

PLANNING BOARD  
MONTVALE TOWNSHIP  
COUNTY OF BERGEN

VOLUME 3

BLOCK 2802, LOTS 2 AND 3,  
300 WEST GRAND AVENUE,  
BLOCK 1002, LOTS 3 AND 5  
159-161 SUMMIT AVENUE -  
MONTVALE DEVELOPMENT ASSOCIATES,  
LLC - SHOPS AT DEPIEROS application  
For Preliminary and Final Site Plan  
Approval, Preliminary and Final  
Subdivision Approval, Planned Unit  
Development and Soil Moysting Permit

Tuesday, October 1, 2013  
Council Chambers  
12 Mercedes Drive, 2nd Floor  
Montvale, New Jersey  
Commencing 7:26 p.m.

B E F O R E :

- JOHN COUHANE
- JOHN DEPINTO, CHAIRMAN
- MICHAEL GHASSALI, COUNCIL MEMBER
- WILLIAM LINTNER
- FRANK STEFANELLI, ABSENT
- DANTE TEAGNO
- WOLFGANG VOGT
- CHEF WEBBER

- ROBERT REGAN, BOARD ATTORNEY
- JEFFREY FELTE, CONSTRUCTION CODE OFFICIAL
- CRAIG HERMAN, MASER CONSULTING
- ANDREW HIPOLIT, BOROUGH ENGINEER, ABSENT
- KEENAN HUGHES, PHILLIPS, PREISS & GRAYGIEL, LLC
- LORRAINE HUTTER, BOARD SECRETARY
- RICHARD PREISS, BOROUGH PLANNER

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BY: THE PUBLIC

PERSIA BARILE

31 Akers Avenue, Montvale

MR. SEGRETO

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- Last Revised 9/20/2013
- A-14 Id. Storm Water Management Report 6
- Revised 9/20/2013
- A-15 Id. Storm Water Maintenance Manual 6
- By L2A, revised 9/20/2013
- A-16 Id. Soil Movement Plan, By L2A 6
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- A-17 Id. EIS Report, by L2A, 6/21/2013 6
- A-18 Id. Acoustical Report, 6/26/2013 6

P R E V I O U S L Y M A R K E D E X H I B I T S

EXHIBITS MARKED 8/6/2013

- A-1 Affidavit of Notice Document, Two Volumes
- A-2 Site Plan Drawings Prepared by L2A, 42 sheets, 6/21/2013
- A-3 Architectural Plans by JP2, Consisting of 8 sheets, 6/18/2013
- A-4 Wegman's Elevation Drawings, single sheet 7/24/2013
- A-5 Floor Plans Prepared for Wegman's Building, 5/14/2013
- A-6 Roof Plan (Wegman's) Single Sheet, 6/20/2013
- A-7 RTKL Master Plan Booklet
- A-8 Thumb Drive Containing Two Power Point Presentations
- A-9 Stone Sample Board
- A-10 Split Base Sample
- A-11 Material Board, Wegman's

BOARD EXHIBITS

- B-1 Letter, 8/5/2013, from Chief of Police, Site Plan
- B-2 Letter, 8/5/2013, from Chief of Police, Soil Movement

EXHIBITS MARKED 09/03/2013

- A-12 Paper Version, Colored Floor Plate Of Wegman's

EXHIBITS MARKED 10/01/2013

- A-13 Id. Site Plan Drawings, 32 sheets, Last Revised 9/20/2013
- A-14 Id. Storm Water Management Report Revised 9/20/2013
- A-15 Id. Storm Water Maintenance Manual By L2A, revised 9/20/2013
- A-16 Id. Soil Movement Plan, By L2A Revision dae 9/27/2013
- A-17 Id. EIS Report, by L2A, 6/21/2013
- A-18 Id. Acoustical Report, 6/26/2013

(Flag Salute)  
(Agenda)

CHAIRMAN DEPTNTO: Let's move on with the continued public hearing on Block 2802, Lots 2 and 3, 300 West Grand Avenue, Block 1002, Lots 3 and 5, 159-161 Summit Avenue - Montvale Development Associates, LLC, Shops at Depieros. It's an application for preliminary and final site plan approval, for preliminary and final subdivision approval, planned unit development and soil moving permit.

Good evening, gentlemen.

MR. DEL VECCHIO: Good evening, Mr. Chairman, members of the Board.

For the record, Andy Del Vecchio, on behalf of the applicant, Montvale Development Associates.

I have with me this evening our project engineer Mike Dipple.

As the Board is aware, we have submitted revised plans in advance of these hearings. And, while we may not get to testify to those revised plans this evening in whole, I'd like to just mark them on the exhibit list so we have them in the record.

MR. REGAN: A-13?

MR. DEL VECCHIO: Yes, picking up at A-13.

I would propose I2A's site plan drawings, consisting of 32 sheets last revised 9/20/13.

A-14 would be the storm water management report also revised 9/20/13.

A-15, with the Board's permission is the storm water management maintenance manual prepared by I2A bearing a revision date of 9/20/13.

A-16 is the soil movement plan prepared by I2A consisting of two sheets. That bears a revision date of 9/27/13.

A-17 would be the EIS report that was prepared by I2A dated June 21, 2013.

And, A-18 is the acoustical report dated June 26, 2013.

Those would be our proposed markings for this evening.

We have some other exhibits that are contained on the computer presentation which we can mark as we move forward.

I would like to call Mr. Dipple, our project engineer, to be sworn and qualified at this point.

MR. REGAN: Mr. Dipple, would you raise your right hand.

Do you swear or affirm that the testimony you will give in this continued application will be the

1 truth. So help you God?

2 THE WITNESS: I do.

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

5 THE WITNESS: Sure. It's Michael Dipple,  
6 D I P P L E.

7 MR. REGAN: Thank you.

8 DIRECT EXAMINATION BY MR. DEL VECCHIO:

9 Q Mr. Dipple, could you give the Board the  
10 benefit of your professional experience and licensure?

11 A Yes.

12 MR. REGAN: I believe Mr. Dipple was  
13 previously qualified.

14 Is that correct?

15 THE WITNESS: I don't believe so, not for  
16 sometime.

17 MR. REGAN: It might be another Board I  
18 represent.

19 Go ahead, Mr. Dipple.

20 A Maybe not for some time.

21 I am a professional engineer in the states of  
22 New Jersey, New York and Pennsylvania. I have a  
23 Bachelor of Science in Civil Engineering from Rutgers  
24 University.

25 I started the firm L2A Land Design in Englewood

1 in 2006. I have 23 years of experience doing land  
2 development projects.

3 I have recently been qualified as a Civil  
4 Engineer, within the last calendar year, in Ridgewood,  
5 Englewood, Demarest, Woodcliff Lake, Paramus and a  
6 number of others.

7 MR. REGAN: Mr. Chairman, I believe Mr.

8 Dipple is qualified as a Civil Engineer.

9 CHAIRMAN DEPINTO: The Chair will accept  
10 the recommendation of Counsel.

11 Please continue, Mr. Del Vecchio.

12 MR. DEL VECCHIO: Thank you.

13 Q Mr. Dipple, a number of documents which we  
14 have marked either this evening or at prior hearings,  
15 in which you were in attendance, were attributed as  
16 being prepared by L2A.

17 Were those documents prepared by you or under  
18 your supervision?

19 A Yes, they were.

20 Q And, you have made yourself familiar with  
21 the property which is the subject of these, of this  
22 application?

23 A Yes, I have.

24 Q You have made yourself familiar with the  
25 neighborhoods in which these properties sit?

1 A Yes.  
2 Q And, have you made yourself familiar with  
3 the development regulations of the Borough of Montvale  
4 as they may apply to this, the property that is part  
5 of this application?  
6 A Yes, I have.  
7 MR. DEL VECCHIO: What I'd like to do is,  
8 we're going to turn on the computer at this point.  
9 If we can click through to the aerial, Dan.  
10 MR. STEINHAGEN: On the presentation?  
11 MR. DEL VECCHIO: Yes, on the presentation  
12 slide.  
13 MR. DEL VECCHIO: Is the projector on?  
14 CHAIRMAN DEPINTO: Is it plugged in?  
15 MR. STEINHAGEN: It is.  
16 MR. DEL VECCHIO: You got to love  
17 technology.  
18 (8:33 p.m.)  
19 MR. DEL VECCHIO: It's a good thing we're  
20 still old fashioned. We brought boards as a backup.  
21 MR. STEINHAGEN: There we go.  
22 Q Mr. Dipple, as the author of the EIS  
23 report, can you walk us through how you approached the  
24 EIS and your findings and conclusions in connection  
25 with that?

1 A Yes. We first consulted the municipal  
2 ordinances specifically Chapter 56, Article 10, which  
3 is entitled Environmental Impact Statements.  
4 And, the ordinance is very thorough. And, it  
5 explains exactly what should be in an Environmental  
6 Impact Statement and what items should be discussed.  
7 So, our office prepared an Environmental Impact  
8 Statement that directly corresponds to the sections in  
9 the Borough of Montvale's ordinance, Article 10.  
10 If you would like, I could continue.  
11 Q Yes. You could take the Board through a  
12 narrative of your EIS report and the highlights for  
13 their consideration.  
14 A So, one of the first items is to describe  
15 the property itself. And, you can see, on the board  
16 behind you, is an aerial of the site. And, I'm sure  
17 everyone is familiar with the property by now.  
18 But, the property lies, this triangular shape,  
19 with West Grand Avenue to the north, Mercedes to the  
20 west and then Phillips Parkway, which runs one  
21 property away behind the Borough property, immediately  
22 to the east and then one property off to the south.  
23 Opposite, of course, is Mercedes Benz  
24 headquarters, to the north is residential,  
25 multi-family residential units, offices immediately to

1 the north, a bank, I believe, and then corporate  
2 office on all other sides.

3 CHAIRMAN DePINTO: Excuse me one second.

4 MR. REGAN: Mr. Del Vecchio, I just want  
5 to clarify something.

6 Mr. Dipple refers to Chapter 56 pertaining to an  
7 Environmental Impact Statement. That's in the  
8 Subdivision Ordinance. I think you also want to  
9 look -- and, they're really identical.

10 MR. DEL VECCHIO: They are, 128-17.

11 MR. REGAN: 128-17.1 et seq, just for the  
12 record, so there's no confusion down, later on down  
13 the road.

14 THE WITNESS: You are correct.

15 MR. REGAN: This doesn't implicate a  
16 subdivision. It refers to an EIS pertaining to a  
17 site.

18 MR. DIPPLE: My apologies. My EIS does  
19 actually reference the correct section.

20 MR. REGAN: Again, they're identical. One  
21 is in the subdivision ordinance and one is in the --

22 A For the record, it's Article 17, Section  
23 128, 17.5.

24 So, after describing the property, the EIS  
25 directs you to describe the proposed use. And, of

1 course, we're talking about a supermarket of 140,000  
2 square feet, retail buildings, a garden center,  
3 parking for just over 1,100 stalls with access points  
4 to Mercedes Drive and West Grand Avenue.

5 So, currently the property is used as a, as  
6 agricultural with a farm stand. The farm stand, of  
7 course, lies to the north section of the property, a  
8 smaller supermarket building, market style farm stand  
9 building to the very north, parking immediately to the  
10 south of that. There are some man-made slopes and  
11 grass areas immediately to the south.

12 And then, after that, we have row agricultural  
13 crops, surrounded on three sides by right of way to  
14 the south by the Borough property, some corporate uses  
15 and a nature center.

16 Taking you, again, continuing through the EIS,  
17 it describes what the zoning is. We know that the  
18 property was recently rezoned for the, which the  
19 application in front of you is consistent with that  
20 zoning.

21 There is a discussion of wildlife and assorted  
22 features and some of the open spaces that we're going  
23 to discuss more as the hearing goes on.

24 We can talk about the pre development  
25 environmental inventory which is another section that

1 the FIS directs you to.  
2 Topography is, is a, is a good issue for this,  
3 for this property. There is about a hundred feet of  
4 grade change from the north corner to the eastern  
5 corner. The lowest point is at West Grand and  
6 Phillips Parkway. We have shown that the highest  
7 grade is 397 and the lowest grade is about 291.  
8 So, the site generally slopes from north where  
9 the existing development is and slopes easterly. And,  
10 it flattens out a little bit here where the row crops  
11 are. So, that's a pretty consistent grade. A lot of  
12 that is man-made, man altered. And, it slopes  
13 directly to the east.  
14 The portions at the very top has been altered  
15 significantly. A lot of this has been leveled out.  
16 The parking lot has been reconstructed. It's been  
17 added on to the south. There was a parking lot  
18 addition.  
19 There's an existing detention basin, where I'm  
20 pointing here, just adjacent to the West Grand Avenue  
21 and the northern portion of the site.  
22 And, there's some severe slopes, man-made, which  
23 lie immediately to the east of that detention basin.  
24 We see no issues on the site with air quality.  
25 It's a pretty benign use with agricultural, really

1 dust and things like that, that would contribute to  
2 any impact to air quality.  
3 However, farm uses, agriculture uses typically  
4 do not contribute well to water quality. They often  
5 contain water that runs off, contains a lot of  
6 sediment and often a lot of pollutants in the forms of  
7 herbicides and pesticides and these kind of chemicals.  
8 So, I don't know if I really need to take you  
9 through geology and sections like that. But, I will  
10 mention the soils, the soils that, that are shown,  
11 that are documented on this site, kind of a gravelly  
12 loam, very cobbly soil.  
13 There are sections of clay, sands and silty  
14 sands. It's kind of a mix bag of soils as you go down  
15 to the different depths.  
16 Some of this has been confirmed through some  
17 soil investigation, preliminary, by, by different  
18 members of the project team. And, it kind of confirms  
19 what, what the Natural Resource Conservation Service  
20 says about the soil. It's called Whethersfield Soil  
21 Type C, hydrologic soil.  
22 In terms of environmental factors, the site is  
23 not in a flood plain. It's -- you know, which  
24 probably doesn't surprise anyone. It's, it's one of  
25 the highest points in the community.

1 It is bordered -- well, the property is not  
2 bordered but there are Category 1 waters which appear  
3 to the north which run along Paragon Drive. There are  
4 Category 1 waters which run along the Garden State  
5 Parkway which is to the west of the site. And, these  
6 Category 1 waters are more than 300 feet away from the  
7 property and, therefore, do not impact the property.

8 Fresh water wetlands and endangered species. We  
9 did identify some fresh water wetlands adjacent to the  
10 property which are here in the nature center, small  
11 pockets of fresh water wetlands, probably created  
12 man-made because of some of the grading. And, they  
13 are identified on the plans within about 150 feet of  
14 the property.

