: You are out that
16 week?

17 MR. REGAN: Yes, then we are short.

18 MR. PREISS: The 12th --

19 CHAIRMAN DePINTO: Let's go back to
20 October. We committed -- we committed the 8th.

21 MS. HUTTER: October 1 is our regular
22 meeting.

23 CHAIRMAN DePINTO: We committed that
24 to DePieros, correct?

25 MS. HUTTER: Correct. Then October

1 15th is available. And October 22nd is special. I
2 also have October 30th available if you wanted to add
3 another meeting.

4 MR. REGAN: That's a Wednesday; right?

5 MS. HUTTER: Right.

6 CHAIRMAN DePINTO: Are you available?

7 MR. REGAN: Yes.

8 CHAIRMAN DePINTO: Okay. That's that
9 last week.

10 MR. STEFANELLI: I'm good.

11 CHAIRMAN DePINTO: Okay. Why don't we
12 shoot for October 30th?

13 MR. MARMORA: Well --

14 CHAIRMAN DePINTO: The Applicant is
15 not available.

16 MR. MARMORA: We can proceed, but
17 Mr. Chaudhary won't be here on the 30th.

18 CHAIRMAN DePINTO: I think we can
19 proceed without him. Hopefully, we get through
20 traffic this evening and we hear some testimony from
21 him this evening. I think in the interest of time,
22 that's probably the best thing to do.

23 MR. MARMORA: Okay. So October 30th.

24 CHAIRMAN DePINTO: Yes. Let's poll
25 the Members. Board Members? Frank, October 30?

1 MR. STEFANELLI: I have to check my
2 calendar.

3 CHAIRMAN DePINTO: While he's
4 checking --

5 MR. VOGT: I'm good.

6 CHAIRMAN DePINTO: Bill?

7 MR. LINTNER: I'm good.

8 MR. STEFANELLI: I'm good.

9 CHAIRMAN DePINTO: Your good. I'm
10 good.

11 MR. TEAGNO: I'm good.

12 MR. CULHANE: I'm good.

13 CHAIRMAN DePINTO: Mr. Fette?

14 MR. FETTE: I'm probably all right.
15 I'll say good for now, okay.

16 CHAIRMAN DePINTO: I take that back,
17 that comment I made about being one of the best.

18 MR. FETTE: Okay.

19 CHAIRMAN DePINTO: And professionals,
20 you are okay?

21 MR. PREISS: Yes.

22 MR. HIPOLIT: Yes.

23 MR. FETTE: That's a special meeting?

24 MS. HUTTER: It's scheduled as a
25 special meeting. I will notice for October 30 as a

1 special meeting.

2 MR. VOGT: So two special meetings
3 that month.

4 MR. LINTNER: We are meeting four
5 times in October.

6 CHAIRMAN DePINTO: Members of the
7 public that are here that may have an interest in
8 this Application, please be advised that following
9 this evening, the next date that this hearing will be
10 carried to will be October 30 at 7:30 p.m. in these
11 chambers. No further notice will be provided to you
12 other than this announcement. It will be posted,
13 however, on the website, as well.

14 Okay. Mr. Marmora, please continue.

15 MR. MARMORA: Very good. Thank you.
16 A couple of other, just cleanup items, there was a
17 question regarding New Jersey Transit, the bus
18 shelter, and whether or not that, in fact, was a New
19 Jersey Transit route. What we have ascertained since
20 the last meeting, it is New Jersey Transit. It is
21 subcontracted. That's why you will see other buses
22 there that don't have a New Jersey Transit logo, but
23 it is New Jersey Transit's route.

24 They do not care what kind of -- the
25 requirements for the shelter are strictly sized. I

1 think they want at least five by eight. So basically
2 the Board has free reign. And that's one of the
3 other things we would like to work out with
4 Mr. Preiss' design team, so that the bus shelter and
5 the design of the canopy and the remediation shack
6 all fits together. That's something we hope to get
7 done within the next few weeks, as well.

8 There was a question, also, about the
9 vending machines. I just wanted to make it clear,
10 there was a suggestion that there had been Notices of
11 Violation issued, but we have no record of having
12 received a Notice of Violation. In fact, we had a
13 permit for the one that was there, but it's been
14 removed just recently. So we are not asking to
15 return it. So that's part of this Application, if
16 you want to stipulate no vending machines, we would
17 certainly have no problem with that. But I did want
18 to make it clear, this was not an incidence of the
19 operator pushing the envelope. He did have a permit
20 from the Town to maintain that.

21 That's really all I have by why of --
22 one other thing when we go to traffic. We did get a
23 revised traffic report. I don't know if that needs
24 to be marked, but it's September 4, 2013 letter from
25 Lieutenant Boman.

1 CHAIRMAN DePINTO: Before we mark that
2 into evidence, Mr. Marmora, Mr. Hipolit had
3 discussions with both Mr. Boman and Chief Abrams, and
4 I believe they were as recent as this afternoon.

5 Is that correct, Mr. Hipolit?

6 MR. HIPOLIT: That is correct.

7 CHAIRMAN DePINTO: It was their
8 intention to be here this evening, but unfortunately
9 something unexpected came up and they are unable to
10 be here. Mr. Hipolit, can you advise the public and
11 the Board as to what your discussions were, and we
12 will then submit it, submit that letter into the
13 record. Your discussions --

14 MR. HIPOLIT: Mark it first, or do you
15 want me to talk first?

16 CHAIRMAN DePINTO: I think you can
17 talk first.

18 MR. HIPOLIT: I met with the Chief and
19 Lieutenant Boman on their letter and on the site,
20 just to go over what their comments were, the letter
21 they produced, which was September 4th, which is what
22 we talked about. The Chief had, and Lieutenant
23 Boman, really had five comments on the site, and they
24 generally were really on traffic flow, how you get in
25 and out of the site, and how trucks get in and out of

1 the site. If we go to his comment one --

2 CHAIRMAN DePINTO: Okay. We will mark
3 it now.

4 MR. REGAN: Next one is B-4.

5
6 (Exhibit B-4, September 4, 2013 letter from
7 Lieutenant Boman, is received and marked for
8 identification.)

9 CHAIRMAN DePINTO: I thought you were
10 going to talk on your own. Since you are going to
11 rely on the letter --

12 MR. HIPOLIT: Yes.

13 CHAIRMAN DePINTO: -- let's mark it.

14 MR. REGAN: B-4.

15 CHAIRMAN DePINTO: Okay. Please
16 continue, sir.

17 MR. HIPOLIT: As you go to B-4, or his
18 comment number one, the Chief talked about, and
19 Lieutenant Boman talked about tanker trucks coming on
20 the site, and he would like some type of condition or
21 something placed on the site where the tanker trucks
22 would have to come from the north, entering the site
23 by making a right turn off of Kinderkamack into the
24 site. Fueling in the center island, the Chief felt
25 that was the best place, and exiting on to Magnolia.

1 That's his comment one.

2 Comment two, the Chief discussed the
3 bus cutout. I believe the plans reflect it, which is
4 what I told him, that the bus cutout he wanted big
5 enough so that a bus can completely pull off
6 Kinderkamack Road, take safe haven, pedestrians can
7 enter or Transit riders enter the bus with the bus
8 free from free-flow traffic. Once the bus is loaded,
9 it will wait for a free space and then exit out of
10 the bus lane into the street. I think the plans
11 reflect it. I believe Betsy will talk about that
12 tonight.

13 Item three, we discussed traffic flow
14 through the station, whether it should be one-way
15 from one direction through out, from Kinderkamack and
16 out to Magnolia, or two-way and one way the other
17 way. The Chief and Lieutenant felt two-way traffic
18 in the station was the best way to move it around.
19 They gave the traffic flow that comes up Magnolia to
20 make it's turn off of Magnolia, which is the minor
21 street, and avoid the traffic congestion at the
22 intersection of Magnolia and Kinderkamack. And also,
23 worse, the left turn off of Kinderkamack into the
24 station, which the Chief said we wouldn't want to
25 send a large truck out, that it would be a hazard.

1 So he referenced the left turn, or two-way traffic,
2 excuse me.

3 Item four, the Chief talked about
4 prohibiting left turns from Kinderkamack Road into
5 the site. Currently, there is no traffic accident
6 history there, and the Chief and Lieutenant did a
7 search of the records, and there is no history of
8 accidents at the location. If the two-way traffic is
9 allowed on the site, the cars will turn, come in off
10 of Magnolia and not add increase left turn traffic so
11 he felt the left turn should remain enforced. He did
12 go further in my discussion that if there was ever a
13 problem in the future where access became a problem,
14 then the Council, from the Chief's representation,
15 can look at it, although it's not warranted right
16 now.

17 And the last item, the Chief deferred
18 delivery of the gasoline or any other products to the
19 site to the Board. You know, the Chief really didn't
20 say whether he cared whether it was done at night or
21 during the daytime. Either way, obviously from his
22 comments, he thought that if it was done off hours,
23 or not rush hour was better. Rush hour is not the
24 right time to bring a tanker truck in there. I don't
25 think you would do that anyway, he thought off rush

1 hour would be better.

2 That was it. I mean, Chief, overall,
3 felt it's an improvement. He said, this site is an
4 improvement. This would mean better traffic flow.
5 It gives more stacking, getting cars off the road.
6 The bus lane is a significant improvement. Him and
7 Lieutenant Boman really thought this was a very good
8 improvement to the area traffic-wise and site-wise.

9 CHAIRMAN DePINTO: Okay, very good.
10 Mr. Marmora, will you introduce your traffic expert
11 at this point?

12 MR. MARMORA: Thank you. This evening
13 our traffic engineer is Betsy Dolan.

14
15 E L I Z A B E T H D O L A N,

16 Having been duly sworn, testified under oath as
17 follows:

18
19 DIRECT EXAMINATION BY MR. MARMORA:

20 MR. REGAN: Mr. Chairman, Ms. Dolan
21 has been previously qualified before this Board as an
22 expert in the field of traffic engineering. I would
23 recommend that she be deemed so qualified in
24 connection with this matter.

25 CHAIRMAN DePINTO: Generally, we

1 accept the recommendation of Counsel. Please
2 continue.

3 MR. MARMORA: Ms. Dolan, would you
4 explain to the Board what your relationship has been
5 to this Application?

6 MS. DOLAN: Yes. Since the beginning
7 of 2012 I worked with the Applicant and the project
8 team in the development of the improvements to the
9 access and on-site circulation. And I did prepare a
10 traffic study, which I know was discussed at our last
11 meeting last month, traffic impact study, dated
12 February 15, 2012, that sets forth the traffic
13 counts, and our review of trip generation
14 characteristics of the site, as well as the
15 improvements in terms of access and on-site
16 circulation.

17 MR. REGAN: Mr. Marmora, you want that
18 marked?

19 MR. MARMORA: It's part of the filed
20 Application, so --

21 MR. REGAN: A-6 I think is next.

22 MR. MARMORA: I think that's correct.

23 MR. REGAN: Yes.

24 MR. MARMORA: A-6, yes.
25

1 (Exhibit A-6, Traffic Report, is received
2 and marked for identification.)

3 MR. MARMORA: Okay.

4 MS. DOLAN: At the last meeting, Joe
5 Jaworski took you through the improvements, and I've
6 just, to hit on them and follow-up on the police
7 comments, which are fresh in everyone's mind, because
8 we just talked about them. The driveway on
9 Kinderkamack Road is being moved northward,
10 approximately -- eastward, I guess it would be,
11 approximately 80 feet. That allows for increased
12 stacking on site, more maneuvering room on the
13 property, and also a relocation of the bus stop. The
14 bus stop is currently on the opposite side of the
15 driveway on the northeasterly side. So as a vehicle
16 is exiting, if there is a bus, that bus obstructs
17 their view back up to the east on Kinderkamack Road.
18 So the relocation of the bus stop not only will put
19 the exiting drivers leaving the station affording
20 them better site distance, and an unimpeded sight
21 distance, but also, as been discussed, it will be
22 approximately 70 to 80 feet long, and it will be off
23 of the roadway.

24 So there have been some questions or
25 comments about the maneuvering of the bus into that

1 area. Is it long enough? Is it appropriately
2 designed to accommodate a bus? In addition to the
3 eight-foot width that will be provided for that bus
4 bump-out, I would point out that the southbound or
5 westbound lane of Kinderkamack Road is approximately
6 15 feet. So it's in excess of a standard 12 foot
7 lane. So not only do we have the appropriate width
8 to accommodate the bus, but that 70 foot length of
9 cutout will allow the bus to come off of Kinderkamack
10 Road, and then position itself towards the western
11 end of the bus pull-off area. And if you look at the
12 site plan, towards the western limit of the bus
13 pull-off area, is where the depressed ramp of the
14 sidewalk is. So although the ramp is -- or, I should
15 say, the kiosk for the bus patrons is a little bit
16 further centered on this bus bump-out, the actual
17 depressed sidewalk area will be towards the end of
18 it. So I think that gives the bus driver a good
19 point to target as they pull into that bus pull-off.

20 I know you heard from Joe Jaworski
21 that this was reviewed at the County level, but from
22 my perspective, the design is appropriate,
23 particularly considering the length of a bus is only
24 about 40 feet. And as I said, this cutout with the
25 radii is 70 to 80 feet. So the bus can certainly

1 pull off without impeding traffic on Kinderkamack
2 Road, and allow those bus riders to get on and off
3 the bus with no problem. And of course, the
4 sidewalk, as I mentioned, is there as well.

5 As it relates to the improvements to
6 the on-site, relocation of that driveway allows room
7 for cars to come into the site and be safely stored
8 on site without impacting Kinderkamack Road, or
9 hanging out into Kinderkamack Road. The other
10 benefit of this site Redevelopment Plan is the
11 provision of new pumps. We currently have four pumps
12 that allow for eight fueling positions. We are going
13 to add two more pumps so that we can have a total of
14 12 fueling positions.

15 I know at the last meeting there were
16 questions about the increase in pumps meaning a
17 potential increase in traffic activity, but that's
18 not the case. The provision of multiple fueling
19 positions allows the gas customers to be fueled more
20 efficiently to reduce queuing, get the customers into
21 and out of the site a little bit more efficiently.
22 And in fact, as part of other applications that we've
23 been doing for service station renovations, we had
24 the opportunity to look at before and after sales
25 volumes. And at a few of the sampled sites, we

1 showed that the increase was only between three and
2 eight percent. That was an increase in gasoline
3 sales between the pre- and post-renovation. And, in
4 fact, in those locations we were also adding a
5 convenience store. So at this location, we have got
6 very limited sales, as was discussed at the last
7 meeting. What we are really looking at is an
8 improvement on on-site circulation to better
9 accommodate the patrons. And if there is a little
10 increase in peak-hour activity, especially that, from
11 my opinion, in review of the plan, can be safely
12 accommodated on site, and not only because of the new
13 fueling positions, but also that stacking, if you
14 will, that's available along the length of the
15 driveway.

16 When we performed our traffic counts
17 at this location, we saw that about 90 percent of the
18 traffic is right-turn in from Kinderkamack. And the
19 majority of it exits to Magnolia, and then comes back
20 to Kinderkamack. So in terms of the some of the
21 turning movements discussed by the Police Department,
22 I don't see any reason to restrict any movements,
23 prohibit any movements, because there is little
24 volume turning, for example, left in off of
25 Kinderkamack. We recorded two vehicles in an hour

1 making that maneuver. The predominant flow is right
2 in, and then coming back out Magnolia and heading
3 south. And again, a very small number of vehicles
4 coming in from Magnolia, but I wouldn't want to see
5 them forced through the intersection, and then
6 forcing left into the Kinderkamack driveway. I think
7 that there is ample circulation to accommodate those
8 vehicles in those directions. So I concur with the
9 police regarding that.

10 In terms of capacity, levels of
11 service, our analysis shows that there is ample
12 capacity at the driveways to accommodate any increase
13 in traffic where the data has shown less than ten
14 percent increase, we modeled up to a 15 percent
15 increase and found that there is sufficient capacity
16 at the driveways to accommodate any additional
17 turning movements. And I should point out that the
18 counts that we collected at this site showed about 50
19 customers during the morning peak hour, that would be
20 the busiest commuter period, one-hour period in the
21 morning, and a little bit busier, about 80 vehicles
22 visiting the site during the weekday evening peak
23 hour. So it is a busy station. If you see an
24 increase, maybe on the order of 10 or 15 vehicles
25 might occur on peak hour, but that's a pretty

1 conservative estimate based on the data that we've
2 seen.

3 I also know there was a lot of talk
4 about diesel. This isn't the first Application where
5 that issue has been brought up. We've, again, looked
6 at some of the data that's available from the
7 applicants of other facilities, and it's looking
8 about 5 to 10 vehicles per day served by diesel. So
9 the provision is more, again, a convenience issue,
10 not a major traffic generator.

11 And so from the overall perspective, I
12 see major improvements with regards to access with
13 the bus, and improving sight distance, ample
14 maneuverability for that bus, and improved on-site
15 circulation which will decrease any queuing and
16 better efficiently accommodate the patrons.

17 And just in going through my notes, I
18 know there was a comment from the public about this
19 driveway relocation as related to driveways on the
20 other side of the street. And I would say that,
21 again, we are not looking at a dramatic change in
22 traffic volumes, and that traffic volume along
23 Kinderkamack Road at the site driveway is
24 predominantly right-turn movements in. So they
25 wouldn't be conflicting with movements across the

1 street, and we are improving the sight distance. So
2 I don't see any negative impact to driveways on the
3 opposite side of the street as a result of this site
4 renovation. Certainly, there is no negative traffic
5 impact, with no significant increase in traffic,
6 which is a result of the site improvement. Which is
7 really a series of improvements, such as better
8 managed traffic, not just on the site, but along the
9 adjacent roadway system.

10 MR. MARMORA: And Mr. Jaworski, you
11 indicated that you were here for Mr. Jaworski's
12 testimony?

13 MS. DOLAN: Yes.

14 MR. MARMORA: Mr. Jaworski went
15 through the truck turning exhibits. Do you believe
16 the site adequately provides for fueling and garbage
17 removal?

18 MS. DOLAN: Yes. There is sufficient
19 maneuvering for the tanker truck. The truck comes
20 here now. The police requested a certain path, which
21 I believe can be accommodated. I know geometrically
22 it can be accommodated. We can wait to hear from the
23 Applicant that those turning movements, geometrically
24 can be accommodated. The refuse pick-ups is probably
25 once a week, and that would also be likely coming on

1 off-peak, similar to the tanker. And the site has
2 been designed to allow that single-unit garbage truck
3 to get through the site, pick up the refuse and then
4 exit.

5 MR. MARMORA: In your opinion, does
6 this represent an improvement to what exists there
7 today?

8 MS. DOLAN: I think for the various
9 reasons that we've talked about at the last meeting
10 and tonight, I see that this is a definite
11 improvement in terms of access, on-site circulation
12 and traffic safety.

13 MR. MARMORA: Do you believe that this
14 design in terms of the interior circulation and the
15 ingress and egress to the surrounding roadway is
16 designed in accordance with sound traffic engineering
17 principals?

18 MS. DOLAN: Yes, it was certainly
19 designed following the appropriate design criteria
20 and we modeled the largest vehicles entering and
21 exiting and we can accommodate those movements.

22 MR. MARMORA: Mr. Chairman, I have no
23 other questions at this time.

24 CHAIRMAN DePINTO: Thank you.

25

1 QUESTIONING OF MS. DOLAN BY THE BOARD:

2 CHAIRMAN DePINTO: Ms. Dolan, you've
3 done on-site inspections of the property, and you
4 have witnessed the queuing of vehicles, I presume?

5 MS. DOLAN: Yes.

6 CHAIRMAN DePINTO: And have you ever
7 witnessed the queuing of those vehicles overflowing
8 out on to Kinderkamack?

9 MS. DOLAN: I didn't, but my staff
10 did.

11 CHAIRMAN DePINTO: And with the
12 proposed renovation, with the six pumps, will that
13 queuing be less because of the position of those
14 pumps and the positioning of the Kinderkamack Road
15 access point?

16 MS. DOLAN: Yes, those two factors
17 together will reduce the queuing and eliminate the
18 spillover into Kinderkamack Road, because we are
19 providing four new fueling positions, plus the
20 ability to accommodate at least six vehicles along
21 the driveway. So all of that will be self-contained
22 on the property, and we wouldn't expect there to be
23 spillover into the public right-of-way.

24 CHAIRMAN DePINTO: So from a public
25 safety point of view, you believe that this design is

1 superior to what currently exists on the property?

2 MS. DOLAN: Absolutely?

3 CHAIRMAN DePINTO: With respect to the
4 bus pull-off and given the geometry of the proposed
5 design, you are stating that the bus will be able to
6 fully pull off of the cart way and into that loading
7 area so that it will no longer block the southbound
8 or westbound traffic on Kinderkamack?

9 MS. DOLAN: As long as we have got a
10 good bus driver, absolutely. The geometry is there
11 to accommodate that.

12 CHAIRMAN DePINTO: If you position the
13 bus station kiosk further west or south, do you think
14 that would encourage the driver to put his door
15 closer to that, taking -- ensuring that that bus is
16 off of the roadway?

17 MS. DOLAN: It may. As I said, the
18 actual depressed curb where the people will be
19 presumably walking down the sidewalk and then
20 loading, is located in advance or beyond that kiosk.
21 But as a visual above the road, that may marginally
22 provide a little bit more of a target, I'll say, for
23 the bus driver.