15 There is another man-made fresh water wetland at  
16 this location here where the existing detention basin  
17 is that I described earlier. That's a small pocket of  
18 wetlands that formed as the detention basin aged a  
19 bit.

20 Now, the applicant has submitted to the DOT --  
21 excuse me, the DEP for a Letter of Interpretation  
22 which would, which would formally delineate those  
23 wetlands on the property and describe any potential  
24 buffers.

25 Now, in terms of the buffers we've erred on the

1 side of caution and said, well, we could have a 150  
2 foot buffer which would be the worse case scenario.  
3 However, I think we're hopeful that it will come back  
4 with a 50 foot buffer and that buffer will remain on  
5 the nature center property.

6 I think, if it's okay with the Board, I can skip  
7 over some of the wildlife, some of the demographics of  
8 the area. I'm sure the Board knows Montvale much  
9 better than, than I mention here in my EIS.

10 Esthetically, I think the farm is a beautiful  
11 property. It does slope quite a bit and the farm  
12 stand is something that is aging a bit. But, it has  
13 some nostalgia. It's very well-kept. And, of course,  
14 a lot of people enjoy it, especially this time of  
15 year.

16 Culturally, I find it interesting and, of  
17 course, it's probably no surprise to the Board that  
18 really it was the, it was the Parkway itself that came  
19 in that changed this area significantly in the 1950's.  
20 The Parkway brought an exit to Grand Avenue and,  
21 therefore, corporate uses, residential uses and  
22 suddenly some of these farms disappeared.

23 I'm sure the farm is a beautiful property. But,  
24 it's served its time. And, this application would be  
25 to, you know, to redevelop that property.

1 In terms of licenses, permits and approvals that  
2 we see, we, obviously, need your approval here, the  
3 Planning Board of the Borough of Montvale. We have  
4 applied to Bergen County for Planning Board approval.  
5 We border West Grand Avenue which is a county roadway.  
6 Bergen County Soil Conservation District, an  
7 application will be going in shortly.

8 We do require two permits from the Department of  
9 Environmental Protection. One is a treatment works  
10 approval for our sewage flow. The other one would be  
11 a letter of Interpretation and any wetland permits  
12 that we would need to disturb the man-made wetlands  
13 near the detention basins.

14 We will get approval from United Water to  
15 connect to their water system. However, we do not  
16 require a permit from the DEP since they hold the  
17 Master Plan.

18 So, now we move on to kind of the meat of the  
19 EIS which is the assessment of the probable impacts  
20 with the proposed project.

21 So, we looked at things as the ordinance directs  
22 us, air quality, water quality, water supply, geology,  
23 things like that. And, I'll hit on some of the  
24 highlights.

25 In terms of air quality, we definitely, we don't

1 believe that the site would impact or, or cross any  
2 standards. Any air quality issues in the area are  
3 probably likely from the heavy traffic of the Garden  
4 State Parkway. But, along the site itself, there  
5 would be more vehicles coming to the property.

6 However, in my experience, even a large facility  
7 like this would not come close to the threshold that  
8 would require the kind of air quality monitoring or  
9 anything.

10 In terms of water quality, the site has been  
11 designed, and I'm going to touch on this, a lot more  
12 of this later in the bulk of my testimony about the  
13 proposed plan. But, we have to meet a very stringent  
14 water quality standard set forth by the Storm Water  
15 Management rule for storm water runoff. I believe we  
16 have done that successfully.

17 Our report shows that we employed measures that  
18 would remove 80 percent of the total suspended solids  
19 from storm water runoff which is required.

20 The site, as it exists today, does not have any  
21 water quality means. Again, as I described, it is  
22 loaded with pollutants and sediments from an  
23 agricultural use.

24 We don't see any effect to the water supply,  
25 geology.

1 We know what the existing, the existing ground  
2 cover is and the proposed ground cover.

3 I have described the wetlands, wildlife,  
4 demographics. And, the esthetics, of course, we have  
5 heard a lot from our project planner and our project  
6 engineer, Wegman's himself. So, I think I can rely  
7 on that testimony.

8 Moving onto Section F of the ordinance, we talk  
9 about probable adverse environmental impacts which  
10 cannot be avoided.

11 And, again, as I've described, really we see --  
12 we don't see a lot of environmental detriment to the  
13 project. We see improvements in the water quality.

14 We will see potentially some more noise from the  
15 site because, an agriculture use versus a, a shopping  
16 center would, would be different.

17 We don't see any damage or destruction of  
18 significant plant or wildlife systems. It's a farm  
19 and we don't really impact anything around the  
20 property.

21 The ordinance directs us to esthetic values.  
22 And, again, I think our planners and architects have  
23 done a fantastic job to try to keep the farm quality  
24 and the equestrian quality of this development as it  
25 is into the new development.

1 So, again, trying to hit some of the highlights,  
2 there is discussion of displacement of people and  
3 businesses which we clearly do not see; employment and  
4 property tax, not a detriment; destruction of manmade  
5 resources, we don't see any manmade resources being  
6 removed.

7 And, then, I defer traffic issues to our traffic  
8 engineer who will testify.

9 The next section of the ordinance requires us to  
10 discuss steps to minimize the adverse environmental  
11 impacts during and after construction.

12 Well, we have done that. And, I think there is  
13 off site mitigation of traffic. We've talked about  
14 esthetics and we've talked about water quality.

15 So, I think a lot of, of elements that have gone  
16 into the design really speak to the section of trying  
17 to minimize some of those adverse environmental  
18 impacts -- effects, excuse me.

19 Alternatives to the proposed project. That's,  
20 that's another thing that needs to be discussed.

21 Now, the Borough entered into a, into a rezoning  
22 of this property. So, it's hard to say where the  
23 Borough could have gone with potential rezoning.

24 But, what we do know is that it was slated for a  
25 fair amount of affordable housing.

1 So, the alternative, I guess, that was discussed  
2 here would be the alternative -- would be the  
3 affordable housing. And, that would have been the  
4 alternative.

5 So, again, we go through some of those same  
6 standards not having a development plan in front of us  
7 but trying to describe what may or may not happen with  
8 that alternative. They would still need to meet some  
9 of the regulations that we are bound to such as the  
10 Storm Water Management Rule, such as traffic impacts.  
11 But, again, without a plan in front of us, it would be  
12 difficult to pinpoint exactly what some of those  
13 environmental, adverse impacts would be.

14 So, with that being said, I think the EIS kind  
15 of runs out with a little more discussion which kind  
16 of repeats on itself a little bit and then ends in a  
17 fair number of figures and exhibits such as tax maps,  
18 economic growth and planning areas.

19 The site does lie within a metropolitan planning  
20 area where development in the State of New Jersey is  
21 encouraged in this area. And, that map is shown in  
22 the back of the EIS.

23 We do include a flood insurance rate map which  
24 shows that the site is in a Zone X and it does depict  
25 where Bear Brook and I'm just trying to remember the

1 name of the other stream on the other side, the  
2 tributary. Soils maps, well head protection,  
3 photographers maps.

4 And, I think that kind of sums up my  
5 Environmental Impact Statement.

6 Q If I could just ask you a couple follow-up  
7 questions, Mr. Dipple.

8 First, with reference to existing ground cover  
9 and vegetation, while I'm sure everybody in this room  
10 knows what exists, unfortunately the record doesn't.

11 If you could just place a narrative of what  
12 exists in terms of the property.

13 We're not talking about taking down a pristine  
14 forest for this development, are we?

15 A No. It's, it's fully disturbed. Almost  
16 every square foot is either disturbed constantly  
17 through the agricultural use or it was disturbed for  
18 the construction of the existing farm stand building  
19 and parking lot.

20 Q And, a good portion of the site's frontage  
21 along West Grand Avenue was previously disturbed in  
22 connection with the widening and elevation of Grand  
23 Avenue?

24 A Yeah. That's correct.  
25 We do show, on the topographic map, that there

1 are a fair amount of steep slopes along West Grand  
2 Avenue, particularly on our side or the applicant's  
3 side of the property.

4 Q Of Grand Avenue?

5 A Of West Grand Avenue, yes.

6 And, that was as a result of a widening and some  
7 steep slopes were created there. But, generally,  
8 highest up by the farm stand building and then they  
9 kind of run out and get much smaller as we get down to  
10 the eastern side of West Grand Avenue.

11 Q And, the balance of the farm fields,  
12 obviously, is regularly disturbed in connection with  
13 planting and changing over of crops and other farming  
14 activity?

15 A Yeah, that's correct. And, you can see on  
16 the aerial we have very distinct row crops in  
17 discussion with the DePiero family and  
18 representatives, we're given an idea of what kind of  
19 crops, they are typically low crops, very low growing  
20 row crops.

21 And, and, again, some portions of the land are,  
22 are farmed at certain times and some were farmed at  
23 other times.

24 As you can see from the photograph, you can see  
25 the farming activity here and not in the lighter

1 colored areas.

2 Then, of course, in October we have the hay  
3 rides.

4 Q With regard to the Borough standards in  
5 Section 128.17, your EIS report has addressed all of  
6 the items required by the ordinance for such a report?

7 A I, I believe so. Yes.

8 Q And, based upon your analysis of the EIS  
9 report that you have compiled, you've determined and  
10 offered this Board an opinion as to whether or not  
11 this project would comply with those requirements?

12 A Yes. I believe it does.

13 Q With regard to the existing conditions at  
14 the site, do you have another board that perhaps we  
15 can switch to that will allow us to talk about the  
16 existing conditions in a little greater detail?

17 A Yeah. I'm going to go to Sheet C-03-A of  
18 my set. And, that will project behind you.

19 And, it's a little light. There are a lot of  
20 topographic lines.

21 I'm going to stand up, if the Board can hear me.

22 So, these gray areas are the steep slopes which  
23 are greater than 15 percent; and, as you can see,  
24 along West Grand Avenue, around the detention basin to  
25 the east side of the detention basin, to the south

1 side of the auxiliary parking lot that was constructed  
2 at a later date and we have small areas in between the  
3 row crops on the south side of the property.

4 All these areas, and then -- I'm sorry, again,  
5 of course down along West Grand Avenue and all the way  
6 down to Phillips Parkway. There are areas that are 15  
7 percent or more. Every one of them, we believe, is a  
8 man-made occurrence. We have already described what  
9 happened along West Grand Avenue when the county  
10 roadway was widened and the market and the farm stand  
11 building was put in, that created some steep slopes  
12 around the detention basin. We see some very steep  
13 slopes in that area.

14 And, of course, to support the detention basin  
15 and the ramp that comes off of West Grand Avenue,  
16 that's probably the most obvious as you're coming up  
17 West Grand Avenue, as you can that, which is planted  
18 and with, I believe, it's a crown vetch or something  
19 which supports the slope and stabilizes the slope.

20 And, that's a pretty severe slope of about 3 to 1 with  
21 the, from the drive.

22 So, again, the farm stand building is relatively  
23 flat. So, it's a relatively flat elevation. The  
24 building sits at about 384. The site drops off to  
25 about 372. So, we'll see a little bit of grade change

1 across from north to south in the market area.

2 But, then we see a severe grade change as we go  
3 from the west side of Mercedes Drive down to the east,  
4 to Phillips Parkway, kind of a little bit of a high  
5 point down here bordering the commercial property  
6 which is on the very east side of the site. But,  
7 everything drains easterly, either southerly and then  
8 turns easterly and drains out to Grand Avenue.

9 There's very little runoff that doesn't go toward  
10 Grand Avenue, a little bit which makes its way down to  
11 Phillips Parkway.

12 But, it's, it's generally tributary to whatever  
13 storm sewer system exists in Grand Avenue.

14 Q Mr. Dipple, because of the existing  
15 topography on the site, the plans do call for some of  
16 the grading activity to occur in order to prepare the  
17 site for the proposed development.

18 Is that correct?

19 A That's correct.

20 Q Do we have an overall development plan  
21 that we can refer to, just a development plan?

22 A Okay. That would be -- I'm going to  
23 ask -- I'll stop you -- right there. That's it.

24 So, I think it's Sheet C-04, which is entitled  
25 planned unit development, preliminary and final site

1 plan.

2 Q That sheet depicts the proposed layout and

3 orientation of the buildings for this project.

4 Correct?

5 A That's correct.

6 Q And, the layout, as depicted on that

7 sheet, is essentially consistent with the layout that

8 was discussed by Mr. Mc Coach and Mr. Pett who

9 testified previous to you.

10 Correct?

11 A That's correct.

12 Q And, not to go over the individual

13 buildings at this point but let's just identify each

14 of the buildings by size. And, then we can talk about

15 how the site needed to be prepared to accept those

16 buildings.

17 A So, the largest rectangle, which is on the

18 southerly property line, would be the anchor retail

19 building which, as the testimony has gone, it will be

20 occupied by Wegman's Supermarket chain. That's

21 140,000 square feet gross floor area.

22 And that lies right there where I'm tracing,

23 about midway to the east or the west, right along the

24 southerly property line.

25 Okay. Within what's referred to, commonly

1 referred to as the lifestyle area of the property

2 which I'm tracing here which is in the northerly

3 section, triangular, we're proposing six retail

4 buildings.

5 The northerly most one is 22,000 square feet.

6 It is, -- excuse me. Let me get the numbers right --

7 I'm sorry. It's 23,325 square feet. The northerly,

8 the northerly portion of the development. That's

9 commonly referred to as Building F.

10 I'm going to try to go in order now.

11 This is Building A which lies along Mercedes

12 Drive. That is 6,825 square feet.

13 Building B which lies just to the south of that,

14 9,105 square feet.

15 Building C which lies near the middle of the

16 property closest to Grand Avenue West, 8,400 square

17 feet.

18 Retail Building D lies just to the south of

19 that, 9,200 square feet.

20 Retail Building E which lies to the east of C

21 and D, 5,700 square feet.

22 So, we have parking in the upper portion here

23 for approximately 300 vehicles and parking in front of

24 the Wegman's or anchor retail building which totals

25 about 700 spaces.

1 I'm sorry, 750 spaces.

2 Q Now, Mr. Dipple, while your zoning table  
3 is contained in your drawings and I don't need to be  
4 review each line item on the table, is it fair to say  
5 that, as it pertains to the bulk standards listed in  
6 your table there, the application and the layout, as  
7 proposed, meets or exceeds all of the standards set  
8 forth in the bulk table?