24 CHAIRMAN DePINTO: Have you
25 communicated with Eric Timsak with regards to the bus

1 design?

2 MS. DOLAN: I have not. That's all
3 handled through the engineer's office, through
4 Mr. Jaworski's office.

5 CHAIRMAN DePINTO: Okay, very good. I
6 have no other questions at this time. I will move on
7 to -- I'll start with Mr. Vogt.

8 MR. VOGT: Thank you, Mr. Chairman. I
9 do have a couple of questions. Ms. Dolan, you just
10 mentioned very limited sales, and there is no kiosk.
11 What do you mean by limited sales? What is being
12 sold there other than gas and diesel?

13 MS. DOLAN: I think Mr. Jaworski went
14 through that a little bit at the last meeting. They
15 were talking about oil is available, and I think
16 cigarettes, maybe some beverages. And my specific
17 testimony had to do with the fact that many of the
18 sites we are studying now include a convenience
19 store. That is not proposed at this location.

20 MR. VOGT: How is that stuff being
21 stored, cigarettes, oil and --

22 MS. DOLAN: I don't know. I think you
23 are going to hear from operations. That would be a
24 better witness to answer that.

25 MR. VOGT: Okay. And did we have a --

1 refresh my memory on this. We talked about limiting
2 truck size. Was that ever resolved? Did we go up to
3 nine tons or ten tons and nothing larger.

4 MS. DOLAN: The delivery vehicle --

5 MR. VOGT: Not delivery. I'm talking
6 about --

7 MS. DOLAN: Oh, the customers.

8 MR. VOGT: Customers.

9 MR. MARMORA: That's a condition that
10 remains to be discussed. Anyway, what we propose, of
11 course, certainly for diesel it will be for passenger
12 vehicles only, and with the TRC it was mentioned
13 about less than 10,000 pounds, or some other way to
14 restrict it. But whatever way we can craft that, the
15 Board would be comfortable, we will enforce by
16 signage and Mr. Regan can put into a resolution, if
17 the Board is inclined to grant us an approval.

18 MR. VOGT: How would we handle that,
19 Mr. Chairman?

20 CHAIRMAN DePINTO: I believe as
21 Mr. Marmora indicated. Mr. Regan?

22 MR. REGAN: That can be added as a
23 condition.

24 MR. VOGT: I'm talking about less than
25 10,000, or up to 10,000 are we talking about?

1 MR. REGAN: It would be at the Board's
2 determination.

3 CHAIRMAN DePINTO: Mr. Hipolit, what
4 would your recommendation be?

5 MR. HIPOLIT: I put some notes in at
6 the last meeting about the high speed nozzles and low
7 flow nozzles, so the cars -- the big trucks that come
8 in just can't get the gas. The question that really
9 comes is, is what if a landscaper comes in with a big
10 trailer and wants to fill up ten things that are
11 diesel. I'm not sure how you would prevent that.

12 MR. REGAN: I mean --

13 MR. HIPOLIT: The weight of ten
14 thousand pounds --

15 CHAIRMAN DePINTO: I thought the
16 discussion consisted with possibly a stipulation that
17 there would not be permitted any vehicles towing
18 trailers. Do you recall, Mr. Marmora?

19 MR. MARMORA: I think there was some
20 discussion of that, yes.

21 CHAIRMAN DePINTO: Now, I think, as
22 Mr. Marmora indicated, that's yet to be finalized by
23 this Board. So I think at a point after hearing from
24 the Applicant, Wolfgang, we should entertain some
25 suggestions on that.

1 MR. VOGT: We will wait for that,
2 then.

3 MR. HIPOLIT: The trucks won't go
4 there.

5 MR. VOGT: Right now I see landscape
6 trucks back there. There are big box trucks. They
7 take the room of at least two cars. They are big.
8 I'm not talking about people who fill up the gas
9 cans, because they want to get gas for their
10 generators. How do you separate that? That's very
11 hard to do, when a landscaper comes in, comes in to
12 fill up ten cans, and you fill up cans because you
13 have a generator which needs to fuel up. That's
14 how -- but you can limit --

15 CHAIRMAN DePINTO: Let's wait to hear
16 the testimony from operations, and then I think we
17 can better address that.

18 MR. VOGT: That's all I have.

19 CHAIRMAN DePINTO: Mr. Lintner,
20 please.

21 MR. LINTNER: Thank you, Mr. Chairman.
22 I think the traffic study was a very well-presented
23 report by you, Mrs. Dolan.

24 MS. DOLAN: Thank you.

25 MR. LINTNER: Just two, basically,

1 economic questions, which I'll ask again later to
2 operations, but I'm wondering if operations is only
3 anticipating a three or eight percent increase in
4 sales at the facility. And I'm also wondering if ten
5 cars per day in your analysis with the diesel is
6 enough to justify putting a diesel tank in and
7 selling diesel gas, if in your analysis you are only
8 anticipating five to ten cars per day to -- that will
9 fill with diesel. But again, I'll wait to operations
10 and see what his plans are with this.

11 MS. DOLAN: Well, the numbers I
12 presented really are from the Applicant from other
13 facilities that he runs. And as I said, that three
14 to eight percent increase was post-renovation to add
15 more fueling positions plus stores. From my
16 perspective, we used a 15 percent increase. We've
17 counted sites that already have diesel. Sites like
18 this, not truck stops. And there is really nothing
19 that seems to set them apart, trip generation-wise,
20 from a site that doesn't have diesel. I know it
21 seems to be an emerging customer convenience item.
22 Pretty much every gas station renovation I've been
23 involved with does include diesel. But I think the
24 real answer to your question will come from
25 operations. Economics is really not something I

1 factored.

2 MR. HIPOLIT: Just from a generic
3 perspective, from sites we looked at in other towns,
4 the big issue for the Board, in my opinion, is the
5 low-flow nozzles. If you don't have the high-speed
6 nozzles, a truck can't come, and that increases your
7 traffic significantly. With those low-flow nozzles
8 it will only be a car or like Wolfgang's truck with
9 diesel, not dump trucks. The testimony they gave
10 last time said they were going to have 15,000 super
11 or 15,000 regular -- 20,000 regular tank gas, and
12 15,000, half each, seven and a half each for super
13 and diesel. So it's not a lot of diesel on site and
14 not a lot of super. They are expecting most of their
15 gas to come from regular gas.

16 MR. LINTNER: My question to diesel is
17 more driven to a nonconforming facility and expanding
18 a nonconforming use. Is selling diesel gasoline an
19 expansion of a nonconforming use?

20 MR. HIPOLIT: Good question.

21 MR. LINTNER: And that becomes part of
22 the vote and part of the analysis. We have
23 additional pumps. Now we also have additional fuel.

24 CHAIRMAN DePINTO: Very good. Again,
25 I think we should address those concerns to

1 operations. Okay. Why don't we continue, Mr.
2 Teagno?

3 MR. TEAGNO: Ms. Dolan, I have a
4 couple of questions. Your testimony was very good.
5 I agree with almost everything you said. I would
6 like to ask you about your traffic counts. I believe
7 in your appendix two and four, that would be existing
8 conditions and future conditions. Am I reading that
9 correctly?

10 MS. DOLAN: Yes, the existing traffic
11 volumes as recorded are in figure two and then our
12 future protected are figure four.

13 MR. TEAGNO: So if we look at Magnolia
14 Avenue, the number of cars to one-hour periods you
15 observed, the number of cars turning from Magnolia
16 into the site would be two in the morning?

17 MS. DOLAN: Two in the morning,
18 correct.

19 MR. TEAGNO: And zero in the evening?

20 MS. DOLAN: There are actually five
21 that turned right in, and I would, if you look at
22 there is five also exiting. I think those are people
23 on their way home back into Magnolia Avenue and the
24 neighborhood.

25 MR. TEAGNO: Okay. And on page four

1 your projections are two in and eight in; is that
2 correct?

3 MS. DOLAN: Yes.

4 MR. TEAGNO: Okay. And I know you
5 didn't write the police comments, but number three
6 says, "It's our experience that a fair volume of
7 traffic enters the station from Magnolia Avenue and
8 diverting more vehicles into the traffic pattern on
9 Kinderkamack Road would be unsafe."

10 According to your counts, I don't see
11 that as a significant or fair volume of traffic
12 entering from Magnolia.

13 MS. DOLAN: I don't consider it to be
14 significant. I think may have referred to it as a
15 handful of vehicles during my testimony.

16 MR. TEAGNO: That just says to me that
17 I would question, and maybe you can answer that since
18 you have a conversation. I don't think that's a lot
19 of vehicles. I want to understand the comment.

20 MR. HIPOLIT: In the traffic world, if
21 you look at figures two and four, the counts were
22 taken eight a.m. to nine a.m. and four-fifteen to
23 five-fifteen. And figure four was the same times.
24 When you do a traffic report, you really try to hone
25 in on what you think the peak times are. That

1 doesn't mean there is volume over the whole day. So
2 they didn't count it, but you probably have 20, 30,
3 40 cars a day coming off of Magnolia, which in a
4 Montvale street, is --

5 MR. TEAGNO: I understand we don't
6 have statistics on that.

7 MR. HIPOLIT: Jerry and the Chief and
8 Lieutenant Boman are raising it on their knowledge of
9 the street. They didn't count it, and the Applicant
10 didn't count it. They just did the peak hour. They
11 didn't do it for three or four hours.

12 MR. TEAGNO: I understand. Also,
13 comment four says, "We see no immediate reason to
14 prohibit left-hand turns from Kinderkamack Road into
15 the driveway. We did not experience an inordinate
16 number of accidents." It says, to me, there is no
17 impact that way. So number three says, it has a lot
18 of traffic, and we wouldn't want to add that on
19 Kinderkamack. And number four says, there is really
20 not a lot of traffic turning off of Kinderkamack. I
21 see a conflict, in addition to the traffic counts
22 from the traffic expert.

23 I've lived in Montvale for 40 years.
24 I know I don't have the experience as the Montvale
25 Police Department, but I don't see a lot of traffic

1 turning in from Magnolia. I lived in Montvale 40
2 years, twenty of them two blocks from the station.

3 MR. HIPOLIT: Speaking for the Chief,
4 because I called him today, they had two major
5 concerns. One is, if there are cars turning off of
6 Magnolia into the site directly, they should be
7 allowed to do that, and not force them on
8 Kinderkamack to make a left in. He doesn't want to
9 --

10 MR. TEAGNO: Now you are creating a
11 conflict within the station.

12 MR. HIPOLIT: That's normal. Most gas
13 stations are two-way.

14 MR. TEAGNO: I think I made my point
15 last time. I think the one-way traffic flow would be
16 better. Apparently, I'm in the minority. I just
17 want to make a point again. That's all.