9 A Yeah. That's true. It does.

10 Q Now, where we had gotten into discussing  
11 where these buildings are going to sit was when we  
12 were talking about the existing conditions map and how  
13 the site needed to be prepared for the development of  
14 the proposed improvements. Let's jump to the soil  
15 preparation of the grading of the site that's going to  
16 be necessary to lay out a project as depicted on the  
17 overall map that we just discussed.

18 A I'm going to request that we flip to Sheet  
19 C-11 which is entitled grading, drainage and utility,  
20 Plan I.

21 And, this plan only depicts the lower anchor  
22 retail building portion of the site.

23 So, we prepared the site, the site plan at a 30  
24 scale so we could get the level of detail that's  
25 required.

1 So, Wegman's would operate the building. They  
2 have parking in front. I'm going to guess there's  
3 about 680 parking spaces right immediately in the  
4 front lot.

5 The requirement that they have is that the  
6 parking area shall not exceed 3 percent in any  
7 location.

8 So, we've been very careful to grade that site  
9 at 3 percent maximum at all locations. It gets, the  
10 slope gets a little more mild towards the front of the  
11 store. And, then it starts to get a little bit  
12 steeper, never hits more than 3 percent up here in the  
13 upper corner, upper northwest corner of the site  
14 closest to Mercedes.

15 3 percent is a very mild slope. Most centers  
16 that I do tend to be, you know, 3 and a half as a  
17 maximum, sometimes a little bit higher.

18 Supermarkets tend to be a little bit on the  
19 lower side because of the counterparts. So, 3 maximum  
20 is a very good slope for a supermarket.

21 So, we've been able to achieve that.  
22 But, I think, as Mr. Del Vecchio is referring to

23 that, I've already mentioned that the slope drops from  
24 west to east. And, I've described that we need the  
25 whole 3 percent and then we have 140,000 square foot

1 building and we have a loading area to the rear.

2 So, what happens is, we've actually moved a fair  
3 amount of soil, proposed to move a fair amount of soil  
4 from the western side of the site over to the eastern  
5 side of the site and then we have bound it by  
6 retaining walls which extend along the eastern border  
7 of the development; and, again, along the southerly  
8 border of the development.

9 And, that's how we're able to take this site,  
10 which does have a fair amount of slope, and level it  
11 off relatively in order to meet the standards of  
12 Wegman's and create a nice facility.

13 So, while I'm on here, we'll talk about storm  
14 water management. Storm water management gets  
15 collected in the front parking lot. We propose about  
16 half of that property to be pervious pavement in the  
17 front.

18 Q When you say the front, Mr. Dipple, do you  
19 mean the portion closest to Mercedes?

20 A The portion closest to Mercedes, in front  
21 of the Wegman's, about half of it would be proposed  
22 pervious pavement which allow the water to seep  
23 through into the stone bed below it and then you have  
24 asphalt closer to the store, about half of the parking  
25 lot, closest to the store. And, all that storm water

1 runoff would be tributary to the rear of the site.

2 And, just off this page, and we'll pick it up on the  
3 next page, is an above-ground storm water management  
4 basin.

5 There's a below ground storm water management  
6 basin situated in front of the store. And, that takes  
7 roof runoff only and distributes it into the, into the  
8 basin in the front. And, there's a reason for that  
9 and that is that roof runoff tends to be clean water  
10 so it's better to go underground. And, that's how we  
11 propose it.

12 So, it's just roof runoff that goes to the front  
13 basin.

14 The parking lot, drive aisle, loading area goes  
15 to the rear above-ground basin.  
16 Some more entry points.

17 Q Yeah. Let's touch upon those for this  
18 portion.

19 A So, it may be hard to see on the grading  
20 plan but we do have, we do have an entry point to the  
21 supermarket on Mercedes Drive in the most southerly  
22 portion of the property. We have an entrance drive  
23 which kind of lines up with the southerly portion, the  
24 southerly wall of the store and continues -- vehicles  
25 can enter and go right to the front of the store or

1 enter into the parking field. Delivery vehicles can  
2 enter and go easterly and go right into the back  
3 loading area.

4 We also have the main drive aisle which has been  
5 described already by Mr. Mc Coach. But, we have two  
6 entry points into the lower anchor retail area, one  
7 about halfway into the site before the front of the  
8 store, along that main drive aisle, and then one right  
9 at the front of the store. And, that's how you would  
10 access the parking field or the front of the building.

11 Moving on to grading and drainage and utility  
12 plan 2, now we move to the upper or lifestyle retail  
13 portion. And, some of that is hidden by the dais but  
14 I'll stand up.

15 So, again, we have the slope issue. So, as you  
16 can see, we have a lot more lines on the property here  
17 -- I'm sorry, on the page.

18 So, the site, again, slopes from the west to the  
19 east. And, we continue that slope.

20 And, now, what we've done, in order to create a  
21 nice slope for a parking area -- again, this parking  
22 area would have a slope of, a maximum slope of 5  
23 percent. And, we don't have the shopping carts in  
24 this area. So, we think 5 percent still works.

25 So, we've lowered the site adjacent to Mercedes

1 Drive. And, we've -- we're proposing a retaining wall  
2 along Mercedes, on the property. So, the highest will  
3 be Mercedes, the low side will be in the development.

4 And, then the site is pitched at 5 percent, kind  
5 of in the southeasterly direction. And, that's where  
6 it connects with the Wegman's development that I spoke  
7 of earlier.

8 So, we have the traffic circle here. We enter  
9 in off of Grand. That is, gets a little bit steeper  
10 than 5 percent in some areas to make up the grade  
11 because Grand Avenue is so steep. We have an entry  
12 point and an exit point. So, that area gets a little  
13 bit steeper.

14 But, again, this is the customer area here where  
15 they would park. And, that would be in the 5 percent  
16 range. It's gets a little flatter over here on the  
17 eastern side -- the western side. I'm sorry.

18 So, in terms of storm water management, to  
19 complete the record here, we have proposed an  
20 underground detention basin between Building D and  
21 Building E and that would be underneath one of the  
22 common open space areas.

23 So, storm water runoff from the parking area and  
24 the building roofs would be tributary to that  
25 underground detention area.

1 Almost this entire parking lot, where I'm  
2 tracing here in front of Building F and between A, B,  
3 C and D would all be constructed of pervious pavement.  
4 It's only around the circle and some of the access  
5 roads toward the Wegman area, that would be, that  
6 would actually be asphalt.

7 So, I think we can move on.

8 So, now this is the garden center. And, again,  
9 the applicant has submitted for preliminary site plan  
10 approval but on the left side of that drawing is the  
11 continuation of the above-ground detention basin.

12 We've added a plan which shows this little, it shows a  
13 little more clear that there's a four bay here which  
14 would handle the water quality aspect of the storm  
15 water. It would allow the water to settle in and then  
16 drain through a bio filtration media and then,  
17 continue down into the above-ground detention area  
18 where the bulk detention of storm water takes place  
19 and lowers the rate of storm water coming off the  
20 property.

21 So, the detention basin discharges out to West  
22 Grand Avenue, keeping it consistent with the way the  
23 storm water flows today. As I described earlier, all  
24 the storm water runs off and goes toward West Grand  
25 Avenue. We have to keep that consistent. And, we've

1 done so by providing a discharge point from the  
2 detention basin out to West Grand Avenue.

3 And, in this scenario, throughout this entire  
4 development, we're bound by the Storm Water Management  
5 Rule which says we have to reduce peak rates of runoff  
6 from this site very significantly. And, I believe  
7 we've achieved that and we've described it in our  
8 storm water management report.

9 So, that's the function of the detention basin  
10 here and the two underground detention basins I have  
11 described earlier.

12 And, in terms of the garden center, again it's a  
13 preliminary design but we have graded the garden  
14 center and provided all the necessary storm water  
15 management features for the garden center.

16 Q The preliminary design for the garden  
17 center shows what slope in the parking lot?

18 A I believe it's, it's 5 percent. I believe  
19 it's 5 percent. Yeah. I think that's correct. It's  
20 showing about 5 percent. That's where we'd like to  
21 keep it.

22 Q And, in terms of the surface material for  
23 the parking lot, is it porous pavement or typical  
24 asphalt for the garden center?

25 A The garden center would be entirely

1 pervious pavement.

2 Q And, there is a storm water, underground  
3 storm water detention basin also proposed to be  
4 located under the parking lot of the garden center.

5 Could you describe that as well?

6 A Yeah. That's, that's correct. It's  
7 located here.

8 It's a preliminary design but we sized it  
9 generally to take the roof runoff from some of these  
10 buildings here.

11 Again, we do a comparison between existing and  
12 proposed and then we have to reduce that runoff rate  
13 significantly. So, some of those areas require a  
14 little more detention. The pervious pavement helps us  
15 out quite a bit.

16 But, we did propose some kind of underground  
17 detention system and that is shown on the plan.

18 Q Since we touched upon it, now is probably  
19 a good point to talk about it a little bit more.

20 We're using the term pervious pavement, porous  
21 pavement. I think we should explain, for the record,  
22 what that is and what the maintenance requirements, if  
23 any, are for that type of pavement and the benefit of  
24 using that type of pavement.

25 A Well, pervious pavement, and I have some

1 very direct experience with it. But, pervious  
2 pavement is a material that is, the best way to  
3 describe it, texture. I describe it this way all the  
4 time. It kind of -- people understand what I'm, what  
5 they're looking at. It's kind of like a rice crispy  
6 treat.

7 You have kind of stones and some of the  
8 aggregate and you have a lot less binding material in  
9 there. So, it allows the water to basically

10 infiltrate through that layer of pervious pavement  
11 into the layer below which is typically stone.

12 So, it has a very high infiltration rate through  
13 the first layer and then, of course, the stone has  
14 about 40 percent void so it trickles right through  
15 that also.

16 Now, when we have modeled our pervious pavement  
17 and through discussions with, with Maser, we have  
18 actually modeled it up to the five-year storm level.

19 So, we said some of the lower storm events, it would  
20 take it and would deposit it directly into the stone  
21 below. And, it would hold it there.

22 Some of the higher storm events, we figure with,  
23 you know, maintenance done as best as we can. There  
24 could be some reduction in infiltration. So, we've  
25 taken some of those higher storm events and modeled

1 them to continue to runoff.  
 2 So, again, it's, it holds it. It reduces storm  
 3 water run off rates.  
 4 In terms of maintenance, we did provide the  
 5 storm water maintenance manual. I don't know if I  
 6 have a copy right here in front of me.  
 7 But, the New Jersey State Best Management  
 8 Practices Manual describes methods in which you should  
 9 maintain all of these Best Management Practices. One  
 10 of them that they touch on is pervious pavement. It  
 11 entails a lot of sweeping, vacuuming, a lot of  
 12 inspection. And, inspection is the key. Preventive  
 13 maintenance, to try to get out ahead before anything  
 14 fails.  
 15 So, we have included, in our storm water  
 16 management maintenance manual a lot of those, a lot of  
 17 those recommendations.  
 18 And, again, this maintenance manual in  
 19 accordance to the storm water management rule is a  
 20 part of any application. And, there are certain  
 21 things that the applicant is required to do to comply  
 22 with the law.  
 23 So, this will be part of the application and  
 24 part of the development going forward.  
 25 Q Mike, in terms of drainage, again because

1 we're in that drainage grading conversation, there are  
 2 certain requirements from the storm water management  
 3 regulations that are applicable to this development  
 4 for storm water management. I don't want drainage  
 5 101.  
 6 A Yeah.  
 7 Q Can you just give us what the standards  
 8 are and indicate whether or not we meet those  
 9 standards with the proposed design?  
 10 A The general standards are water quantity,  
 11 water quality and groundwater infiltration or ground  
 12 water recharge, I should say.  
 13 So, water quality -- I'm sorry, water quantity,  
 14 I'll make it simple, and that is that you have to  
 15 significantly reduce the peak runoff rate.  
 16 In the 2 year storm, you have to cut it in half  
 17 and a 10 year storm event you have to cut it down by  
 18 25 percent. In a hundred year storm, you have to cut  
 19 it down by 20 percent. That's the 50, 75, 80 rule  
 20 that you probably hear a lot about with major  
 21 developments.  
 22 That's only for developments greater than an  
 23 acre or that create a quarter acre of new impervious.  
 24 So, in this situation we're doing both. We  
 25 clearly have an acre of new development and a quarter

1 acre of impervious. So, we need to meet those  
2 conditions for water quantity and my storm water  
3 management report shows that I believe we do.  
4 Water quality comes into play when you create a  
5 quarter acre of new impervious. And, you have to show  
6 through means that have been tested by the DEP and are  
7 described in detail in the storm management Best  
8 Practices Manual to eliminate 80 percent of the total  
9 suspended solids from storm water runoff, just for the  
10 water quality storm which is the first inch and a  
11 quarter of runoff.  
12 We do -- we accomplish that through pervious  
13 pavement, through some mechanical treatment devices  
14 where necessary, through the four bedding and through  
15 some of the extended detention. And, you get credit  
16 for the different uses that you employ and it gives  
17 you a kind of a point system. And, it shows, and you  
18 have to show, in your application, that you meet the  
19 water quality requirements.  
20 The third deals with groundwater recharge. And,  
21 it specifically states that groundwater recharge is  
22 not required when you're in a metropolitan planning  
23 area.  
24 And, Montvale and all of Bergen County lies  
25 within the metropolitan planning area.

1 So, groundwater recharge is not that important  
2 in this area. And, therefore, that standard is not  
3 required in this development.  
4 Q Mike, just jumping around a little bit,  
5 going back to the soil moving aspect, you have  
6 indicated how the site needed to be graded to  
7 accommodate the development.  
8 Can you just provide the soil moving quantities  
9 that are anticipated if the plan is approved as  
10 proposed?  
11 A We submitted calculations for soil  
12 movement. And, we did our very best to really balance  
13 the site. A lot of moving parts. So, we came up with  
14 about 10,000 cubic yards that we need to export from  
15 site.  
16 And, when we look at the upper portion of the  
17 development, Phase 1, we find that -- we actually come  
18 very close to balancing the site well. We cut along  
19 the western portion, along Mercedes and we fill to the  
20 east along the Wegman's building. So, we cut in one  
21 area and fill and then we try to do the balance the  
22 best we can.  
23 We actually find a lot of the cut, which makes  
24 up a lot of the 10,000, in this garden center portion.  
25 And, that's because, right now, coming off of Phillips

1 Parkway and Grand Avenue, the site rises  
2 significantly, very quickly.

3 In order to make this site work, we needed to  
4 cut around Phillips Parkway and Grand Avenue in order  
5 to make these buildings work. So, we really see a  
6 fair amount of, we really see a fair amount of, of --  
7 Well, we see the site very well balanced in the  
8 upper portion and some cut in the lower or the garden  
9 center where we've submitted for preliminary site plan  
10 approval. But, in general, my site, because it works  
11 together, in some ways, we show an overall, we show an  
12 overall soil movement calculation.