18 MR. HIPOLIT: No problem.

19 CHAIRMAN DePINTO: Okay, thank you.

20 Mr. Culhane.

21 MR. CULHANE: Thank you, Mr. Chairman.
22 Maybe I misunderstood some of the opening remarks,
23 but as far as I know, the Red and Tan operates the
24 buses here. I believe they have a franchise which
25 preexists the existence of New Jersey Transit.

1 Public Service was the original operator, which was
2 called New Jersey Transit Bus Rides. So I'm not
3 clear what New Jersey Transit said about Red and Tan
4 or Rockland Coach being a subcontractor of theirs. I
5 don't think that is an accurate statement, if I
6 understood what you said correctly.

7 MR. MARMORA: I did not have a
8 conversation, but that's what we were told. I will
9 go back and get more information, if you want. But
10 we did talk to them about the route and about the
11 design of the kiosk there.

12 MR. CULHANE: As far as the bus
13 shelter, again, as I understand it, New Jersey
14 Transit does provide a bus shelter to the local
15 community, and then the local community is then
16 responsible. If New Jersey Transit feels optional
17 designs are available, the only thing I would be
18 concerned about is just make sure it's a visible,
19 because on occasion some older shelters were like
20 solid. The person is inside, the bus coming around
21 the corner and comes upon you kind of quick. And I
22 experience that in the center of Montvale. And so I
23 could easily see if you don't have an open design,
24 shall I call it, how the driver will have a
25 difficulty possibly seeing a passenger on occasion.

1 I don't expect this is going to be a heavy stop.

2 MR. MARMORA: We'll certainly get to
3 the bottom of that. What we understood is exactly
4 what you are saying; New Jersey Transit will provide
5 a bus shelter, but they provide their prototypical
6 bus shelter. If the Town -- if the municipality
7 prefers something different, they just want to make
8 sure, it's probably for ADA purposes. But they want
9 to make sure it's a certain size. They would leave
10 that to the municipality's discretion. As I said, in
11 the ensuring weeks, when we work with Mr. Preiss'
12 office, we'll get to the bottom of that and I'll get
13 you an exact answer to your question. We did
14 understand it was their route and they subcontracted
15 it, but that's the one person we spoke to on the
16 telephone, so.

17 MR. CULHANE: The other thing I would
18 say, as I said, when New Jersey Transit provides the
19 shelter, the municipality, as I understand it, is
20 responsible to maintain it.

21 MR. HIPOLIT: That's correct.

22 MR. CULHANE: I'm not clear as to who
23 is going to be responsible for the maintenance in
24 this particular case, if it's not supplied by New
25 Jersey Transit. That's something somebody will have

1 to address somewhere along the line.

2 I appreciate the fact that the roadway
3 itself is 15 feet wide, so that will alleviate some
4 of the concerns I've had about the ability of the bus
5 to completely clear the roadway. So the additional
6 three feet I think is quite helpful.

7 On the report of February 2013, on
8 page six on the future traffic volumes, you indicated
9 that the growth factor was two percent County. I
10 would appreciate it if you could also give us the
11 calculations used for A, the additional fueling
12 stations from four to six. And you indicated three
13 to eight percent, and then as Mr. Lintner had
14 indicated, what's the anticipated volume because now
15 diesel is also being provided. So perhaps a little
16 more breakdown on how your growth factors are arrived
17 at.

18 MS. DOLAN: Sure. The growth factor
19 comes from NJDOT's data base, and they break it down
20 to different roadway types in every county throughout
21 New Jersey. At the time we wrote the report, their
22 annual growth factor for peak hour volumes was two
23 percent per year. So in this report, we applied that
24 to the through volumes on Kinderkamack. Since that
25 time, the DOT has brought the growth rates down,

1 because as we've been seeing and reviewing different
2 reports, the traffic volumes are down throughout the
3 state. What we did in this report, two percent per
4 year over two years, and then we, in this report,
5 increased by 15 percent. At the time we wrote this,
6 we were relying on some older data that we had
7 in-house. Since the issuance of this report, we have
8 had the benefit of reviewing the actual before and
9 after gallonage sale and that's where the three to
10 eight percent came from. But the analysis used 15
11 percent increase in driveway volumes entering and
12 exiting during those hours.

13 MR. CULHANE: What I would suggest is
14 in the report itself is give a little more
15 elaboration as to what you actually used and what are
16 the factors that made you go to the number you used,
17 the combination of judgment and, as I said, growth,
18 the additional fueling stations and the sale of
19 diesel.

20 MS. DOLAN: We can do that.

21 MR. CULHANE: So just elaborate on
22 that a little bit more in the report itself. No
23 other comments, Mr. Chairman.

24 CHAIRMAN DePINTO: Thank you.

25 MR. TEAGNO: I'm sorry. I neglected

1 to ask one more question of Mrs. Dolan. Did you say
2 in your testimony that 90 percent of the traffic into
3 the site came from the north side?

4 MS. DOLAN: I said approximately 90,
5 it's about 91 percent center comes down Kinderkamack,
6 turns right into the Kinderkamack driveway.

7 MR. TEAGNO: Okay. That's -- what I
8 thought you said, was you didn't mean ten percent
9 would be coming, heading north, and combined with
10 what's coming off of Magnolia --

11 MS. DOLAN: Right, it's split between
12 Magnolia and turning left in off Kinderkamack.

13 MR. TEAGNO: Okay, thank you.

14 MS. DOLAN: You're welcome.

15 CHAIRMAN DePINTO: Thank you. Okay
16 Mr. Fette?

17 MR. FETTE: No comment, Mr. Chairman.

18 CHAIRMAN DePINTO: Okay. Mr.

19 Stefanelli?

20 MR. STEFANELLI: Okay. Yes. Thank
21 you for the report. One of the questions I had was,
22 did you take into account traffic turning into
23 Magnolia, at the turn on to Magnolia? Because I see
24 at night, heading south, they bypass. You know, they
25 are stacked up four or five cars, and people go

1 around it and now they are trying to get into the
2 station through Magnolia.

3 MS. DOLAN: We --

4 MR. STEFANELLI: I didn't see any
5 counts there, and that's --

6 MS. DOLAN: We really didn't focus on
7 that. We looked at the increases in overall site
8 volumes that might happen, and we proportionately
9 added it based on the existing turning movements in
10 to and out of the driveway.

11 MR. STEFANELLI: I mean, I drive there
12 all of the time. I see people cutting around this,
13 the stack, and trying to get in through Magnolia to
14 get in through the back. I guess my next question is
15 you said stacking, your testimony about stacking, the
16 new stacking is how many cars? Six?

17 MS. DOLAN: Along the driveway we can
18 accommodate about six vehicles before you get to the
19 canopy and fueling area.

20 MR. STEFANELLI: I just have a
21 concern. Again, your statement is that -- I don't
22 think we are going to eliminate stacking on
23 Kinderkamack Road on the busy hour. I just see a lot
24 of cars. Tonight, there were five or six cars, you
25 know, stacked in the roadway as I was coming in.

1 MS. DOLAN: It's six, plus then the
2 four positions. So that's ten more cars that we can
3 fit on the property that we can't fit on the property
4 now. So I don't know that we can guarantee we will
5 eliminate it, but we will certainly have the on-site
6 capacity to accommodate at least ten more that we
7 otherwise can't get on the site today.

8 MR. STEFANELLI: I agree with you
9 about moving the bus, and having the bus station pull
10 off, because right now the bus stops and it just
11 stops traffic. There is no way for it to turn off.
12 So I think it's an improvement to move the bus stop
13 to where it can pull over and at least people can get
14 around it. Right now you can't get around it. I've
15 been behind that bus several times.

16 The only other thing I have is coming
17 out and coming in in the morning, I do notice that
18 there is no signage there, or even some of the signs
19 -- there is actually no guardrail, and I just -- I
20 just wonder about safety as you come around that
21 curve and that turn into Magnolia as you are coming
22 north on Kinderkamack Road. It's a blind corner.
23 When you come up that corner, you will turn into
24 Magnolia, you can barely see what's coming down. You
25 really have to move further north, almost past the --

1 past Magnolia to actually make the left hand turn
2 turn in, otherwise you can't see cars coming down. I
3 mean, that's one of the concerns that I have there.
4 And I'm just wondering, is there signage or something
5 that we could do as a traffic answer --

6 CHAIRMAN DePINTO: I think the
7 question, Mr. Hipolit, is there any signage that you
8 might recommend be installed to address that concern?
9 Or Mr. Jaworski if you want to add in.

10 MR. HIPOLIT: Signs can be used
11 anywhere, and you can pretty much make any sign you
12 want. My concern is lots of signs add lots of
13 confusion, and don't necessarily address the
14 situation you are trying to address. There is a lot
15 out there. There is going to be a lot out there when
16 we are done. There is going to be a new bus stop. I
17 mean, we can look at it. It's worth looking at. But
18 I'm not sure it will be the solution, to put a sign
19 out there. It might not cure the problem.

20 MR. STEFANELLI: Most of the signs
21 that are there now got knocked down. There used to
22 be signs on the island. They are all gone.

23 MR. HIPOLIT: It's something I think
24 that Mr. Jaworski can look at.

25 MR. MARMORA: Just so I understand, we

1 are talking about signage here? That is the movement
2 you are concerned about Mr. Stefanelli?

3 MR. HIPOLIT: Yes.

4 MR. STEFANELLI: You have to go
5 further north. You have to go almost to the island.
6 You have to actually see the traffic coming down.
7 You have to really --

8 MR. MARMORA: You are here
9 (indicating)?

10 MR. STEFANELLI: Further. You are
11 right about there when you make that left. You can't
12 see people coming down. Actually, I -- I'm in the
13 center of the island there to make that left.

14 MR. HIPOLIT: I mean, the County --
15 Mr. Jaworski is going to have to talk to the County
16 about it. It may be an option. There is also the
17 possibility --

18 MR. STEFANELLI: There used to be a
19 sign there that said, "slow down" coming to that
20 corner when you are heading to the south. That sign
21 is gone. There is no guard railing. I mean, how
22 many times the neighbor has lost his fence, you know,
23 due to people driving so fast. There is no way to
24 slow the traffic down. They are doing 40 miles an
25 hour around that curve.

1 CHAIRMAN DePINTO: Has a report been
2 done by Bergen County yet? Do we have anything from
3 them? Mr. Marmora, have you received anything from
4 them.

5 MR. MARMORA: Not other than they have
6 approved this design, but we can certainly -- I would
7 hate to commit to it as a condition because it's
8 off-site and in a County right-of-way, but we can
9 certainly agree to go with Mr. Hipolit or whatever --

10 CHAIRMAN DePINTO: To discuss it
11 with --

12 MR. MARMORA: And with Mr. Timsak, and
13 see if there is some type of signage. It's obviously
14 a condition that's not related to us, but we will
15 work on helping you solve it.

16 MR. STEFANELLI: I'm comfortable
17 having the signs that were originally there, for
18 people to slow things down, and there is a curve
19 ahead. Those were the signs that were there.

20 CHAIRMAN DePINTO: I think that's
21 something that should be addressed by Mr. Hipolit to
22 Mr. Timsak, and let's see what kind of report we get
23 back on that, Frank. Anything else, Frank?

24 MR. STEFANELLI: That's the end of my
25 questions. I think it was a nice report.

1 CHAIRMAN DePINTO: Mr. Hipolit?

2 MR. HIPOLIT: The only thing I have
3 left, and I'm not sure how it's best to address this.
4 The Applicant was very gracious to bring a tanker
5 truck to the site to show us that the site, as it
6 exists today, can get a delivery. It makes a great
7 video. My only concern about that video is that the
8 truck came from the south. So the Chief -- the Chief
9 wants the truck to come from the north. I just don't
10 know how we can control that.

11 CHAIRMAN DePINTO: I think, let's hold
12 that question for operations. It came up at the last
13 hearing, and let's wait to hear from operations on
14 that. I don't think Ms. Dolan is qualified to answer
15 that.

16 MR. HIPOLIT: Okay.

17 CHAIRMAN DePINTO: Anything else,
18 Mr. Hipolit?

19 MR. HIPOLIT: I have nothing else?

20 CHAIRMAN DePINTO: Thank you. Mr.
21 Preiss?

22 MR. PREISS: I have no questions.

23 MR. DePINTO: Okay, thank you. Any
24 Board Members have anything else at this time before
25 I open the meeting to the public? The Chair will

1 entertain a motion to do so.

2 MR. TEAGNO: So moved.

3 MR. VOGT: Second.

4 CHAIRMAN DePINTO: Thank you, Mr.
5 Teagno, seconded Mr. Vogt. All in favor?

6 (All Members present vote in the
7 affirmative.)

8 CHAIRMAN DePINTO: Anyone from the
9 public? Remember, this is the point where you have
10 the opportunity to ask questions just as the Board
11 members have. If you have any comments you would
12 like to make with regard to the Application, that can
13 be done at the end of the hearing. Anyone have any
14 questions of Ms. Dolan or any other Borough
15 professionals that you have heard from this evening?

16 Yes, sir?

17

18 QUESTIONING OF MS. DOLAN BY THE PUBLIC:

19 MR. HOPPE: Hi, Rolf Hoppe, 10
20 Magnolia Avenue. First, I brought these two pictures
21 with me today. I know we weren't discussing the
22 canopy, but I would like to put them into evidence.

23 CHAIRMAN DePINTO: Why don't you hold
24 them, sir, because I think at the beginning of this
25 hearing Mr. Marmora stated that we were going to put

1 the architectural questions aside.

2 MR. HOPPE: Okay. Fair enough. I
3 didn't know, so I brought them with me?

4 MR. DePINTO: Please continue with
5 respect to anything you heard this evening with
6 regards to traffic.

7 MR. HOPPE: First, I would like to
8 address, because it was brought up, diesel trucks,
9 the fueling of them and with regards to the high
10 capacity pumps. Just a little background of who I am
11 and what I do. I'm an architectural mill work
12 contractor. In regards with this matter before us,
13 I've owned a 30-foot 1984 Mercedes Benz box truck,
14 which delivered my furniture and mill work from then
15 to about a year ago, which is when we got rid of it.
16 I can tell you that --

17 CHAIRMAN DePINTO: Mr. Hoppe, I'm
18 sorry. You have to limit your comments to questions
19 of the testimony that you heard. When the meeting is
20 open to the public for comments, that's when you can
21 offer that information. But right now, please
22 restrict your questions to the testimony you heard.

23 MR. HOPPE: I am questioning the
24 validity of only a high capacity pump is necessary,
25 or will do the job of filling up a box truck. That

1 is not the case.

2 CHAIRMAN DePINTO: You are making a
3 statement. Phrase it as a question. Mr. Hipolit
4 made a statement with regard to the capacity of the
5 pumps. Ask him the question that you are trying to
6 make a statement on.

7 MR. HOPPE: Can non-high flow pumps
8 fuel a 30-foot box truck?

9 MR. HIPOLIT: The low flow nozzles can
10 fuel any vehicle, it's just a matter of the time it
11 takes. So what would happen is if a truck came in
12 with a very large gas tank, and it wanted to take a
13 significant amount of time to fill, it could stay and
14 fill, yes. The question I asked the Board was, was
15 how the Board prevents or enforces trucks. When I
16 think of trucks, box trucks aren't necessarily what I
17 think of. Maybe you -- I'm thinking of dump trucks,
18 18 wheelers and that like. Box trucks and
19 landscaping trucks are another issue the Board was
20 discussing. So I think it's a good question, and I
21 think the Board --

22 CHAIRMAN DePINTO: Let's answer the
23 question simply. He said, yes, the bigger truck can
24 be fueled by the low pressure. What is your next
25 question, sir?

1 MR. HOPPE: Okay. Basically, the
2 queuing of traffic, I basically agreed with Mr.
3 Stefanelli, has it been considered that the queuing
4 of traffic on to, or the stacking of traffic on to
5 Magnolia -- I'm framing this as a question. Will a
6 longer driveway -- let me rephrase that. It is your
7 experience that it is human nature for people to see
8 a line and avoid it, a line, in this case, for
9 pumping gas?

10 MS. DOLAN: They often may avoid, and
11 I believe that was even part of Mr. Jaworski's
12 testimony, is that this isn't necessarily a
13 destination. If it's inconvenient, and based on my
14 experience, if a site is crowded, or otherwise
15 perceived as difficult to access they will bypass and
16 go on to another location.

17 MR. HOPPE: Irregardless of the size
18 of the driveway?

19 MS. DOLAN: If the site is perceived
20 as difficult to access, or is otherwise perceived as
21 crowded, a driver has the option to bypass a gas
22 station and chose another location.

23 MR. HOPPE: Okay. Next question.
24 Preceding this traffic study, you had made a comment
25 three years ago, which I remember, Chairman DePinto,

1 and I would hope that you would walk us through the
2 decision making process that the Board came up with,
3 where the public was not privy to, in requesting
4 that, I will say requesting that, the Applicant
5 procure a property, the billboard property, for the
6 driveway.

7 CHAIRMAN DePINTO: Yes, this Applicant
8 came for the Site Plan Review Committee, which is a
9 subcommittee of the Planning Board. The Applicant
10 had made certain inquiries as to the improvements of
11 the property that they had owned at that time. And
12 it was suggested by the Site Plan Review Committee
13 that they may look into, or may want to look into the
14 acquisition of the property immediately to the east
15 of their property so that, in fact, they could better
16 align the driveways, provide for better queuing, and
17 most importantly, which we cannot lose sight of, is
18 to provide for a lane for the bus to pull-off
19 Kinderkamack Road to take on passengers, without
20 interrupting that southbound traffic of vehicles.

21 Now, you say that the public did not
22 have access. All meetings of the Planning Board are
23 open to the public. Public hearings are advertised.
24 Site Plan Review Committee's hearings typically take
25 place before our regular meetings.

1 MR. HOPPE: Okay. Why was it
2 concluded without any traffic study whatsoever that
3 the expansion of Shell by procurement of that
4 billboard property, was a good thing.

5 CHAIRMAN DePINTO: No, it wasn't. It
6 was merely suggested to them to look at the
7 possibility of acquiring the contiguous lands,
8 because it would appear that it may provide for safer
9 access on to and off of that property. There was no
10 approval granted. The burden of proof is upon the
11 Applicant to come before the whole Board to show that
12 it works or it doesn't work, or whatever the case may
13 be. But there were no approvals given to this
14 Applicant for anything.

15 MR. HOPPE: Okay. Next question: How
16 many of you are aware of phone calls made by the
17 Mayor on behalf of the Applicant for procurement of
18 the billboard property?

19 CHAIRMAN DePINTO: Phone calls made
20 by?

21 MR. HOPPE: That would seem to be more
22 than a suggestion.

23 CHAIRMAN DePINTO: I'm sorry. Phone
24 calls made by whom?

25 MR. HOPPE: By our Mayor, on behalf of

1 the Applicant to the owners of the billboard property
2 for the procurement of the billboard property.

3 CHAIRMAN DePINTO: I, for one, am not
4 aware of any phone calls that Mayor Fyfe may have
5 made to any of the property owners that you
6 referenced.

7 MR. HOPPE: Okay. Would this Board be
8 entertaining to subpoena Mayor Fyfe to find out what
9 the nature of those phone calls were, because I have
10 information here that, in fact, he did make those
11 phone calls on their behalf.

12 CHAIRMAN DePINTO: Mr. Regan?

13 MR. REGAN: Mr. Hoppe, that would be
14 more appropriately presented by you during the time
15 at the end of the public hearing when citizens are
16 allowed to voice their comments and concerns.

17 MR. HOPPE: This is not a comment.
18 This is like putting the cart before the horse. It
19 seems to be a conclusion that this is a good thing.
20 The Mayor gets involved, and now here we are.

21 MR. REGAN: Sir, there is no
22 conclusion at all. This is the second public
23 hearing.

24 MR. HOPPE: When the Mayor made phone
25 calls on behalf of the Applicant, he concluded that

1 it was a good thing.

2 MR. REGAN: Right now you are
3 testifying. Mr. Chairman, I'm going to have to call
4 this. You are not allowed to testify at this time.

5 CHAIRMAN DePINTO: Mr. Hoppe, this is
6 not, as I tried to explain, this is not the point in
7 the hearing where you can make such comments. You
8 asked a very simple question. I gave you what I
9 thought was a very simple answer. You asked me if I
10 had any knowledge of the Mayor making any phone calls
11 to the Applicant with respect to the acquisition of
12 the property contiguous to his, and my answer was, I
13 do not. I have no knowledge of any such
14 communication.

15 MR. HOPPE: Is that bothersome to you?

16 CHAIRMAN DePINTO: That I have no
17 knowledge?

18 MR. HOPPE: No, that he made those
19 phone calls.

20 CHAIRMAN DePINTO: Mr. Hoppe, there is
21 a lot of things that I don't know in life. I can't
22 be bothered.

23 MR. HOPPE: Would that effect the
24 Board's decision?

25 CHAIRMAN DePINTO: I beg your pardon?

1 MR. HOPPE: Would that effect the
2 Board's decision?

3 CHAIRMAN DePINTO: No, absolutely not.
4 Absolutely not. The burden of proof on this
5 Application is for the Applicant to prove to the
6 Board that what they propose to do is consistent with
7 a number of things; laws of the municipality, the
8 master plan, good planning, good traffic engineering,
9 a number of things, none of which include the
10 blessings of the Mayor, or the Mayor's disapproval of
11 anything. That opinion of the Mayor has no bearing
12 on a decision that this Board may reach within the
13 foreseeable future.