13 Q Let's go through the exact numbers if we  
14 can.

15 A Okay.

16 Q What is the proposed total cut on the  
17 site?

18 A We have the total cut of -- I'm going to  
19 give you this in -- yes. I'm sorry. We have a total  
20 cut of 234,000 cubic yards. We have a total -- I'm  
21 sorry. I'm just trying to get the numbers. There's a  
22 lot of numbers on the page.

23 (9:19 p.m.)

24 I think, in general, we're moving 234,000 cubic  
25 yards in the upper portion from the top to the bottom.

1 So, there's a significant amount of soil movement that  
2 occurs on the property, just not a significant amount  
3 of soil that has to leave or be imported to the site.

4 Q Now the soil movement down along the  
5 Phillips Parkway bend in the Grand Avenue area, there  
6 is a very large existing mound of soil in that  
7 location that has been essentially piled up --

8 A In this area?

9 Q Yes, down in the corner from both the  
10 farming activity and the construction of the roadway  
11 over the years.

12 Is that large mound of soil a part of the reason  
13 for the need to export quantity from the lower road  
14 development?

15 A Yeah. That's a significant amount of the  
16 cut. And, you can -- I still have CO-3-A up. And,  
17 that's here in the eastern portion, southeastern  
18 portion of the site, is a large mound of soil. It's  
19 quite large. It goes up about 6, 7 feet along the  
20 southerly property border. And, that's part of the  
21 big cut.

22 And, these steep slopes here, along Phillips  
23 Parkway, they need to be leveled out a bit so we could  
24 get proposed access off of Phillips Parkway and have a  
25 manageable slope for vehicles entering the property.

1 So that translates into this property. So, yes,  
2 the significant amount of cut is actually down in the  
3 lower portion.

4 Q And, it's in that one area where,  
5 essentially, the storage has taken place from the  
6 various development activity here, of the roadway or  
7 the agricultural use that exists on the property?

8 A That's correct.

9 Q That's not a naturally existing hill, I  
10 guess is the point I'm trying to make.

11 A That's correct.

12 Q If we can jump, for a moment, and talk  
13 about the utilities that are available to service this  
14 development, are there sufficient utilities existing  
15 at the property or in the adjacent roadways to service  
16 the development of the site?

17 A Yes, there are. There is sanitary is

18 sewer in Grand Avenue. There is water in Mercedes,  
19 Grand and Phillips Parkway.

20 They have electrical on the opposite side of  
21 Grand Avenue. And, of course, the Orange & Rockland  
22 sub station, which is immediately to the north of this  
23 property. So, adequate electricity is there. There  
24 is gas both in Grand Avenue and Mercedes Drive.

25 So, adequate utilities are here.

1 We have received Will Serve letters which I  
2 believe were submitted with our application.

3 And, we've been in contact with United Water  
4 throughout the process. And, we've actually sent them  
5 a set of plans already for them to start reviewing  
6 their water distribution system to prepare for some  
7 water main extensions through the property.

8 Q Let's, Mike, discuss, if we can, the  
9 utilities. Obviously, one of the areas that are  
10 always sensitive when we propose a new improvement on  
11 a site, we always get a request that the water lines  
12 be looped.

13 Has that request been made here and have you  
14 been able to accommodate it and how?

15 A Yes. If we could bring up the overall  
16 development site which I think is CO-4. Okay.

17 So, right there. Okay.

18 So, here is Mercedes Drive. Okay. Wegman's,  
19 one of their design standards requires a fire hydrant  
20 at each corner of the building.

21 So, what we've done is, we've looped the water  
22 system in off of Mercedes. We have come around the  
23 back of the Wegman's so we can supply all of the  
24 hydrants. Then we bring it back up the central core,  
25 back up to -- I'm sorry. We take a right turn to the

1 north. All right. We service Building E.  
2 And, we come in between Buildings A, B, C and D  
3 and we connect back to Mercedes.  
4 So, we loop the system not only for the retail  
5 buildings but also for the Wegman's building.  
6 And, then we have one feed which goes up to  
7 Building F.  
8 But, as promised to the Fire Department, we have  
9 also connected the proposed water supply system to  
10 Grand Avenue. So, we have provided three connections,  
11 here, here on the lower portion and, of course, Grand  
12 Avenue.  
13 So, we have looped the water supply system.  
14 Q In terms of -- we now have water coming  
15 in. We always have to worry about water coming out in  
16 terms of sanitary sewers.  
17 Is there adequate sanitary sewer capacity to  
18 service the site. And, if so, where do you propose  
19 your connection?  
20 A Well, the site, in general, really doesn't  
21 generate a lot of sanitary sewage. The DEP projected  
22 rates for retail development is only 1/10th of a  
23 gallon per day per square foot.  
24 So, we generate 22, roughly, thousand gallons a  
25 day leaving this facility which is actually very small

1 for a development of 25 acres.  
2 But, there is a sanitary sewer which runs a very  
3 steep slope down Grand Avenue, all the way down  
4 through the Phillips Parkway intersection. It's a 12  
5 inch sanitary sewer. It does change, I believe, to a  
6 30 inch sanitary sewer when it picks up other areas  
7 from Paragon. That's from some drawings that we  
8 received of the utilities in the area.  
9 And, we actually calculated the capacity of that  
10 pipe. That can handle about 5,000,000 gallons a day  
11 of sanitary sewage if we -- some of the slope is tough  
12 to ascertain within the intersections but we think  
13 it's about a 5 percent slope on that pipe throughout  
14 the frontage of the development. So, that gives us  
15 about 5,000,000 gallons a day.  
16 We monitored the peak flow rate in that pipe at  
17 .02 million gallons per day. So, the existing flow is  
18 less than 1 percent of the capacity of that 12 inch  
19 pipe. This development would add about .02 million  
20 gallons a day. So, we would still be less than 1  
21 percent of the capacity of that 12 inch pipe.  
22 And that's peak rates, too. That's, that's,  
23 that's not on an average.  
24 So, really, the sanitary sewer we don't see a  
25 problem at all.

1 MR. DEL VECCHIO: Mr. Chairman, I'm about  
2 to switch into a different area. Perhaps we could  
3 give the court reporter a break.

4 CHAIRMAN DEPINTO: Yeah. I think that's  
5 about -- excuse me. I think that's about as far as we  
6 can go tonight, quite frankly, on direct. Because,  
7 you have covered with this witness, to this point, his  
8 EIS statement, drainage, soil movement and utilities.  
9 And, I believe that the Board Members may have  
10 questions, members of the public may have questions.

11 And, Mr. Segreto may have some as well.

12 So, I agree, let's take a 10 minute break. And,  
13 when we return, we're going to go to that phase of the  
14 meeting and questions.

15 Thank you.

16 (A recess is taken at 9:28 p.m. to 9:42

17 p.m..)

18 CHAIRMAN DEPINTO: Okay. The meeting will  
19 come to order.

20 Okay. First we're going to go to Board Members  
21 for questions, starting with Mr. Vogt.

22 Mr. Vogt.

23 MR. VOGT: Thank you, Mr. Chairman.

24 EXAMINATION BY MR. VOGT:

25 Q Mr. Dipple, you mentioned that, in all of

1 the access roads and all the driveways are being paved  
2 with impervious blacktop and only part of the parking  
3 areas there will be pervious coverage.

4 What's the pervious? Is that pervious concrete  
5 or pervious blacktop?

6 Or, that hasn't been decided yet?

7 A It -- well, it's proposed as pervious  
8 asphalt. But, let me clarify where the pervious  
9 material is. It is actually not in the entrance  
10 driveways. It's located in the western portion of the  
11 lot in front of the anchor retail, as I mentioned  
12 about half the parking area and then --

13 Q I can see it on the plan. It's shaded.

14 A It is shaded.

15 Q Right.

16 A So, I just want to clarify that it is not  
17 the main entrance driveway into the Wegman's, not the  
18 circle and not the area in front of the Wegman's north  
19 loading area behind the Wegman's. That would be all  
20 asphalt.

21 Q That's, that's what I said. All the  
22 access roads and all the driveways have impervious  
23 asphalt?

24 A Yes.

25 Q And, so what's the pervious coverage? Is

1 that, is that concrete or asphalt also?

2 A Yeah. Right now it's proposed as pervious  
3 pavement. I don't think we've -- we do have a detail.  
4 That material can change with the specification.

5 Again, they act very similar. One, the concrete  
6 is not a flexible pavement. I will say that we will  
7 probably, that we are proposing a flexible pavement  
8 because of some of the detailed grading that takes  
9 place.

10 There are a lot of creative materials in terms  
11 of the pervious pavement. But, right now there's a  
12 specification in the BMP manual which we follow, which  
13 says how much binder course you need, what the  
14 aggregate breakdown should be. So, we're following  
15 that, that specification.

16 Q Epoxy material?

17 A Yes. There's definitely a binding  
18 material that holds it together. It's just a lot less  
19 than you would use in a pervious asphalt which gives  
20 it those voids.

21 Q Now, the underneath also acts as sort of a  
22 detention part?

23 A That's correct.

24 Q How much gravel is underneath the  
25 pavement?

1 A Right now the detail calls for about a  
2 foot. And, that is, that is a lot compared to, you  
3 know, the model of the five-year storm event.

4 So, we're very conservative on our model.

5 So, Mr. Del Vecchio is flipping through the  
6 detail but I can recollect, from the design that we  
7 did, that the pervious pavement has about one foot.

8 So, in terms of the void, you know, if it's 40  
9 percent void, that will hold about 5, 4 1/2 or 5  
10 inches of rain. It's a very significant rain event  
11 that could get into that, into that gravel bed  
12 underneath is stable.

13 MR. VOGT: Thank you very much.

14 I think that's all I have, Mr. Chairman, right  
15 now.

16 CHAIRMAN DEFINTO: Thank you.

17 Mr. Webber.

18 MR. WEBBER: I have one quick question on  
19 the pervious material.

20 EXAMINATION BY MR. WEBBER:

21 A Yes.

22 Q What is the lifetime or life span?

23 A I believe that's discussed in the storm  
24 water, the maintenance manual.

25 And, I don't know if I have that answer off the

1 top of my head.

2 Again, based upon the specification, I believe  
3 they call for 5 to 10 years.

4 Now, we are proposing that, in the most remote  
5 parking area of the Wegman's. So, it gets less use.

6 So, it could extend the life of that material.

7 That's why we pushed it away from the Wegman's  
8 building. So, it gets the least amount of use, we  
9 don't bring it into the circulation areas.

10 So, I would think we would be on the upper side  
11 of that 5 to 10 year range for that pervious material.

12 So, I would have to clarify that. I don't have  
13 that at my fingertips.

14 Q Even if it is 10 years, it would have to  
15 be completely replaced?

16 Can it be -- how is it, you know?

17 A You know, it's like any asphalt surface or  
18 any other surface, it's monitored. If you see the  
19 cracking, if you see the problems, it needs to be  
20 replaced.

21 You know, during construction, it's, you can  
22 extend the life of a pavement surface if you do a very  
23 good job preparing the sub grade soils.

24 So, all that plays into it.

25 So, depending on, you know, what, what is

1 witnessed in the field when you look at it and then  
2 determine whether or not you need to replace it, maybe  
3 it's all in sections. Maybe it doesn't all have to be  
4 ripped up.

5 So, there is a lot of factors that go into it.

6 But, again, the manuals say one thing. Some of  
7 the pavement depends on climate and everything and the  
8 severity of the winters that we get. So, it's just a  
9 range. So, I would say we would be on the high end of  
10 that range.

11 Q So, if it needs to be replaced, is it a  
12 smooth patching? Because, what I'm worried about is,  
13 if you're going to replace sections, you're going to get  
14 humps and bumps that look like a patchwork quilt and  
15 it looks awful.

16 A I can't say how it's going to go. But,  
17 you know, if it, if it gets used regularly in the same  
18 amount, you would tend to see the same cracking in  
19 different areas and you would come to a point where  
20 you'd say that this surface, in its entirety, needs to  
21 be replaced.

22 If there's a problem area that needs to be  
23 replaced right away, maybe that -- and everything else  
24 looks good, maybe that problem area may need to be  
25 replaced. But, I would only be guessing as to how it

1 would go about.

2 But, no, it's not necessary to replace the  
3 entire asphalt surface if there's a problem area.

4 MR. WEBBER: Okay. That's all I have for  
5 right now.

6 CHAIRMAN DEPINTO: Okay. Thank you.  
7 Mr. Lintner.

8 MR. LINTNER: No questions. Just a quick  
9 comment that the grading plan certainly gave me some  
10 second thoughts about those wonderful walkways.

11 There's going to be quite a slope on those walkways  
12 based upon the grading plan which is absolutely  
13 correct but they certainly didn't, aren't depicted  
14 that way from what we looked at on the original  
15 drawings.

16 That's my only comment. No questions.

17 CHAIRMAN DEPINTO: Well, okay, following  
18 up on that.

19 With that grading plan and those walkways,  
20 obviously, we don't want to eliminate those walkways.

21 Are you suggesting, Bill, that there has to be  
22 steps installed?

23 MR. LINTNER: Just there's going to be --  
24 if I'm going to be taking, I'm going to be walking  
25 east all the time. I won't be walking west. There's

1 a lot of uphill and particularly in the --

2 MR. WEBBER: Up the hill.

3 MR. LINTNER: -- particularly in that area  
4 where we have that little transition from the side of  
5 Wegman's down to the Borough's property, there seems  
6 to be a significant number of steps that are coming  
7 down right there.

8 It actually looks like you're on a cliff when  
9 you're walking down towards it, towards the property,  
10 if I'm reading that drawing correctly.

11 CHAIRMAN DEPINTO: Mr. Dipple.

12 THE WITNESS: May I comment on it?

13 CHAIRMAN DEPINTO: Sure.

14 THE WITNESS: Well, if I could -- if you  
15 could bring up the grading plan.

16 First of all, we took great care so that the  
17 sidewalks do not exceed the slope of 5 percent in  
18 running slope, okay, and 2 percent in a cross slope  
19 which is actually kind of an ADA -- there's an ADA  
20 requirement that the 2 percent cross slope. The  
21 running slope you try to keep it as high as 5 percent.