14 MR. HOPPE: If our neighbors ban
15 together and hire an attorney --

16 CHAIRMAN DePINTO: We invite you to do
17 so.

18 MR. HOPPE: Okay. Then would it have
19 bearing?

20 CHAIRMAN DePINTO: What the Mayor said
21 or allegedly said?

22 MR. HOPPE: To this Application.

23 CHAIRMAN DePINTO: Absolutely not.
24 Why should it have a bearing?

25 MR. HOPPE: It's an influence of a

1 Mayor --

2 MR. REGAN: Mr. Chairman, Mr. Hoppe is
3 making statements without any kind of foundation at
4 all.

5 CHAIRMAN DePINTO: You asked a
6 question. Your next question?

7 MR. HOPPE: I have foundation. I have
8 e-mails.

9 CHAIRMAN DePINTO: But it's not the
10 point to present that. Mr. Hoppe, your question was:
11 That if you decided to retain an attorney, which I
12 encourage you to do, would that have an influence on
13 the Board? Was that your question?

14 MR. HOPPE: On the Board's decision
15 to, shall we say, have the Mayor's influence.

16 MR. REGAN: Mr. Chairman, I'm really
17 troubled by this whole line of questioning.

18 CHAIRMAN DePINTO: You can't go there,
19 Mr. Hoppe.

20 MR. REGAN: He's alleging, it appears,
21 some type of impropriety. If you think there is
22 impropriety on the part of the Mayor or anyone else,
23 there are channels you should go to, maybe the Bergen
24 County Prosecutor's Office, maybe the U.S. Attorney,
25 but I'm very uncomfortable with this entire line of

1 questioning, Mr. Chairman.

2 MR. HOPPE: As you should be.

3 MR. REGAN: No, I'm uncomfortable with
4 your comments, sir.

5 CHAIRMAN DePINTO: Continue with the
6 questions, not comments. The appropriate time will
7 come for you to make your statement.

8 MR. CULHANE: Mr. Chairman, I have a
9 question.

10 CHAIRMAN DePINTO: Why don't we allow
11 Mr. Hoppe to finish?

12 MR. CULHANE: My question is: As I
13 understood the directions that you gave, it's to be
14 based on the testimony given tonight. I heard no
15 testimony about the involvement of the Mayor.

16 CHAIRMAN DePINTO: That's correct,
17 Mr. Hoppe. We've heard testimony from Ms. Dolan.
18 We've heard statements from Borough professionals,
19 and you've heard comments from Board Members. This
20 is your opportunity to ask questions along those same
21 lines.

22 MR. HOPPE: If the purpose of this
23 driveway is to alleviate traffic, okay, which is
24 basically what has been stated, okay, which I may or
25 may not agree with, and I obviously do not --

1 CHAIRMAN DePINTO: Okay. Question?

2 MR. HOPPE: Why shouldn't I be able --

3 MR. REGAN: The question should be
4 directed to Ms. Dolan.

5 MR. HOPPE: I'm answering --

6 CHAIRMAN DePINTO: Mr. Hoppe, do you
7 have a question with regard to the adequacy of the
8 design of the driveway? Is that what you are wanting
9 to ask her? Is that the question you are seeking to
10 ask?

11 MR. HOPPE: Let me go on. Does the
12 Board feel that -- well, the last time we were here I
13 asked whether or not you would have a traffic study
14 that was conducted on Magnolia Avenue, and you said
15 you would look into it, and you would procure that
16 traffic study. Have you?

17 CHAIRMAN DePINTO: The studies that
18 are before the Board right now is a study that has
19 been provided by Ms. Dolan.

20 Mr. Hipolit, has your office conducted
21 any other traffic studies of the subject Application.

22 MR. HIPOLIT: No.

23 CHAIRMAN DePINTO: So therefore, at
24 this point, until such time as the Board directs
25 Maser Consulting to perform such study, there will be

1 none. The only study that is before us is what Ms.
2 Dolan has presented and testified to.

3 MR. HOPPE: Okay. On the record last
4 time we met, I informed you of a traffic study
5 conducted on Magnolia Avenue, which you had stated to
6 me that you would call Chief Abrams, or get a hold of
7 Chief Abrams to procure that traffic study.

8 CHAIRMAN DePINTO: Ms. Hutter, is
9 there any traffic study information provided by Chief
10 Abrams?

11 MS. HUTTER: No. I know there was an
12 e-mail between him and Mr. Hoppe. I don't know if
13 there was an actual traffic study.

14 CHAIRMAN DePINTO: Was that exchange
15 of e-mails something that occurred prior to the
16 filing of this Application, or during the pendency of
17 this Application?

18 MS. HUTTER: I think before the
19 amended Application.

20 CHAIRMAN DePINTO: Mr. Marmora are you
21 familiar with this?

22 MR. MARMORA: I am not. I recall at
23 the last meeting Mr. Hoppe said he had an e-mail
24 communication with the Chief, but I don't know if it
25 was a traffic report. It might have been an accident

1 report. It certainly was never made available to us.

2 CHAIRMAN DePINTO: Okay. Mr. Regan,
3 with respect to that communication, if Mr. Hoppe
4 would want to present that, when would be the
5 appropriate time?

6 MR. REGAN: During the objector's case
7 or during the public comments.

8 CHAIRMAN DePINTO: So when we open it
9 for public comments, Mr. Hoppe, you would be able to
10 produce that information. And unfortunately, as we
11 had indicated before, the Chief had intended to be
12 here tonight, but something came up.

13 MR. HOPPE: That would be my last
14 question. Will he be made available, or Lieutenant
15 Boman?

16 CHAIRMAN DePINTO: We will reach out
17 tomorrow to both the Chief and to the Lieutenant and
18 advise them of when the hearing will be continued to,
19 and ask them to attend the hearing.

20 MR. HOPPE: Very good. That's all of
21 the questions I have.

22 CHAIRMAN DePINTO: Thank you, sir.
23 Anyone else have any questions? Yes, ma'am.

24 MS. STEFANELLI: Debbie Stefanelli, 4
25 Shadow Lane. I have a question. I was sitting in

1 the back and I couldn't hear. When you said about
2 the increase in traffic, where did those figures come
3 from?

4 MS. DOLAN: A few stations that have,
5 in the past couple of years, undergone renovations.
6 One is in Jersey City, one in Maplewood, one is in
7 Freehold. So they were throughout New Jersey. And
8 this same Applicant has had the data before and after
9 the renovations. So that's the data I was referring
10 to.

11 MS. STEFANELLI: So none of them were
12 the next gas station, 30 cents more. See, if you
13 have -- can I explain?

14 CHAIRMAN DePINTO: Keep it as a
15 question.

16 MS. STEFANELLI: I guess what I'm
17 asking is: Was any of these gas stations so low in
18 price compared to the competitors, that people would
19 travel to go to that gas station?

20 MS. DOLAN: You would have to ask
21 operations regarding that. I don't know. I don't
22 study prices. I know there are many factors that
23 influence trip generation, and price can be one of
24 them.

25 MS. STEFANELLI: Okay. And the other

1 thing is: Were any of them, I guess -- if we were
2 the only one with diesel, was any of them also the
3 only one with diesel in the area? Were many of them
4 offering the same thing? Are we going apples to
5 apples or apples to peaches?

6 MS. DOLAN: These sites were renovated
7 and post renovation included diesel.

8 MS. STEFANELLI: Okay, but you don't
9 know if their competitors across the street also had
10 diesel.

11 MS. DOLAN: I didn't make a thorough
12 study of the competing influences. I looked at
13 traffic volumes in the area, roadway conditions, the
14 traffic characteristics, and then the overall
15 increase in sales activities pre and
16 post-renovations.

17 MS. STEFANELLI: So then that may play
18 a huge part in different numbers?

19 MS. DOLAN: There are many factors
20 that influence trip generation for gas stations and
21 similar uses, similar convenience type uses. Based
22 on my experience throughout the state and neighboring
23 states, with this specific type of renovation, I
24 don't expect there to be a dramatic increase in trip
25 generation as a result of the additional pumping

1 facilities that will be provided on the site.

2 MS. STEFANELLI: So you don't feel
3 that the closest gas station being 30 cents more,
4 this would be a drawing factor, paying 30 cents less?

5 MS. DOLAN: If that's an existing
6 condition to remain, then I wouldn't expect it to
7 have any bearing on the site renovation.

8 MS. STEFANELLI: Okay. Thank you.

9 CHAIRMAN DePINTO: Thank you. Anyone
10 else have any questions?

11 MR. BURNS: Robert Burns, 112
12 Kinderkamack. I just have two questions. There was
13 a sign, I think it's a "no standing" sign put up a
14 year and a half, maybe two years ago. Has there been
15 a report showing any improvement in the queuing at
16 the gas station since then, so before and after?

17 MS. DOLAN: Not that I've performed,
18 and not that I'm aware of.

19 MR. BURNS: Do we know if the police
20 have done that?

21 CHAIRMAN DePINTO: Are you aware of
22 that?

23 MR. HIPOLIT: I don't think so. The
24 "no stopping and standing" sign was there to avoid
25 the queuing on Kinderkamack. It was to avoid the

1 queuing, related to queuing on Kinderkamack which, in
2 turn, would be a police enforcement. So if somebody
3 was standing there, they would get a ticket. At the
4 Council level, I do sit as the Mayor and Council
5 Engineer, nobody has come and complained that the
6 stacking --

7 MR. BURNS: I'll complain now if you
8 want me to. I'm kidding.

9 MR. HIPOLIT: If there is an issue --

10 CHAIRMAN DePINTO: We'll check with
11 the Police Department.

12 MR. BURNS: Obviously the concern is
13 still around the stacking. My other question
14 involves the diesel. Do you know, with respect to
15 the percentage increase that you are assuming, do you
16 know what the percentage of diesel vehicles on the
17 road is today, or sold?

18 MS. DOLAN: No, I don't.

19 MR. BURNS: I think you are saying
20 that at peak hours the number of cars were 80. And
21 then you guess that that goes up three to eight
22 percent. I think 90 was the number we assumed. It's
23 all on top of volume with the additional pumps, then
24 an additional five cars for diesel?

25 MS. DOLAN: Five cars over a full day,

1 not five peak hour diesel --

2 MR. BURNS: Five in a full day. So on
3 a percentage basis, that's virtually nothing?

4 MS. DOLAN: Those are the numbers I've
5 been given from similar sites, five to ten diesel
6 sales per day.

7 MR. BURNS: I guess my question would
8 be: Does that sound accurate, based on the number of
9 diesel vehicles that are currently on the road?

10 MS. DOLAN: I don't study the
11 differentiation in types of fuels used by different
12 vehicles. I look at total trip generation characters
13 to the site, inclusive of all vehicle types.