22 But, along Grand Avenue which isn't depicted and  
23 you don't have to change it, but along Grand Avenue  
24 ADA says, well, if the slope of the road is 10, 12  
25 percent you can't make your sidewalk 5 percent.

1 So, we've taken great care. And, you can see  
2 here, there's a sidewalk that runs from Mercedes and  
3 runs down the side of the retaining wall.

4 And, these contour lines which show the grade, I  
5 kept them as far off as I could in order to keep that  
6 slope of 5 percent.

7 Here's the transition right here. There's a set  
8 of stairs up to the Wegman's. We have -- there is  
9 close to 15 feet of grade change at this location  
10 right here. And, that's just the way the site slopes.

11 So, we have a set of stairs that leads you from this  
12 walking path up into the Wegman's from this side.

13 But, everywhere else, you can see the contour  
14 lines here spread out, across the back spread out. It  
15 goes around the four bay.

16 But, even throughout the site, we don't have  
17 more than 5 percent coming down in the road, a much  
18 milder slope coming through at 3 percent across the  
19 site. And then, even here along Mercedes Drive, we  
20 try to keep everything at a maximum slope of 5 percent  
21 in order to comply with ADA.

22 MR. LINTNER: The sidewalk that connects  
23 to the Borough property down at the bottom on the  
24 south side there.

25 THE WITNESS: It's tough to see on that

1 map but we have shown a small sidewalk.  
2 MR. LINTNER: It's sort of like where all  
3 those contour lines come together.

4 THE WITNESS: Right here? I just can't  
5 see. It's not the -- I think, I think the connection  
6 to the Borough needs to be worked out on the Borough's  
7 side also. And, I think we're showing that a  
8 connection is anticipated -- well, it's required by  
9 the ordinance actually. And, we want to make that  
10 connection.

11 But, I think there needs to be some work done on  
12 the Borough's side to make that work. So --

13 But, you're right. It's kind of in that area.

14 MR. LINTNER: Okay. Thank you, Mr.

15 Chairman.

16 MR. PREISS: Could I respond on that?

17 CHAIRMAN DEPINTO: Yes.

18 MR. PREISS: There's, there's two ways.

19 You can, you can take the short cut but you'll  
20 probably get to that point where you're probably going  
21 to need to go up some stairs or you can go out to the  
22 street. And, it's a much flatter at that particular  
23 point.

24 So, it's half a dozen of one and six of the  
25 other. You can either do a short and steeper version

1 or a longer, flatter version.

2 MR. DIPPLE: And, this is, this is the  
3 Borough Hall property line right here. So, our access  
4 point is kind of in the middle and over on the side.  
5 Here, this is the nature center and these are property  
6 lines of the nature center.

7 MR. LINTNER: I always find it tricky when  
8 you see a single piece of property with a bunch of  
9 contour lines coming together against an adjoining  
10 piece of property and there's indication of what's  
11 happening there.

12 And, that grade is all being moved to provide,  
13 and so there does have to be something on the Borough  
14 property to hit that sidewalk.

15 CHAIRMAN DePINTO: I think we're going  
16 have to ask Mr. Hipolit to generally investigate this  
17 area because it's lacking in detail. And, listening  
18 to the testimony of the first two witnesses, in the  
19 connectivity between the Borough property and the  
20 subject property, it's going to be important that it  
21 works.

22 So, Craig, if you can make note of that.

23 MR. HERMAN: Thank you.

24 CHAIRMAN DePINTO: Okay. Thank you.

25 Mr. Councilman.

1 COUNCILMAN GHASSALI: Thank you.

2 EXAMINATION BY COUNCILMAN GHASSALI:

3 Q I have a few questions on the, the slope.  
4 If you were to look at the site now, the way it  
5 sits, where is the steepest intersection?

6 A Well, again, the -- I think what you're  
7 referring to are the non man-made areas. Because,  
8 these gray areas are all the steepest areas above 15  
9 percent but they're all man-made.

10 So, the steepest area of the site lies right in  
11 the middle of the site, just to the east of the, the  
12 existing farm stand building and then just to the east  
13 of this gray area here.

14 We have an area here where we get some pretty  
15 steep slopes. It kind of matches up with a kind of a  
16 hump out here in Grand Avenue. You can see that  
17 coming off of Paragon Drive. It kind of flattens out  
18 a little bit here and it really picks up as you  
19 approach Mercedes. It really is a lot steeper as you  
20 get closer to Mercedes.

21 But, in this area you see some very severe  
22 slopes, not, not quite up to 15 percent but I don't --  
23 I'm not I would guess about 10, 12 percent.

24 Q So, it could help if we could just  
25 visualize this. I'm not too good with 2 percent and 5

1 percent.

2 If you stand at the south, the south side of the  
3 property, the east side, and you're facing north on  
4 West Grand, from that point all the way to the top,  
5 how many feet do you think that slope is?

6 A Well, let me go to the board and I can  
7 tell you.

8 So, at this area here, I mean it comes up very  
9 severe and then it comes up to about elevation 320  
10 where my hand is over on the east side of the  
11 property.

12 MR. DEL VECCHIO: If you could excuse me  
13 for just a second.

14 If you could verbalize where you are on the map  
15 because the court reporter needs to get it correctly.

16 A I'm on the extreme east side of the  
17 property, about midway between Grand Avenue and the  
18 southerly property line all the way on the east side  
19 where I'm seeing an elevation of about 320.

20 As I make my way west and I stay relatively  
21 close to the southern property line, I'm up around  
22 345. So, I get 25 feet of grade change from here to  
23 here but it actually goes, it actually goes down  
24 slightly because of this hump and then picks up. So  
25 maybe, maybe a better comparison would be about

1 halfway through the property where I'm still getting  
2 about 320 and I'm up to 345.

3 So, I have 25 feet of grade change between the  
4 line close to the edge of the developed portion of the  
5 property and a line midway through the property east  
6 to west. So, it's kind of in the heart of the  
7 property. I have 25 feet of grade change.

8 I get some very severe grade change as I go up  
9 toward the northern point. That's where the total of  
10 a hundred feet of grade change comes into play when I  
11 go from the extreme east side to the extreme west  
12 side.

13 Q The 5 percent and the 3 percent change in  
14 feet, how many feet is that when you say the parking  
15 lot slopes at 3 percent?

16 A Going back to the Wegman's, the Wegman's  
17 supermarket building, the finished floor is set at  
18 Elevation 346. So, the parking lot or the drive aisle  
19 immediately to the west of that would be about the  
20 same elevation.

21 If I go to the extreme west side of the parking  
22 lot, I reach Elevation 357.  
23 So, I have about 11 feet of grade change between  
24 the front of the supermarket and the extreme northwest  
25 corner of that parking lot that services the anchor

1 retail building.

2 MR. DEL VECCHIO: Mike, what is that

3 distance between that building and the curb of the

4 property?

5 THE WITNESS: And, the approximate

6 distance about 560 feet.

7 Q So, the difference in the feet from 1,125,

8 the 3 percent represents 11 feet?

9 A It's a maximum of 3 percent. I actually

10 have milder slopes than 3 percent close to the

11 Wegman's.

12 Q But, in feet, how many feet is that?

13 A Oh, well, it would go one foot over 33 and

14 a third feet would be, would be 3 percent.

15 Q So from one -- it's confusing me.

16 MR. PREISS: Let's see if I can help you.

17 The percentage refers to the amount of vertical

18 increase over a hundred feet of distance.

19 COUNCILMAN GHASSALI: Okay.

20 MR. PREISS: So, 3 feet of vertical

21 increase over a hundred feet of distance is 3 percent,

22 5 percent is 5 feet and 10 feet would be 10 percent

23 and so forth.

24 Q Okay. And, where there's a short, then

25 that's where the retaining wall comes in?

1 A Well, yes, because when we start -- you

2 know, the whole site works together. Everything,

3 everything works together. When I come in off of

4 Mercedes Drive, I have a slope of the roadway that I

5 would like to keep and not exceed the surface slope.

6 So, it makes that roadway a nice drive aisle, safe

7 drive aisle entering the property.

8 I also have this requirement of Wegman's of 3

9 percent.

10 So, as I add all those things into the design, I

11 kind of come in at a finished floor of my supermarket.

12 And, when I compare it to existing conditions, I

13 realize that I'm quite a bit higher than existing

14 conditions because the existing DePiero farm site

15 slopes so severely, especially in that area where the

16 area I described is right about where the front of the

17 store is. So, that 25 feet of grade change lands

18 right at the front of the store.

19 So, in general, I add all those up and I realize

20 I need a retaining wall in order to support that

21 store. And, that's how we kind of started the design

22 and all the other factors come into play the lifestyle

23 and so...

24 Q So, my point then, the retaining wall, I'm

25 looking at the plans and there's a retaining wall all

1 around. It looks like a fortress.

2 A That's correct.

3 Q Is this what we're going to see when we  
4 are on Grand, we can see retaining walls?

5 A Well, there will be, the retaining walls  
6 will be visible from Grand Avenue. There's a maximum  
7 height of 15 feet for a retaining wall per the  
8 ordinance. And, there's no wall on my plan that  
9 exceeds 15 feet. I have taken great care.

10 There is only a couple places where we actually  
11 reach 15 feet, on the southern side of the Wegman's  
12 building over at the pinch point by Grand Avenue and  
13 then one location up by retail Building F, in the  
14 northern, junior anchor building, where, close to  
15 Mercedes we actually have a wall that's about 15 feet.

16 Q Thank you. All right. That's it.

17 On the worker's site, we're taking the farm and  
18 transforming it to a flat surface.

19 How much water do you think we should expect to  
20 flow from that area. I know that we have the  
21 detention and you have all the systems in place. But,  
22 how much water, how much more water should we expect?

23 A Well, I think what we look at is the peak  
24 rate of runoff. That's, that's what we're tasked to  
25 look at from the DEP standards.

1 so, for instance, if we were to increase the  
2 peak rate, then we could create problems down stream.

3 Under this design we take, for instance, the 2  
4 year storm which is kind of one that occurs once every  
5 two years hypothetically. And, we actually reduce  
6 that peak rate in half. So, we're required to do  
7 that.

8 So, when we analyze the farm fields and, and  
9 analyze the runoff, we actually cut that down 50  
10 percent under proposed conditions. And, that's really  
11 through the action of those detention basins and the  
12 pervious pavement.

13 And, then going forward, I mentioned the 10 year  
14 storm, we reduced that by 25 percent and the hundred  
15 year storm we reduced that by 20 percent.

16 Q So we shouldn't see any more water flow  
17 coming down?

18 A That's, that's correct.

19 COUNCILMAN GHASSALI: Okay. Thank you,

20 Mr. Chairman.

21 CHAIRMAN DEPINTO: Thank you.

22 Mr. Teagno.

23 EXAMINATION BY MR. TEAGNO:

24 Q Just a couple quick questions about your  
25 detention basins.

1 I'm calling them detention basins versus  
 2 retention ponds. I'm assuming that's because the  
 3 water seeps through and disappears?  
 4 A Well, it, it just is discharged out. It  
 5 doesn't --  
 6 Q So, it doesn't collect and remain there.  
 7 Is that correct?  
 8 A That's correct.  
 9 Some of the, some of the underground  
 10 infiltration basins depend on some infiltration just  
 11 for the water quality storm which is the first inch  
 12 and a quarter of runoff. But, the main above-ground  
 13 detention -- it is a detention basin. The water will  
 14 evacuate through a series of smaller openings at a  
 15 lower rate. And, that's how we control the rate of  
 16 runoff.  
 17 Q Okay. So, there's no anticipation of  
 18 water remaining in there for a period of time?  
 19 A No.  
 20 Q What's the bottom? It's kind of like a  
 21 pond. What's the bottom? Is it grass?  
 22 A Yes, it's on vegetation. We're actually  
 23 working with a landscape architect and there's some  
 24 vegetation that's proposed for the bottom of the  
 25 basin. There are trees around the edges of the

1 detention basin that blend in with the wall.  
 2 She's going to get in a little more testimony  
 3 and some exhibits on that.  
 4 Q Okay. The reason for my question is, we  
 5 have a whole bunch of geese that seems to like the  
 6 grassy areas of Montvale. And, I just wanted to --  
 7 This is going to be standing water for a period  
 8 of time that would attract those particular fowl.  
 9 I would suggest that we have maybe a grid over  
 10 it. That's all.  
 11 CHAIRMAN DEPINTO: Thank you.  
 12 Mr. Culhane.  
 13 MR. CULHANE: Yes.  
 14 EXAMINATION BY MR. CULHANE:  
 15 Q On the Environmental Impact Statement, I  
 16 thought it was quite thorough and complete. However,  
 17 I do have one comment.  
 18 On Page 13, Under H, alternatives to the  
 19 proposed projects, under Item 2, description of  
 20 alternatives starts off, under the existing zoning,  
 21 the site lies predominantly in the AAH, Affordable  
 22 Housing District.  
 23 I would suggest it's not the existing zoning  
 24 anymore. The word existing should be prior.  
 25 It's noted on Page 1, the Council approves the

1 rezoning on April 30th.  
2 A You are correct.  
3 Q On the cut and fill drawings, is it fair  
4 to say that the summary information has to be revised?  
5 A No. I think I did a poor job of reading  
6 my numbers when I gave the testimony and I apologize.  
7 I can provide -- it appears that I'll be coming  
8 back. I can provide some more detailed numbers.  
9 But, I think I am correct in that about 10,000  
10 cubic yards will leave the site if everything is  
11 constructed as depicted on these plans including the  
12 garden center.  
13 And, we have a total movement from one location  
14 to another of 237,000 cubic yards. So, again, a very  
15 significant soil movement, not a lot that leaves the  
16 site. But, I promise that I will make sure that I  
17 have very detailed numbers.  
18 (10:06 p.m.)  
19 Q For example, you don't have a calculation  
20 for the fill as such. So, understood.  
21 A Okay.  
22 Q On Drawing C-6, I noticed on the, on the  
23 perimeter setback, for Phase 1, you have 50 feet, for  
24 Phase 2 you have less than 50 feet. Yet, the total  
25 comes out to 50 feet.

1 I suspect it's, we're dealing with decimal  
2 points on this. But, could you explain how we came  
3 out to a total of 50 feet when one of these elements  
4 is less than 50 feet?  
5 A I think, I think my carrot is heading in  
6 the wrong direction. I think it should be greater  
7 than 50 feet. I think it's a preliminary --  
8 Q I tend to agree. When I look at one of  
9 the drawings, it appears to be beyond the 50 foot  
10 perimeter line. But, going by the table, I figured  
11 that extra foot.  
12 A I, I appreciate it. I think it's a typo  
13 and we will fix it to be greater than 50 feet or I can  
14 provide the actual closest building.  
15 And, again, that was submitted as preliminary  
16 but, but, yeah, that should be corrected.  
17 Q I notice on the plan for the Wegman  
18 parking area there's several areas Xed out. I assume  
19 that's for cart corrals, cart storage?  
20 A That's correct.  
21 Q On drawing -- well, you didn't really  
22 testify on Drawing C-28. That's the emergency  
23 movements.  
24 But, one comment there, I thought Building F  
25 should have some additional detail. It came to like a

1 dead-end, that Building F.

2 And, I would anticipate that they need some  
3 turning movement to get full frontage on Building F.  
4 Well, could you tell me the sidewalk along Grand  
5 Avenue, what's that going to be constructed of?

6 A We're working closely with the landscape  
7 architect. She has some areas where there is pervious  
8 sidewalks, some where there are concrete sidewalks.  
9 I, I believe the greater portion of the sidewalk  
10 that runs along Grand Avenue will be concrete. But, I  
11 believe they have just resubmitted some drawings. I'm  
12 not entirely sure about that.

13 And, then I think I, I think I leave it -- I say  
14 6 foot sidewalk on my plans because I know that the  
15 landscape architect, who is also doing the hard scape  
16 design, has made a few changes to her design.

17 So, if you don't mind, I would like to just --

18 Q No. No. The reason I really asked the  
19 question, if I may, is on Drawing C-24 there's a  
20 detail for concrete sidewalk within the Bergen County  
21 right-of-way.

22 A Yes.

23 Q And, it indicates bituminous concrete.

24 A That, that is a standard detail that we're  
25 required to put on the plans for Bergen County but, it

1 may change.

2 Q And, if I may, on that same detail, it  
3 indicates that, the distance from the curb to the edge  
4 of the walk. It's variable. And then, penciled in it  
5 says 5 feet 4.

6 What would be the minimum distance from the curb  
7 to the edge of the sidewalk?

8 A Well, the -- Bergen County has commented  
9 on our design and they have told us that they would  
10 like 5 feet between the sidewalk and the curb.

11 So, there would be a 5 foot grass area. And,  
12 then, the sidewalk which runs down along Grand Avenue  
13 is slated to be 7 feet wide. That's part of it.

14 Q If I may, that will be at least 5 feet  
15 minimum?

16 A 5 feet minimum grass area?

17 Q Yes.

18 A Yes. Yes.

19 Q I would suggest maybe it be 5 feet minimum  
20 instead of 5 feet or variable.

21 A I think we have a standard detail that,  
22 that we put on our plan. And, if we need further  
23 clarification on that, we'll, we'll fix that up.

24 But, a lot of times the standard details have  
25 some notes we don't always agree with, so...

1 Q The other thing I happened to notice is  
2 you're using granite curbs on the property?  
3 A We're using a Belgian block curb.  
4 Q Sorry, Belgian block.  
5 A It's granite.  
6 Q And, I didn't particularly see a detail  
7 for the Belgian block curb.  
8 A Okay.  
9 Q Perhaps you may want to have them in?  
10 A Okay.  
11 Q And, on the retaining walls, are you going  
12 to be using the geotech fabric?  
13 A No. It's a, it's a pretty bulky wall.  
14 It's a gravity wall. The base of the wall is a large  
15 stone, 50 feet -- excuse me, 60 inches in length and  
16 then they have standard zone sizes going up from 60  
17 to, I believe, the next step up is at 41 inches. And,  
18 it gets smaller as you go up.  
19 So, structurally, it depends on the weight of  
20 the stone to retain the soil. It doesn't have --  
21 there are models that have the geo fabric. But, the  
22 talk to the stone manufacturer who we're intending to  
23 use, and we can do this without geo fabric.  
24 MR. CUHANE: I have no other comments at  
25 this time, Mr. Chairman.

1 CHAIRMAN DEPINTO: Thank you.  
2 Mr. Fette.  
3 MR. FETTE: One comment.  
4 EXAMINATION BY MR. FETTE:  
5 Q On Page C-24, Mr. Dipple, you were  
6 testifying --  
7 What was the thickness of the stone under the  
8 pervious asphalt? According to this it's 6 inches.  
9 Did you say it was 12?  
10 A It's -- I'm looking at C-24 on the left  
11 side.  
12 Q Right.  
13 A Pervious asphalt, pavement section.  
14 Q Correct.  
15 A Which is just above. I have 4 inches of  
16 the pervious material.  
17 I have 4 inches minimum of choker course which  
18 kind of helps me level out that pervious, that porous  
19 asphalt. I have the filter course and, and which is  
20 12 inches.  
21 That, I believe that filter course is where we  
22 would actually do the stone, where we would actually  
23 do the detention.  
24 Q Okay.  
25 A And, then there's a filter blanket and

1 things.

2 A lot of these things are still proprietary.  
 3 You know, we look at a manufacturer of this kind of  
 4 thing and they work it and it's, it's -- so, we're  
 5 getting close to choosing a system that you actually  
 6 buy.

7 Q Right.

8 A Okay. But, brought in together. So, that  
 9 can change.

10 But, I would say that the important thing, in my  
 11 mind, is that, is that the stone below the pavement is  
 12 adequate in order to store the storm water runoff  
 13 that's anticipated to go to it. And, we'll make sure  
 14 that it is.

15 Q Okay. As a, as a point of reference for  
 16 the Board Members, when we approved the Lifetime  
 17 Fitness application, they're putting down 14 to 16  
 18 inches of that stone which is going to be the  
 19 reservoir course. And, if I remember their testimony  
 20 correctly, they were quoting a 15 year life on that  
 21 and you were quoting a 5 to 10, at the high end 10.

22 A Yes.

23 Q Taking into consideration Mr. Webber's  
 24 comment about replacing it and maintaining it, do you  
 25 think it would be better if you went for a thicker

1 base and got a 15 year out of it such as what Lifetime  
 2 Fitness is doing?

3 A Yeah. I think it's possible. I wasn't  
 4 here for their testimony and I'm not entirely sure  
 5 what storm event that they're proposing.

6 I think a 14 to 16 inch base is pretty thick if  
 7 that's where they're storing.

8 Q It is. That is where they're storing it.  
 9 And, I believe, I could be wrong but I'm almost  
 10 certain, that they designed for a hundred year storm?

11 A Yeah. Well, we had originally designed  
 12 for a hundred year storm. And, it was recommended  
 13 that, that we reduce that. It's not, it's not counter  
 14 to the BMP manual design for the hundred year storm.

15 I think we originally designed for the hundred  
 16 year storm when we kept that foot in there and I was  
 17 able to do it.

18 I don't, you know -- again, I can't comment on  
 19 Lifetime Fitness. But, I will say that it sounds like  
 20 we're in the same range of, if you look at that  
 21 pavement section, it's still pretty thick. There's  
 22 still stuff underneath.

23 Q Sure.

24 A So, we could change that system to make  
 25 sure that we comply.

1 Again, we're looking at a 5 year storm versus a  
2 hundred year storm.

3 So, I think, I think we can work the design and  
4 work with Maser to come up with something that, you  
5 know, helps us meet that storm water management  
6 standard.

7 Q Okay. I mentioned it simply because  
8 Lifetime is doing their driveways now.

9 A Yes.

10 Q And, and not all their drive areas are  
11 pervious. They have certain sections that are  
12 impervious asphalt, similar to what you're doing here.

13 A Yeah.

14 Q So, it's a very similar situation and,  
15 we're going through it right now which is why I'm  
16 questioning.

17 Okay. No further comments, Mr. Chairman.

18 CHAIRMAN DEPTNTO: Okay. Thank you.

19 EXAMINATION BY CHAIRMAN DEPTNTO:

20 Q Along those lines, Mr. Herman, I'm going  
21 to ask that you speak to Andy Hipolitt with regards to  
22 the details of the pervious materials being used by  
23 lifetime and to share that with Mr. Dipple.

24 And, Mr. Dipple, upon your return -- Mr. Dipple.

25 A I apologize.

1 Q Mr. Dipple, upon your return, after having  
2 received that information from Mr. Hipolitt, be  
3 prepared to answer questions relative to that.

4 What is the most durable of the pervious  
5 materials that you are familiar with?

6 A I, I think, I think pervious concrete is  
7 probably the most durable but it's not as easy to work  
8 with. And, that's, and that, that can be difficult  
9 when you have a large area with certain slopes and  
10 there's opinion, some comment from Maser which we  
11 concur with, you know, in terms of some of the grading  
12 and how to work those slopes with this material.

13 I think a pervious, a pervious pavement itself  
14 or, you know, asphaltic pervious pavement, I think  
15 would work fine here.

16 There's also synthetic pervious pavement that  
17 use rubber tires and things like that. We're not  
18 proposing that. We're proposing just the asphalt.

19 But, if you're asking just to find out what's  
20 the most durable, I think concrete is the most durable  
21 but not necessarily correct for every, every site.

22 Now, we are using pervious concrete for some  
23 sidewalks, though, I should, I should mention.

24 You know, that is a use that I think works best.

25 Q I think Mr. Webber brought up a good point

1 with regard to the life expectancy of the materials  
 2 that you're proposing to use on the property and with  
 3 the traffic that we believe that will be generated by  
 4 the proposed use of the property, I think we have to  
 5 be particularly careful what material is selected.

6 And, the question relative to ease of use versus  
 7 durability clearly durability wins that battle.

8 We want something that's going to hold up better  
 9 rather than something that would be easy to apply.

10 So, I think, upon your return, please be  
 11 prepared and, also, as in the past, including Lifetime  
 12 Fitness, the applicant provided the Board with a  
 13 sample of the material that was intended to be used on  
 14 that property.

15 And, as a matter of fact, they provided us with  
 16 a demonstration to show how in fact the material is  
 17 pervious and it was quite impressive. I would like to  
 18 see something similar done by this applicant as well.

19 Moving on to the EIS with respect to Mr.  
 20 Culhane's comments, more particularly on Page 13 of  
 21 the EIS, alternative to the proposed project,  
 22 Paragraph 2, you indicated that, that Paragraph 2 is  
 23 in error, for the PUD zone.

24 Is it your intention to amend the EIS to reflect  
 25 what would or could be an alternative use to the

1 project?

2 A Yes.

3 Q Okay. So, we can expect to receive that.

4 A Yes.

5 Q Okay. Let's go back onto Page 10, under  
 6 assessment, probable impact of the project, post  
 7 development environmental inventory.

8 Again, Paragraph 2, dealing with air quality?

9 You stated that the delivery vehicles will not  
 10 be permitted to idle while loading and unloading  
 11 goods.

12 Now, how is that to be accomplished on the site?  
 13 For that statement to be included in an EIS, what's  
 14 going to govern, what's going to control that?

15 A Well, well, I think, I think so far we've  
 16 had a representative from Wegman's and, if my memory  
 17 serves me correctly it was discussed and there was  
 18 some, there was a statement made that, that they would  
 19 not permit vehicles to be, to idle at the back of  
 20 their store so that would have to be policed by  
 21 Wegman's, I believe.

22 And, in general, I think the areas up by the  
 23 Lifestyle Retail where we provided loading, I think it  
 24 can be written into RSIS. It can be posted, you know,  
 25 with signage. That's a very simple way. I have seen

1 that in the past where trucks are not permitted to  
2 idle.

3 And, I think this issue has come up a number of  
4 times, from my recollection, in these hearings. This  
5 is the third hearing I think it's come up at least two  
6 times about the idling trucks. And, it's not the  
7 intent of the applicant to have idling trucks on the  
8 property.

9 So, through the, through RSIS signage and, of  
10 course, being policed, you know, by your zoning  
11 officer, I think there are mechanisms that can work.

12 Q The Borough is not privy to RSIS between  
13 the developer and perspective tenants. What the

14 Borough has to rely upon are things other than RSIS.

15 It can rely upon signage but there's no signage  
16 indication on the plan that would advise truckers that  
17 they shall not keep their engine running while loading  
18 and unloading.

19 There is no indication whatsoever on the plans  
20 that that will be a stipulation contained in any lease  
21 agreement.

22 You have to give us something that our police  
23 department could sink its teeth into with respect to  
24 that.

25 And, I think there's no better place to put it

1 than on your plan and proper signage.

2 And, when you return to this Board for further  
3 testimony, I would like to hear how, in fact, you're  
4 going to assist the Borough, not only the police  
5 department but the zoning officer comply.

6 Because, this will be a first for me to find a  
7 supermarket that doesn't have its tractor trailer  
8 trucks behind the building, loading and unloading,  
9 without keeping their diesel engines running.

10 So, how that's going to be achieved -- and, I  
11 don't think, quite frankly, I'm going to rely upon the  
12 Wegman's receiving clerk to tell the truckers to shut  
13 their motors when they pull up to make their delivery  
14 or pick up here.

15 So, I'm going to put that burden on you, Mr.

16 Dipple.

17 And then, finally, with respect to that pervious  
18 area, you indicated, in the main parking area in front  
19 of the Wegman's, which is approximately parking for  
20 some 600 cars, about half of that parking area will be  
21 pervious and the other half obviously not.

22 Why would you not make that entire parking area  
23 pervious?

24 I understand durability requirement for the  
25 access range and for the trucking area to occur behind

1 the Wegman's but, why half of the 600 car parking area  
2 not be pervious?

3 A Well, there's a number of reasons.

4 No. 1, the zoning ordinance required a certain  
5 level of or permitted a certain level of impervious  
6 coverage and a certain amount that needed to be  
7 pervious pavement is one of the, one of the ways in  
8 which you could do an impervious surface.

9 You could -- well, let me backtrack a little bit  
10 here.

11 Percentages within the ordinance of impervious  
12 coverage and then portions of that impervious coverage  
13 which had to consist of things like pervious pavement,  
14 green roofs and we comply with that ordinance.

15 In addition to that, Wegman's requested that the  
16 pervious pavement not be ground, the front of their  
17 store or around the back of their store for their  
18 operation. They have some concrete in the back. And,  
19 it was requested, not only that but that we try to  
20 bring as much of that pervious pavement up to the life  
21 style center.

22 But, it was our decision to move that pervious  
23 pavement to the rear of that parking lot and away from  
24 that in order to try to, again, extend the life of  
25 that pervious pavement and try to keep as many

1 vehicles off of it because, generally the vehicles  
2 would be closest to the Wegman's store and only in the  
3 peak times and holidays would we see that parking lot  
4 full on a regular basis.