14 MR. BURNS: I guess in a way to phrase
15 it, I'm questioning whether or not the number of
16 vehicles being proposed to increase to the diesel
17 sounds very low, based on the fact, I work across the
18 street, our mix is 15 percent in diesel. That sounds
19 like a low number. That's all.

20 I guess the last question would be, if
21 it's a question, we acknowledged beforehand the fact
22 that a sign went up about the queuing, and the
23 standing. There was a stacking problem. There is
24 absolutely a stacking problem. I live on
25 Kinderkamack. My front lawn is the stacking. The

1 driveway would have to assume that we are not only
2 correcting the stacking problem that exists today,
3 but also accommodate for the increased volume. So it
4 has to go well beyond the number of cars that are
5 already being stacked.

6 CHAIRMAN DePINTO: And this is a
7 question of Ms. Dolan?

8 MR. BURNS: Yes. So the question is:
9 I mean, the sign did nothing. Are we sure that this
10 driveway, or can we prove somehow that this is going
11 to go above and beyond the number of cars that are
12 being stacked, plus the on-top volume that's to be
13 assumed with the increased pumps and the diesel?

14 CHAIRMAN DePINTO: Ms. Dolan, that's a
15 fair question.

16 MS. DOLAN: Sure. I had said earlier
17 that the driveway itself can hold six vehicles. So
18 that's six. Then we have the four new fueling
19 positions. That's ten. I'm looking at the plan.
20 There is easily room for a number at 11, 12 and 13,
21 behind the other fueling areas. So that's an
22 increase of 13 total on-site storage positions that
23 would be available. I said earlier, we can't
24 guarantee anything, but certainly that added on-site
25 capacity is a vast improvement over existing

1 conditions. And I'll say again, in my opinion, I
2 don't expect there to be a dramatic increase in the
3 hour-by-hour activity at this site, and certainly in
4 terms of the percentage increases we've looked at,
5 they far exceed, at least the estimates we developed,
6 far exceed what we've seen actually occurring at
7 similar sites that have gone through renovations that
8 added diesel and more fueling positions.

9 MR. BURNS: Maybe just one last
10 question: What's the maximum number of vehicles that
11 you have seen stacked along Kinderkamack Road?

12 MS. DOLAN: I don't have a count on
13 that.

14 MR. BURNS: So the fair question to
15 ask is if we can somehow add to the study to say the
16 maximum witnessed number of vehicles being stacked
17 today, so that we can say, okay, if it's 15, and we
18 know that it can only accommodate 13, that
19 essentially stacking would still continue beyond that
20 point. I don't know if that's a question directed
21 either way. I'm obviously concerned about the
22 stacking. I don't feel as though --

23 CHAIRMAN DePINTO: I think Ms. Dolan
24 has stated and restated her opinion with regard to
25 the adequacy of the design to accommodate the

1 stacking of the vehicles that are projected to occur
2 given the current rate of business, given the growth
3 rate of, I believe it was 2 percent that you had
4 testified to?

5 MS. DOLAN: Correct, which is
6 increased -- which actually has decreased based on
7 the more current DOT studies.

8 CHAIRMAN DePINTO: As well as the
9 addition of the new fuel product. She has testified
10 that in her opinion, as a professional traffic
11 engineer, that the provisions for stacking would
12 accommodate that primarily on the subject property,
13 and not overflow on to Kinderkamack Road. Is that
14 correct, Ms. Dolan?

15 MS. DOLAN: Yes.

16 CHAIRMAN DePINTO: That's her
17 testimony, sir.

18 MR. BURNS: Can we request that that
19 be added to the report at a later date, or going
20 forward?

21 CHAIRMAN DePINTO: Which report, sir?

22 MR. BURNS: Can we request in this
23 report, the maximum number of vehicles witnessed to
24 be standing along --

25 CHAIRMAN DePINTO: It's her testimony

1 on the record. It's part of the record. And when a
2 decision is made on this Application, that will be
3 incorporated into the resolution of granting either
4 an approval or denial. So it is part of the record.
5 There is no other record.

6 MR. BURNS: All right.

7 MR. VOGT: Hold on, Mr. Chairman. May
8 I make a comment to one of the questions that the
9 gentleman had?

10 CHAIRMAN DePINTO: Okay.

11 MR. VOGT: You questioned the amount
12 of diesel traffic visiting the gas station since
13 there are a lot of diesel cars and trucks out there.
14 I have a diesel truck myself, and the diesel truck I
15 get more than double the mileage than I used to get
16 with diesel truck, which means I frequent the gas
17 stations much less than I did before with a gasoline
18 truck, same size truck. Does that answer your --
19 help you figuring that those figures might be right?

20 MR. BURNS: No. I work in the
21 automotive business. I mean at best you can maybe
22 get a 25 percent increase with diesel. We are not
23 here to debate that point. That's fine.

24 CHAIRMAN DePINTO: We have to rely
25 upon the testimony of the expert, and the record will

1 reflect that testimony. Thank you. Anyone else have
2 any questions? Yes, ma'am?

3 MS. CLOHESSY: I'm Noreen Clohessy,
4 N-O-R-E-E-N, C-L-O-H-E-S-S-Y, 10 Magnolia Avenue in
5 Montvale. Do you know the speed limit on -- in New
6 York coming on Kinderkamack, it's 304, Kinderkamack
7 into New Jersey?

8 MS. DOLAN: I don't recall.

9 MS. CLOHESSY: Is it the same, does
10 anyone know? I know at some point it's an increased
11 speed. I don't know if anybody on the Board knows
12 that.

13 CHAIRMAN DePINTO: I don't know.

14 MR. VOGT: I think it's 35.

15 MS. CLOHESSY: Okay. Then it's the
16 same. Cars traveling from New York on Kinderkamack,
17 when they -- there is a bend, isn't there, before it
18 gets in front of the gas station?

19 MS. DOLAN: For the intersection, yes.

20 MS. CLOHESSY: Right. So cars coming
21 down Kinderkamack, which as you said is 90 percent,
22 is that correct, of the vehicles that go to the gas
23 station are about that number are from New York?

24 MS. DOLAN: They are turning right in.
25 I don't know their origins. But the 90 percent, yes,

1 turns right into Kinderkamack driveway, yes.

2 MS. CLOHESSY: Okay. So they are
3 coming around that bend. As they are approaching,
4 passing the Porter House Restaurant -- are you
5 familiar with that?

6 MS. DOLAN: Yes.

7 MS. CLOHESSY: Okay. When they are
8 coming around that corner, can they see the gas
9 station, or do they have to clear the corner in order
10 to be able to see the gas station?

11 MS. DOLAN: I can't answer that. I
12 didn't study that specifically.

13 MS. CLOHESSY: Okay, but you are
14 telling us the design that you are proposing is going
15 to make this business operation, this intersection
16 safer. Is that correct? Your proposal is safer.

17 MS. DOLAN: I said that based upon the
18 relocation of the driveway, and the relocated bus
19 stop, that the bus will pull off, we would be
20 improving the conditions at and around the site, yes.

21 MS. CLOHESSY: But the driveway, where
22 it is now, you are moving it closer to where it
23 bends --

24 MS. DOLAN: Yes.

25 MS. CLOHESSY: -- around that corner,

1 okay? So as vehicles are approaching that corner,
2 can they see -- do they have a greater or lesser
3 reaction time to when they are -- if there is a
4 vehicle turning in front? Do you see what I'm
5 saying?

6 MS. DOLAN: I see what you are saying
7 and I understand the question. I have not been
8 involved with the County and the redesign.
9 Mr. Jaworski and his office have been involved in all
10 of those aspects of the driveway and the bus stop
11 redesign. So all of that within the County's
12 jurisdiction --

13 MS. CLOHESSY: Well, no, I'm not
14 talking about the bus stop at all. I'm just talking
15 about vehicles that are coming to enter into the gas
16 station. They would come around the bend as it is
17 now, and there is a decent amount of time. They have
18 to pass the white house that's there, I guess the
19 billboard property, and then turn in. So there is a
20 decent amount. So that if something is happening
21 here, for example, if the traffic -- the tanker truck
22 is pulling in, I mean, there is a decent amount of
23 reaction time for if something happens that cars, I
24 would assume can stop. If it's a greater distance,
25 certainly they have a greater reaction time. So by

1 pushing the intersection closer to that corner, there
2 is less reaction time.

3 MS. DOLAN: It's 80 feet less. We are
4 shifting the driveway approximately 80 feet. So it's
5 three or four car lengths.

6 MS. CLOHESSY: Okay. So it's a less
7 of a distance for there to be a reaction time. So
8 if, in fact, there is stacking, it's going to be that
9 much closer to that corner. So vehicles coming
10 around may not be able to see it in time to slow
11 their speed.

12 MS. DOLAN: Well, I don't know that
13 there is going to be stacking to that degree, because
14 we just talked about having the capacity on the
15 property to now store at least 13 more vehicles. So
16 that would be removed from the queue that exists at
17 peak times. To what maximum/minimum level, I don't
18 have a specific number.

19 CHAIRMAN DePINTO: Let me just
20 interject something. Obviously this is a County
21 road, and it is the County's jurisdiction. We have
22 not received from the County their formal report with
23 regard to the redesign and the movement of that
24 access driveway on Kinderkamack Road some 80 feet to
25 the north or to the east of the property. Based on

1 past experience in dealing with applications similar
2 to this on County roads, when the County does have an
3 objection, they let it be known to us either directly
4 to the Board, or through the Applicant, or to the
5 Borough Engineer. We have not heard from them yet at
6 this point. But as of this moment, Mr. Hipolit is
7 being advised that this Board is requesting that he
8 communicate this week with the County and raise that
9 particular concern with them.

10 MS. CLOHESSY: Obviously, I understand
11 that.

12 CHAIRMAN DePINTO: I understand your
13 concern.

14 MS. CLOHESSY: And I also believe you
15 would like to do the right thing here and make this
16 more safe and not less safe.

17 CHAIRMAN DePINTO: Of course.

18 MS. CLOHESSY: And my point is, I just
19 want to make sure that you are fully considering
20 this.

21 CHAIRMAN DePINTO: We heard the
22 testimony of the traffic engineer. I believe the
23 Borough engineer concurs with that. The one we
24 haven't heard from yet is the County. That's what we
25 will wait to hear from.

1 MS. CLOHESSY: Also, Mr. Hipolit, I
2 strongly object to you testifying on behalf of Chief
3 Abrams and also the Officer Boman. You know, I
4 would -- they really -- it's not proper for you to be
5 testifying. I mean, they should be hearing. They
6 should be answering questions. You should not be
7 speculating. I understand, like I'm not saying you
8 are not acting in good faith. I'm saying really,
9 what's fair is fair. We expect due process here.

10 CHAIRMAN DePINTO: I understand. It
11 was the Chief's intention to be here, as well as the
12 Lieutenant. And that was up until as late at five
13 o'clock this evening. Something came up, which we
14 are not at liberty to say. But something did come
15 up, and they had contacted the Board and advised the
16 Board that they would be unable to attend tonight
17 because of an emergency. The Board had every
18 intention to have them here. Because Mr. Hipolit had
19 a meeting with them this afternoon, I asked
20 Mr. Hipolit to share with us the communication that
21 he had with them, and he did. He's not here in their
22 stead. He's merely here to help the Board understand
23 their position. They will be back at the next
24 hearing, though.

25 MS. CLOHESSY: As long as they present

1 their position, and then you have an opportunity to
2 question them, and we also have an opportunity to
3 question them, because, you know, we've gotten
4 e-mails from Chief Abrams that are in conflict.

5 CHAIRMAN DePINTO: We understand it's
6 because of an emergency they are not here.

7 MS. CLOHESSY: That's fine, as long as
8 they come back.

9 CHAIRMAN DePINTO: Okay.

10 MS. CLOHESSY: Thank you. That's all
11 I have.

12 CHAIRMAN DePINTO: Very well. Thank
13 you. Anyone else have any questions? Okay.

14 MS. BARNES: Belle, B-E-L-L-E, Barnes,
15 B-A-R-N-E-S, 23 Magnolia. I just want to ask a
16 clarification question. I believe I understood you
17 to say that the traffic study talked about entering
18 the Shell Station heading south, you know, turning
19 left from, you know, when you are heading south, or
20 entering off of Magnolia. Has -- but I didn't hear
21 anything -- I heard Mr. Stefanelli mentioning the
22 difficulty of turning on to Magnolia, was there
23 anything about exiting the gas station on to
24 Magnolia?

25 MS. DOLAN: We counted the existing

1 volumes exiting to Magnolia.

2 MS. BARNES: As far as the traffic
3 concerns with the people exiting, because
4 Mr. Stefanelli is coming way out, quickly going
5 across 304, Kinderkamack, to get on to Magnolia, so
6 he doesn't get clipped by the people that are
7 speeding coming from around the corner, and the
8 people exiting have a stop sign, but I'm not usually
9 good for part of the comment, but that's why I
10 wondered if they looked at this at all. I think it's
11 important.

12 MS. DOLAN: We had looked at it in
13 terms of the traffic volumes and potential increase
14 and turning movements at the driveway and through the
15 intersection, which by our estimates is not a
16 significant amount of traffic. The Police Department
17 has issued the September 4th letter with a series of
18 comments. I know they specifically mentioned no
19 accident history for lefts into Kinderkamack Road.
20 They did not comment, and I haven't heard anything
21 about an accident history or a need to improve the
22 intersection, because it's an existing condition, and
23 we are looking at a nominal increase in trips
24 generated by the renovation. We have not looked at
25 anything specific to the intersection itself. But as

1 we said earlier, we'll be meeting with the County and
2 Mr. Hipolit regarding signage that I know I saw when
3 I was originally out there that maybe has disappeared
4 in terms of curve warning signs, and regulatory
5 signage.

6 MS. BARNES: Is this the time to ask
7 for something specific to watch, because I am driving
8 on that street every single day. It's an issue with
9 people exiting, and you are trying to quickly get
10 across and up there.

11 CHAIRMAN DePINTO: I think it's a
12 valid concern, and I think both Ms. Dolan and
13 Mr. Hipolit will discuss that with Mr. Timsak from
14 the County and we will get input from them with
15 regards to that. Thank you. Anyone else? Yes, sir?

16 DR. WOLFREY: Dr. Eric Wolfrey,
17 W-O-L-F-R-E-Y, 7 Pearl Street. So just a couple of
18 fast questions, if I may? When Ms. Dolan spoke about
19 the increase of traffic flow and estimated three to
20 eight percent increase, I believe is what she
21 reflected, I was unclear on this. It sounds like all
22 of the information that she used to extrapolate those
23 points came from Mr. Chaudhary. Is that correct?

24 CHAIRMAN DePINTO: Ms. Dolan?

25 MS. DOLAN: The number used in the

1 analysis was a 15 percent increase. Since that time,
2 yes, we have information from Mr. Chaudhary from
3 other sites that have undergone renovations and the
4 three to eight percent we calculated does come from
5 his sales data.

6 DR. WOLFREY: Okay. So then that
7 speaks to the second question that I have, which is:
8 In your history, and what you stated to him on the
9 minutes prior to that, was that in your history you
10 reflect and recognize a 15 percent increase in
11 business?

12 MS. DOLAN: Yes. That's what we used
13 in our report.

14 DR. WOLFREY: Is there a particular
15 reason why there would be such a significant variance
16 which is representing 50 percent less of the proposed
17 traffic increase than what the history would show
18 previously. Is there a reason for that?

19 CHAIRMAN DePINTO: Ms. Dolan?

20 MS. DOLAN: There are various rates
21 and ways to estimate trip generation for gas
22 stations. Over the course of the past 20 years I've
23 tried to correlate gas station trips with street
24 volume, with number of pumps, number of fueling
25 positions, when there is a store, the store area, and

1 there is no direct correlation. What we had seen,
2 based on some of our older data showed maybe a 17
3 percent increase, maybe a ten percent increase, and
4 that's what we used when we prepared our 2012 traffic
5 study. Since that time, we've had actual data from
6 sites that we worked on before the renovation. So
7 that they were sites that we had information
8 regarding number of fueling positions and other
9 elements of the site. And Mr. Chaudhary's offices
10 had the information. So it's based on my experience
11 throughout the past 20 years with various major oil
12 corporations, and more recently with Mr. Chaudhary's
13 sites.

14 DR. WOLFREY: Is that measured in
15 revenues or is that measured in pump gallons volume?

16 MS. DOLAN: Mr. Chaudhary's data is
17 based on gallons sold. My data is based on total
18 trips, not necessarily related to the number of
19 gallons. But in this case, that three to eight
20 percent is directly derived from gallons sold.

21 DR. WOLFREY: And the study, based on
22 Mr. Chaudhary's information and the changes in your
23 numbers, is that recent? Is that per this
24 Application, or was that prior to the Application?

25 MS. DOLAN: I'm sorry. Can you repeat

1 that?

2 DR. WOLFREY: Were those numbers
3 derived prior to this Application or after this
4 Application?

5 MS. DOLAN: The numbers, the three to
6 eight percent?

7 DR. WOLFREY: Yes.

8 MS. DOLAN: We compiled that data as
9 part of another application that we are working on.
10 We just compiled it within the last couple of months.

11 DR. WOLFREY: Okay. Thank you.

12 CHAIRMAN DePINTO: Okay. Thank you.

13 Anyone else have any questions? Okay. I will
14 entertain a motion to close the meeting to the
15 public.

16 MR. VOGT: So moved.

17 MR. STEFANELLI: Second.

18 CHAIRMAN DePINTO: All in favor?

19 (All Members present indicate a vote
20 in the affirmative.)

21 CHAIRMAN DePINTO: We will take
22 another five-minute break then.

23 (A break is taken.)

24 CHAIRMAN DePINTO: The meeting will
25 come to order. Mr. Stefanelli?

1 MR. STEFANELLI: Yes, Mr. Chairman.

2 Because my wife has been an active member, I've
3 decided to recuse myself from this Application.

4 CHAIRMAN DePINTO: Okay. Very good.
5 Thank you. Mr. Marmora, it would seem to me that we
6 have a number of unanswered questions. There are a
7 number of things that the Applicant has to do which
8 are of concern to both the Board Members and the
9 public. I think in the interest of time, in order to
10 accomplish those tasks, as well as to reschedule the
11 appearance of representatives of the Montvale Police
12 Department, and to get some input from Mr. Timsak and
13 the County, that it probably would be in the best
14 interest to conclude our hearing this evening and
15 carry it to our next meeting which we had scheduled
16 as --

17 MR. MARMORA: October 30.

18 MS. HUTTER: Special meeting.

19 CHAIRMAN DePINTO: October 30, a
20 special meeting, carrying it to a special meeting.
21 Mr. Marmora, there are expenses associated with that.
22 Is your client willing to take care of that?

23 MR. MARMORA: Absolutely.

24 CHAIRMAN DePINTO: Take care of that
25 once notified by the Board secretary.

1 MR. MARMORA: Absolutely. We have no
2 problem with that.

3 CHAIRMAN DePINTO: With that said, and
4 because we have lost a number of Members of the Board
5 for a number of reasons, primarily because this is a
6 combined Board of both the Planning and Zoning Board,
7 I am going to speak to Mayor Fyfe and ask Mayor Fyfe
8 if he would consider putting some alternates on this
9 Board so that we could increase the number of Members
10 that will hear the case.

11 MR. REGAN: In connection with that,
12 Mr. Chairman, the Applicant, in fairness, is entitled
13 to have a seven-member Board to hear the Application,
14 and five affirmative votes are required to approve
15 the Application in as much as a D variance is
16 implicated. As of now we are down to six Members.

17 CHAIRMAN DePINTO: I've discussed this
18 in the past with the Mayor. He is receptive to it,
19 but I think in light of these particular
20 circumstances, that it is necessary. And seeing that
21 we will not be meeting again until the 30th, it does
22 give him time to appoint some alternate, and it would
23 give the alternates time to review the records and be
24 qualified to participate in the hearing?

25 MR. REGAN: Mr. Marmora, you already

1 made the initial transcript from the August meeting
2 available. I assume you will do the same for tonight
3 so that if an alternate is appointed, he or she may
4 be able to read the transcript and ultimately
5 participate in the public hearing process?

6 MR. MARMORA: No problem. We are
7 losing Members, and we are losing a Stenographer who
8 is getting married, too. When will you be able to
9 get us the transcript?

10 THE REPORTER: I will work on it
11 tomorrow.

12 CHAIRMAN DePINTO: With that said,
13 Members of the public that are here that have an
14 interest in this Application, please be advised that
15 this hearing is being carried to October 30, which
16 will be a special meeting that the Board will conduct
17 for the purpose of the continuation of this hearing.
18 At that time, I'm confident that we will have a
19 representative, either the Chief or the Lieutenant
20 from the Montvale Police Department to answer any
21 questions that you or the Board Members may have with
22 regard to that report.

23 No further notice, other than this
24 announcement, will be provided to you except for the
25 publication of the special hearing date on the

1 Borough's website. With that said, I thank you,
2 ladies and gentlemen, and we will see you in a month
3 and a half or so.

4 MR. MARMORA: Thank you, Mr. Chairman.
5 Thank you.

6 (The Application is adjourned and will
7 continue at a future date.)

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C E R T I F I C A T E

I, HEATHER M. HOLMES, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

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



HEATHER M. HOLMES
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