5 So, those are the factors that went into the  
6 design. That's, that's why.

7 Q I think, as the ordinance is written, as  
8 any ordinance is written, it deals with either  
9 maximums or minimums. And, I believe what you said  
10 was your design incorporates the maximum coverage for  
11 impervious materials.

12 Is that not correct?

13 A No, it's actually not.

14 Q Okay.

15 A We are permitted 75 percent impervious  
16 coverage and the -- we're proposing exactly 73  
17 percent. We're very close but we're not to the  
18 maximum.

19 So, with that, we did the ratio the best we can  
20 with the amount of impervious surface. And, I don't  
21 know if we're exactly on it. I think we are, we're 23  
22 and a half percent where I think we're permitted to be  
23 25 percent of the pervious type surfaces.

24 So, we're not to the square foot on the maximum.  
25 We're a little bit less.

1 But, but, again, I think we use the ordinance as  
2 a guideline.

3 Q And, I think that's all it should be.

4 We're talking about good planning and the site design.  
5 And, if the greater percentage of the overall  
6 site is developed with pervious materials, with  
7 subbase that could come accommodate grade or water  
8 storage so that you could take up, as did Lifetime  
9 Fitness, take up that aging of that detention, I think  
10 that would be for the betterment of the project and  
11 the community.

12 I would ask that you reexamine that. I just  
13 don't find, quite frankly, a difference.

14 If the pervious material is a good material and  
15 one that could be and should be employed on property,  
16 I think it could and should be employed throughout the  
17 parking area and leave aside the access aisles and  
18 that loading and unloading area behind the  
19 supermarket.

20 So, could you get us some more information on it  
21 and be prepared to offer more testimony?

22 A Okay.

23 CHAIRMAN DEPINTO: With that, Mr. Herman,  
24 do you have any comments or questions of the testimony  
25 we have heard thus far.

1 MR. HERMAN: Well, at this point, we're a  
2 little premature because we received revised plans  
3 relatively late last week. We did not have a change  
4 to review the plans or prepare a report for the Board  
5 to review.

6 However, I do have one question. In your

7 testimony regarding --

8 MR. REGAN: Mr. Chairman. I'm sorry, Mr.  
9 Herman. I don't think Mr. Herman has been sworn in.  
10 This is your first hearing.

11 CHAIRMAN DEPINTO: Please.

12 MR. REGAN: Do you swear or affirm that  
13 the testimony that you give shall be the truth, so  
14 help you God?

15 MR. HERMAN: Yes.

16 MR. REGAN: Thank you.

17 CHAIRMAN DEPINTO: Just for the record,  
18 Mr. Herman, just your name and your position with  
19 Maser.

20 MR. HERMAN: My name is Craig Herman.

21 And, I am a Project Manager with Maser Consulting.

22 CHAIRMAN DEPINTO: And, you are a licensed  
23 engineer in the State of New Jersey?

24 MR. HERMAN: Yes, I am a licensed P. E. In  
25 the State of New Jersey.

1 CHAIRMAN DEPINTO: Very good. Thank you.  
2 Please continue.

3 EXAMINATION BY MR. HERMAN:

4 Q Regarding your testimony of the EIS, in  
5 our first report, which I believe there was no  
6 revisions to the EIS since that report was prepared,  
7 we had a question regarding the possibility of there  
8 being orchards between say 1953 and 1986, from  
9 historical areas we had looked at. And, I was  
10 wondering if you had done any testing for the soil,  
11 due to any possible pesticides that may have been  
12 used.

13 A I have not personally done that. Our firm  
14 doesn't do that type of testing. Excuse me.

15 I -- excuse me. I, I know that a Phase 1  
16 environmental assessment has been prepared for the  
17 site. I have only, I have only reviewed it. I  
18 haven't prepared it. I am not the expert on it. But,  
19 I know that that is something that has been prepared.  
20 Okay.

21 MR. HERMAN: I have nothing further until  
22 we can review the final report.

23 CHAIRMAN DEPINTO: Mr. Preiss, do you have  
24 anything?

25 MR. PREISS: I don't have anything.

1 But, I think following up is when that Phase 1  
2 is, that Phase 1 assessment is available for the  
3 Borough to look at so we can determine whether there  
4 are contaminants or residues that have to be cleaned  
5 up as part of the construction process.

6 MR. DEL VECCHIO: We can -- we'll take a  
7 look at it but, obviously, whatever is out there, we  
8 will comply with all the deregulations to address any  
9 soil issues.

10 The Borough may be aware there are monitoring  
11 wells on the property putting on that, by the Andy  
12 Harmon situation in town.

13 I think they're deep groundwater monitoring  
14 wells, soil related, but these are on the southerly  
15 end of the property where his property abuts the  
16 Borough property.

17 MR. PREISS: I just think that -- the  
18 Environmental Impact Statement is a disclosure  
19 document. There's -- the reason why it's done is  
20 basically to disclose whether there are any  
21 environmental issues. So, just saying you will  
22 comply, we will comply with safe regulations that  
23 doesn't really disclose what I think should be  
24 information that's made available.

25 So, I think either you should provide the

1 assessments or if the assessment does indicate there  
2 are contaminants on the property, I think that should  
3 be included in the revised EIS.

4 MR. PREISS: I don't have any other  
5 comments on Mr. Dipple.

6 CHAIRMAN DEPIUNTO: Okay. Mr. Regan.

7 MR. REGAN: No questions.

8 MR. WEBBER: I have another question for  
9 Mr. Dipple on the Phase 2 garden center.

10 THE WITNESS: Yes.

11 EXAMINATION BY MR. WEBBER:

12 Q What is the timing of that?

13 A I don't -- I can't really answer that  
14 question. The developer is probably better to answer  
15 that question.

16 Right now we're only seeking preliminary site  
17 plan approval. And, I know that he's diligently  
18 seeking a tenant to occupy the garden center.

19 Q The question is, you're going to be moving  
20 X amount of soil to that area.

21 Will it be left undeveloped if Phase 2 is 6  
22 months or a year down the road?

23 A It's -- actually, we're removing soil from  
24 that area and there's a potential that no soil has to  
25 be removed from the site in the initial phase.

1 Because, again, where the soil comes from, that may  
2 come from the severe grade off of Phillips. That our  
3 analysis shows that, if it's not developed, initially  
4 soil may not have to leave the site at all.

5 But, but when we, when the applicant comes back  
6 in for final site plan approval for Phase 2, it may  
7 show that soil has to be removed at that time.

8 Q So, with that big hump of soil that's at  
9 that corner --

10 A Yes.

11 Q -- that's going to be regraded into the  
12 property or into the project?

13 You're only saying you're moving 10,000 cubic  
14 yards or possibly 10,000 cubic yards?

15 A If we were to construct the garden center  
16 and as I show it right now, we would have to remove  
17 about 10,000 cubic yards. But, it wouldn't have to be  
18 necessary if that site was not developed initially.

19 So, it would remain.

20 Q So, it would just be left as it is?

21 A Well, it appears right now it's an  
22 agricultural field. It's actually farmed. And, it's  
23 not really like a pile of soil if -- you really  
24 wouldn't even know it's there.

25 Q So, the parking lot wouldn't be developed

1 either?

2 A That's correct.

3 Q It would just be left --

4 A Right. Yes. Phase 2 would all come upon  
5 the final site plan approval.

6 Q My question, I don't want it to become a  
7 catchall for the debris and extra soil and extra  
8 whatever is left there.

9 A I, I think it's -- actually, soil would  
10 have to be removed from there. I don't believe that  
11 that area would be a soil deposit area.

12 I think we have to move soil in one place to  
13 another on the site in order to fill underneath the  
14 Wegman's building. So, I don't think excess soil is,  
15 is an issue for Phase 1.

16 And, again, I show overall a removal of soil  
17 from the site not, not in excess. But, in -- I'm  
18 sorry, mostly from that, from that area.

19 MR. WEBBER: Okay. Thank you.

20 MR. PREISS: Can I just follow-up on that?

21 EXAMINATION BY MR. PREISS:

22 Q I think, I think what Mr. Webber is  
23 indicating is that they don't want that portion of the  
24 site to be unsightly.

25 A Understood.

1 Q So, would you agree to regrade that area  
2 and, you know, have some kind of surface, if it's for  
3 more than a year or two years?

4 A No, I don't, I don't think it would be  
5 necessary. The reason it wouldn't be necessary is  
6 remaining in its natural state as is which I think,  
7 you know, regrading it, I think it would just disturb  
8 soil that doesn't need to be disturbed.

9 If you go out there today, it's vegetated. It  
10 would remain that way. I'm sure it will be maintained  
11 so we wouldn't get a big wooded and unsightly area.

12 But, in terms of regrading, I don't see the  
13 necessity to regrade.

14 I can stipulate that soil wouldn't be deposited  
15 there and be left there as a stock pile is, I think,  
16 what you're getting at.

17 Q Right.

18 A And, it wouldn't become unsightly in any  
19 way.

20 But, I, I don't see the stipulation or necessity  
21 to regrade the are.

22 MR. PREISS: Okay.

23 CHAIRMAN DePINTO: Okay. Anyone else?

24 No?

25 The Chair will entertain a motion to open to the

1 public.

2 MR. WEBBER: So move.

3 CHAIRMAN DEPINTO: I'm sorry.

4 Mr. Ghassali and Mr. Webber.

5 All in favor?

6 (Aye)

7 Any members of the public that are here that may

8 have an interest in this application and would like to

9 ask questions, this is your opportunity to do so but

10 not an opportunity to offer any comments with regard

11 to any of the testimony that you've heard this

12 evening.

13 And, if you do have any questions, would you

14 please raise your hand and identify your yourself and

15 have your questions asked through the Chair.

16 Anyone wish to be heard?

17 One second. When I'm done with the public, Mr.

18 Segreto.

19 I'm sorry. In the back. Yes, ma'am.

20 MS. BARRIE: I can sit right here. Right?

21 I have a loud voice.

22 CHAIRMAN DEPINTO: Okay. Just --

23 MS. BARRIE: Persia Barille, 31 Akers

24 Avenue in Montvale. And, I'm here as a citizen.

25 I'm going to come to every meeting because I

1 just want to understand things as they come.

2 And, okay. The first question, this pervious

3 pavement stuff has me interested. I'm a home owner.

4 I know nothing about commercial development. But,

5 common sense makes me want to ask, how long has

6 pervious pavement been used commercially?

7 Is this something that's been around for years

8 and years? Okay. That's good.

9 CHAIRMAN DEPINTO: Well, hold on, Persia.

10 Let him answer the question.

11 MS. BARRIE: I saw him shake his head yes.

12 THE WITNESS: Yeah.

13 CHAIRMAN DEPINTO: But, the stenographer

14 can't pick up a shake. We need the words.

15 THE WITNESS: Yes.

16 CHAIRMAN DEPINTO: Mr. Dipple.

17 EXAMINATION BY MS. BARRIE:

18 A Yes. The answer is yes. It's been, it's

19 been commercially used for a few decades. It's become

20 more popular recently.

21 Q Okay. Again, as a home owner, when you

22 started describing this product, I had a vision of

23 like going to Lowe's and there's bricks I've seen

24 there and they kind of have holes in the center and

25 they're very open looking. And, I thought, oh, won't

1 that be nice, a gazillion of those. I guess -- then I  
2 heard words like concrete and macadam -- asphalt.

3 So, here's my question. If that's what you're  
4 going to be using, it sounds like airy. And, if  
5 that's the case then, then you worry about the whole  
6 freeze/thaw thing.

7 So, how does this product avoid having to be  
8 replaced very frequently because of breaking apart and  
9 freezing and thawing?

10 A Based upon my research of, of this  
11 material, the material actually acts very well during  
12 cold weather because the water actually infiltrates  
13 through the product so quickly and, and finds its way  
14 to the lower levels.

15 The infiltration rate of the top level is very,  
16 very rapid. Probably the highest of the entire  
17 section.

18 So, the water gets to the bottom quick and,  
19 therefore, you don't get the surface cracking from the  
20 freezing and the thawing.

21 Q Okay. That's a good answer.

22 Totally different topic. And, I drive on Grand  
23 Avenue everyday and I can't picture this.

24 You mentioned, in talking about electrical, that  
25 it's on the opposite side of Grand Avenue.

1 Is that an accurate -- am I repeating you  
2 properly?

3 A There is a rock -- an Orange & Rockland  
4 Electric, electrical substation on the opposite side  
5 of the intersection between Mercedes and Grand Avenue.

6 Q Right. That I can picture.

7 A Yes.

8 Q But, before you made that statement you  
9 said something about the electrical service.

10 Right now where does the electrical service come  
11 from?

12 My real question is, are there telephone poles  
13 along there or is it underground service?

14 A I believe there are above ground utility  
15 poles along Grand Avenue on the opposite side of the  
16 development.

17 (10:48 p.m.)

18 Q Okay.

19 A I don't have it depicted here.

20 Q So, I'm trying to picture now, with a lot  
21 more trucks and things coming --

22 First of all, will they have to put up more  
23 poles and more lines to service a lot more buildings?

24 A No.

25 Q No? Okay.

1 So, there's no plan of needing to go under  
2 ground with any stuff?

3 A No. The plan needs to go under ground  
4 with the electric service for the proposed  
5 development.

6 Q From across the street under this new road  
7 that they just did five years ago?

8 A From Mercedes Drive.

9 Q From Mercedes Drive? Okay.

10 Last question, sneak in half of an opinion which  
11 is, I hate this term lifestyle. But, that's what  
12 you're using. I really do. I wish we could call  
13 it -- don't go through the expense of changing it on  
14 all your papers. But, it's retail stores, Wegman's  
15 and possible garden center. That's my vision of, of  
16 this.

17 Okay. The retail stores, I think it's  
18 interesting to note, and I don't know how it could be  
19 useful but maybe it could be, on Sundays that whole  
20 upper area and 300 parking spaces will be empty.

21 And, I think that's kind of a good thing. And,  
22 it might be something --

23 CHAIRMAN DEPINTO: Persia, you're making a  
24 comment. Either put it into a question.

25 MS. BARRIE: Oh, okay.

1 Well, I, I guess there isn't a question. It's  
2 an observation and you don't want observations. It's  
3 not an opinion.

4 Okay. Then I'm done.

5 CHAIRMAN DEPINTO: It's a valid  
6 observation but now is not the time to share that  
7 observation.

8 MS. BARRIE: Okay.

9 CHAIRMAN DEPINTO: But, in reality is, at  
10 this point, the applicant has not presented to the  
11 Board the tenants that may be occupying those  
12 premises.

13 Now, if they are retailers that are selling  
14 products, yes, on Sunday, in all probability, because  
15 of the County Blue Laws, they won't be able to sell  
16 dishes or whatever it is that they're selling.

17 But, if in fact it becomes a restaurant or it  
18 becomes another type of use, they would be able to  
19 occupy those buildings.

20 MS. BARRIE: Okay. Then I can put it into  
21 a question.

22 CHAIRMAN DEPINTO: Okay.

23 MS. BARRIE: What is the term lifestyle,  
24 exactly what does that mean?

25 CHAIRMAN DEPINTO: I'm going to defer the

1 question to Mr. Preiss.

2 Mr. Preiss, as to a life style center, what is  
3 the ordinance definition of it?  
4 MR. PREISS: Lifestyle retail is really a  
5 combination of retail stores which cater to both the  
6 shopping and also to entertainment needs. So, it's  
7 the kind of shopping center that people, for it's not  
8 necessarily to pick up daily goods but comparison  
9 shopping, specialty goods, restaurants, those kinds of  
10 things. And, really the orientation is, is, in this  
11 particular shopping center, is to, is to encourage  
12 those kinds of stores, not something which is  
13 typically found like in the downtown or Chestnut Ridge  
14 shopping center.

15 And, one of the main reasons why we, why the  
16 ordinance that was put together, there was a focus on  
17 those kinds of stores. It's to create kind of a  
18 vibrant, interesting shopping center that provided  
19 people with entertainment and leisure opportunities  
20 and yet didn't compete with the other parts of  
21 Montvale.

22 MS. BARIIE: Thank you.

23 MR. PREISS: You're welcome.

24 CHAIRMAN DePINTO: Okay. Thank you.  
25 Okay. Anyone else wish to be heard?

1 No. No. No.

2 Okay. Mr. Segreto.

3 MR. SEGRETO: Yes, thank you Mr. Chairman.  
4 (10:45 p.m.)

5 EXAMINATION BY MR. SEGRETO:

6 Q Mr. Dipple, I believe one of the Board  
7 members asked you this question and you did not  
8 provide an answer. And, I'm looking for an answer.  
9 And, that is the timing of construction of Phase 2 and  
10 that of Phase 1.

11 So, you can't tell us when Phase 2 is going to  
12 be constructed?

13 A I cannot.

14 Q You're not seeking final site plan  
15 approval for Phase 2.

16 Is that correct?

17 A That's correct.

18 Q I'm looking at --

19 CHAIRMAN DePINTO: Mr. Segreto, just one  
20 second. Let's get a microphone over to you. I don't  
21 know if the tape is picking anything up.

22 Thank you.

23 Q I'm looking at your zoning schedule. It  
24 seems to me that you're not complying with, it looks  
25 like, at least three of the bulk requirements under

1 the new AH PUD Ordinance. And, that is, for Phase 1  
2 you're not complying with minimum open space.

3 Is that correct?

4 A No.

5 Q Are you seeking a variance for that?

6 A Minimum open space is shown as permitted,

7 25 percent and we are proposing 27 percent of open

8 space.

9 Q Well, that's, that's at the end of Phase

10 2.

11 Right?

12 A That's correct.

13 Q There's going to be a point in time where

14 Phase 1 is going to be constructed and Phase 1 is the

15 Wegman's, the lifestyle village Phase 1.

16 Isn't that correct?

17 A Phase 2 is currently open space and would

18 remain open space. So, if it's not constructed, it

19 would just be open space.

20 So, it would be much higher.

21 Q So, you're not, you are going to comply or

22 you're not going comply?

23 A We are going to comply.

24 Q So, when you talk about your percentages

25 and your zoning schedule, those are not correct?

1 Q No. They are correct.

2 You're asking a question of an interim number.

3 And, the answer would be that we would comply with,

4 the entire area is open space, the entire 3.04 acres?

5 Q Is the same true for the maximum lot

6 coverage, you're going to be, at the end of Phase 1,

7 you're going to be at 51 percent?

8 CHAIRMAN DEPINTO: I'm sorry. Mr.

9 Segreto, could you adjust that mike, get it closer?

10 Q All right. So the same is true with

11 regard to maximum lot coverage?

12 A Yes.

13 Q So, when you report 53.23 percent at the

14 construction phase of Phase 1, are you saying that's

15 going to be a temporary condition?

16 A Well, it would be 53 percent of only 22.76

17 acres of the entire parcel. So, the other 3.04 acres

18 would remain as pervious or no lot coverage.

19 Therefore, it would be in compliance.

20 Q All right. The same is, the same position

21 with regard to maximum lot coverage?

22 A That's correct.

23 Q Because you indicate that you're going to

24 be over in Phase 1?

25 A That's correct.

1 Q Now, am I correct in looking at some of  
2 the renderings, at least the colored one anyway, is  
3 that the majority of the, majority of the open space  
4 for this project is going to be on Phase 2?

5 A The majority.

6 Q That seems to have the most green.

7 A I understand. I don't, I don't know, I  
8 don't know if I'd use the term majority. The  
9 numbers...

10 Q Well, the plan looks to me that in the, in  
11 the corner by Mercedes and Grand Avenue, up in the  
12 north, you have green area.

13 Correct?

14 A Yes. That's correct.

15 Q All right. But, the majority of the green  
16 area is located in Phase 2, where the garden center is  
17 proposed to be constructed.

18 Right?

19 A Again, I don't mean to nitpick. I don't  
20 think it's the majority.

21 I think if you're looking at a ratio, perhaps  
22 your ratio might be higher. But, I don't know if I  
23 would call it the majority.

24 The Phase 1, Phase 2 line runs just to the west  
25 of the northern most greenhouse building.

1 So, the detention basin of four bay, that green  
2 area is included --

3 MR. DEL VECCHIO: Is included in Phase 1.  
4 THE WITNESS: Is included in Phase 1.

5 A So, again, I don't have an answer to your  
6 term majority.

7 But, if you're talking about a ratio, I could  
8 see that a ratio of green space might be a little  
9 higher.

10 Q All right. How much, how much of the open  
11 space is actually the two detention basins?

12 A I, I don't have that number in front of  
13 me.

14 Q Do you know what the acreage is of the two  
15 detention basins, the size and square feet?

16 A It's tough. Bear with me while I, while I  
17 calculate it.

18 About an acre and a half.

19 (10:51 p.m.)

20 Q It's indicated that the total area, square  
21 feet area, is 117,000 roughly square feet.

22 Is that correct?

23 A Where are you reading that?

24 Q I'm, reading it from, I guess it was the  
25 RTKL computer presentation, Page 8. But, it has your

1 L2A Land Design.

2 Are you familiar with their Page 8 and the

3 numbers?

4 A I am. And, I don't have it in front of

5 me. It was an exhibit, I think, that was presented.

6 Q Now, the building that's located in the

7 northern corner of the site, in the lifestyle village

8 Phase 1, you indicate that's a 23,000 square foot

9 building, roughly?

10 A Roughly, yes.

11 Q And, do you know who the user of that

12 building is going to be?

13 A No, I do not.

14 Q I heard the term used, and I don't know if

15 you used it, that that's the junior anchor building.

16 A Yes. We referred to it as the junior

17 anchor.

18 Q There's, there's no definition in the AH

19 PUD Ordinance that defines junior anchor stores.

20 Is that correct?

21 A That's correct.

22 Q And, that junior anchor store is not going

23 to be a life style retail building, is it?

24 A Well, we just heard the definition, I

25 think it was a good definition, from Mr. Preiss. That

1 lifestyle building is a term that's used internally.

2 It's mentioned lifestyle center in the ordinance.

3 I -- it's not my definition.

4 But, I think it would qualify for life style

5 retail from the definition Mr. Preiss just gave.

6 Q Well, Buildings A, B, C, D and E were all

7 referred to as the lifestyle retail buildings.

8 Right?

9 A I think the entire area was referred to as

10 the lifestyle center in, in whole to designate it as a

11 different portion of the development from the portion

12 to the south which includes the Wegman's and the

13 parking field for the Wegman's. And, the fact that

14 zoning information is kind of done.

15 Q And, when you were designing, doing your

16 engineering for the site, you were told that there was

17 going to be a 140,000 square feet Wegman's.

18 Right?

19 A That's correct.

20 Q And, you'll agree with me that the anchor

21 retail store, as defined in the AH PUD Ordinance,

22 indicates that the anchor retail store could be a

23 supermarket and/or a maximum of a, four lifestyle

24 retail uses.

25 Right?

1 A Yes.

2 Q From an environmental impact standpoint,

3 wouldn't you agree, for this site, it would be better

4 to have four 15,000 square foot buildings as opposed

5 to a 140,000 square foot Wegman's?

6 A No, I don't, I don't believe so. I, I

7 don't really -- I can't really put my finger on any

8 section of my Environmental Impact Statement that

9 would indicate that there would be any kind of

10 improvement by having a larger or a smaller, a series

11 of smaller buildings versus the large building that's

12 proposed.

13 Q What about, what about this, if it was --

14 you'll agree with me, if it was four 15,000 square

15 foot buildings, you would only need 300 parking

16 spaces.

17 Correct?

18 A If that's correct and your math works out,

19 60 times 5, that would certainly be correct.

20 Q We would be eliminating over 400 parking

21 spaces.

22 Right?

23 A Well, I don't think so. I think there

24 would be -- we wouldn't meet the limits of the

25 property by doing that.

1 And, I think other portions would be available

2 for development and would be well within the

3 ordinance. And, those portions would also include

4 retail buildings and associated parking at that same

5 rate of five per thousand.

6 Q Thank you. But, in the area of the

7 Wegman's building and parking lot, if we put four

8 15,000 square foot buildings, you would only need 300

9 parking spaces.

10 Right?

11 A For those four 15,000 square foot

12 buildings, that would require 300 parking spaces.

13 Q Right. And, it would open up the property

14 for substantially more landscaping.

15 Right?

16 A Well, that's where we disagree.

17 Q It wouldn't?

18 A Well, if you let me finish.

19 Q Sure.

20 A That's where we disagree because there

21 would be opportunities for additional development.

22 Those four retail buildings would require 300 parking

23 spaces but they would leave a lot of room for

24 additional coverage by the zoning table which clearly

25 indicates the coverages and that, that would leave

1 room for additional building, additional parking,  
2 additional drive aisles, additional opportunities to  
3 continue that portion of the development.

4 Q Right. And, it only does that if your, if  
5 your thinking and the applicants thinking is that you  
6 have to max out this site.

7 Isn't that correct?

8 A I don't think it's maximizing the site.

9 In fact, we do fall, I think the floor area  
10 ratio and we do fall well below what is required.

11 We have .18, which is .2 or .25 is required.

12 So, as I have already mentioned to, and the Chairman's  
13 questions about impervious coverage, we're a few

14 percentages below or a few percentages below or

15 significantly 20 percent below the allowable floor

16 area to ratio. So, I don't think maximizing is the

17 definition I would give what we have accomplished here

18 on this site.

19 Q The maximum building coverages allow 20  
20 percent and you're at 19.67 percent --

21 A All right. That's correct. Right.

22 That's one. That's one.

23 Q That sounds like you maxed it out, isn't  
24 it?

25 A Well --

1 Q It's very close.

2 Right?

3 How about the maximum lot coverage, impervious  
4 surfaces, 50 percent. You're at 49.72 percent.

5 Do you think that's maxed out?

6 A Well, I think I'm talking about 73 and I  
7 was pretty up front with what I said, we're a couple

8 percentage points below the maximum.

9 Q When it comes to maximum coverage?

10 They allow 75 percent and you're at 73 percent.

11 And, that's not maxed out?

12 A Well, we have two more percentage points  
13 so, no, it's not.

14 Q You'll, you'll agree with me that four  
15 15,000 square foot lifestyle retail buildings will

16 generate substantially less traffic than the 140,000

17 square foot Wegman's.

18 Isn't that true?

19 A Four 15,000 square foot buildings versus  
20 the 140,000 would generate less traffic.

21 Q Substantially less traffic because you're  
22 replacing the supermarket use with that of these  
23 lifestyle retail buildings.

24 Right?

25 A I'm going to defer some of this, I think,

1 these answers, I believe, to the traffic engineer.

2 We did not do a traffic analysis. I'm not a  
3 professional traffic engineer. I don't testify in  
4 traffic. That's not my expertise.

5 So, I, I discussed parking and that but I think  
6 I'm venturing into traffic testimony.

7 Q And, you'll agree, you'll agree with me,  
8 with my hypothetical, instead of having a 140,000  
9 square foot Wegman's, having the four buildings,  
10 60,000 square foot lifestyle retail, if you did that,  
11 that you would have more areas to make, let's say,  
12 more town greens, like you have depicted on your  
13 plans.

14 Right?

15 A Well, I think I have answered this  
16 question two times already. And, I don't think we  
17 need to go over it a third time, I think, but --

18 Q Could you, could you, could you put more  
19 town green if you did that?

20 CHAIRMAN DePINTO: Mr. Segreto.

21 MR. SEGRETO: I know but he didn't answer  
22 it. Just say yes.

23 CHAIRMAN DePINTO: Mr. Segreto, it's now,  
24 according to the clock in the rear of this room, two  
25 minutes to 11:00. We curfew at 11:15. I have three

1 other items on the agenda that have to be dealt with.

2 I'm going to allow you one more question. And,  
3 then, when we resume this hearing, which I believe is  
4 on October 15th, I will give you the first opportunity  
5 to speak.

6 You have one final question of Mr. Dipple at  
7 this point.

8 MR. SEGRETO: I'll save it for the --

9 CHAIRMAN DePINTO: Very good. Thank you  
10 very much.

11 Okay. This meeting -- members of the public  
12 that are here, that have an interest in this  
13 application, please be advised that this hearing will  
14 be carried to October 15th which is a special meeting.  
15 No. It's our regularly scheduled meeting. It's two  
16 weeks from tonight. No further notice other than this  
17 announcement will be given to you.

18 MR. SEGRETO: And, Mr. Chairman, there  
19 will be a special meeting on the 22nd, right, for  
20 this?

21 CHAIRMAN DePINTO: Yeah. We have  
22 scheduled one for the 22nd. That is correct.

23 Thank you very much more coming.

24 (The matter adjourns at 11:00 p.m.)

25

C E R T I F I C A T E

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney or 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 this action.

BONNA LYNN J. ARNOLD, C.C.R.  
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