

PLANNING BOARD
MONTVALE TOWNSHIP
COUNTY OF BERGEN

VOLUME 4

1
2
3 BLOCK 2802, LOTS 2 AND 3,
4 300 WEST GRAND AVENUE,
5 BLOCK 1002, LOTS 3 AND 5
6 159-161 SUMMIT AVENUE -
7 MONTVALE DEVELOPMENT ASSOCIATES,
8 LLC - SHOPS AT DEPIEROS application
9 For Preliminary and Final Site Plan
10 Approval, Preliminary and Final
11 Subdivision Approval, Planned Unit
12 Development and Soil Moving Permit
13 -----

14 Tuesday, October 15, 2013
15 Council Chambers
16 12 Mercedes Drive, 2nd Floor
17 Montvale, New Jersey
18 Commencing 7:37 p.m.

19 B E F O R E :

20 JOHN CULHANE
21 JOHN DEPINTO, CHAIRMAN
22 MICHAEL GHASSALI, COUNCIL MEMBER
23 WILLIAM LINTNER
24 FRANK STEFANELLI
25 DANTE TEAGNO
26 WOLFGANG VOGT
27 CHET WEBBER
28
29 ROBERT REGAN, BOARD ATTORNEY
30 JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL
31 CRAIG HERMAN, MASER CONSULTING
32 ANDREW HIPOLIT, BOROUGH ENGINEER, ABSENT
33 KENNAN HUGHES, PHILLIPS, PERRIS & GRAYFEL, LLC
34 LORRAINE HUTTER, BOARD SECRETARY
35 RICHARD PRELISS, BOROUGH PLANNER

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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
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1 (Flag Salute)

2 (Agenda)

3 CHAIRMAN DEPINTO: We have one other item

4 on the agenda for this evening and that is the

5 continued public hearing on Block 2802, Lots 2 and 3,

6 300 West Grand Avenue, Block 1002, Lots 3 and 5,

7 159-161 Summit Avenue, Montvale Development

8 Associates, LLC, Shops at DePieros. It's an

9 application for preliminary and final site plan

10 approval, preliminary and final subdivision approval

11 planned and development and soil movement.

12 MR. DEL VECCHIO: Good evening, Mr.

13 Chairman, members of the Board.

14 My name is Andy Delvecchio, a member of the firm

15 of Beatrice Padovano on behalf of the applicant this

16 evening.

17 (8:06 p.m.)

18 As the Chairman indicated, we are here on

19 continued public hearings. When we last left off, I

20 believe it was on October 1st, we had done some but

21 not all of the testimony of Mr. Dipple. Mr. Dipple,

22 because of the lateness of the hour, was opened up to

23 questions by Board members and the public who were

24 present and we had started some questions. But, I

25 don't believe Mr. Segreto had completed his

1 questioning of Mr. Dipple.

2 So, we can conclude Mr. Dipple's questioning or
3 cross-examination by Mr. Segreto or I throw out the
4 option to the Chair and Mr. Segreto.

5 Mr. Dipple did go back and research and bring
6 back with him for this evening some additional
7 information that he was asked to refine and get firm
8 answers to last time. And, those had to do with the
9 soil quantities and the, some more information on the
10 flexible porous pavement details.

11 So, we brought that back with us this evening.

12 We can either allow Mr. Segreto to complete his
13 cross and then we'll present it or, I don't have a
14 problem if Mr. Dipple finishes those two items and
15 then we can complete Mr. Segreto's cross.

16 CHAIRMAN DePINTO: Mr. Segreto, I promised
17 that we would continue this evening, with giving you
18 permission to continue with your cross-examination of
19 Mr. Dipple.

20 Would it be your preference to hear what Mr.
21 Dipple has to say with regard to those items that were
22 just enumerated by Mr. Del Vecchio?

23 MR. SEGRETO: Yeah. I think it makes
24 sense. I really don't have a preference.

25 Whatever your pleasure is, Mr. Chairman.

1 CHAIRMAN DePINTO: Why don't we do that,
2 Mr. Del Vecchio. Let's hear from Mr. Dipple with just
3 the follow-up to the testimony that he had offered at
4 the previous meeting.

5 MR. REGAN: And, Mr. Dipple, you were
6 previously sworn on October 1st.

7 MR. DEL VECCHIO: And, if you start
8 moving --

9 MR. STEINHAGEN: Porous pavement?

10 MR. DEL VECCHIO: Soil moving plans, the
11 middle.

12 MR. STEINHAGEN: I got it.

13 REDIRECT EXAMINATION BY MR. DEL VECCHIO:

14 Q Mr. Dipple, at the last meeting, on
15 October 1st, you had provided some testimony
16 concerning the quantity of soil movement activity to
17 take place on-site.

18 Again, since there was some interruption between
19 last time and this time, let's just rewind just a step
20 or two and just make the testimony a little easier to
21 understand this evening.

22 The soil movement plans that are up on the
23 screen and were marked, bear with me a second, as A-16
24 last time, they depict the quantity of soil to be
25 moved both on, off and on to the site.

1 Correct?

2 A Yes. The plan that's up on the screen
3 right now is kind of the basis for the raw
4 calculations. This is the very common methodology for
5 calculating soil movement. And, it's commonly
6 referred to as the grid method, where you divide the
7 site into equal squares. You determine what the
8 change in elevation is at the intersection of all the
9 lines. You average to the four corners of each square
10 and multiply it times the area. And, it gives you
11 the, the actual soil movement cut or fill, within
12 that, that small square and then, if you go to the
13 next sheet.

14 MR. DEL VECCHIO: Dan.

15 A We use a spread sheet to cal, do all those
16 calculations for us. And, it gives a little key in
17 the lower left hand corner that describes exactly what
18 I said, you know, adding the four quadrants to the
19 four corners together and then averaging them and then
20 multiplying by the area of the square and then we
21 total them all on the right side of the page. That's
22 the small red numerals that you see on the right side.
23 And, my apologies fumbled with the numbers a
24 little bit in my testimony the last time. But, I have
25 totaled, I totaled the numbers in the right-hand

1 column and, and throughout the grid. And, I find that
2 we have 122,884 cubic yards of cut. And, the site, as
3 it's designed right now, requires 114,199 cubic yards
4 of fill and that, those two numbers, the difference
5 between those is the number that I give as the total
6 cut. So, we have a slightly larger cut which means,
7 as I described before, at the end of the day, if this
8 site was to be constructed the way I designed it, you
9 would have 8,668 cubic yards of soil to remove from
10 the site.

11 Q The removal is what we generally refer to
12 as the net export from the site.

13 Correct?

14 A That's correct.

15 Q And, those numbers are depicted on your
16 soil moving drawing that is both on the screen and
17 which we marked as A-16. You have just performed the
18 math to total the numbers up as they are existing on
19 that spread sheet.

20 A That's correct.

21 Q Okay. If we can, let's switch over now to
22 the porous or flexible paved material.

23 You have been asked several questions either by
24 members of the Board or the public concerning the
25 attributes of porous pavement. And, you have gone

1 back and produced a section of porous pavement and
2 also brought back the manufacturers --

3 You have brought back a visual depiction of how
4 the porous pavement would function on the site or on a
5 site based upon a video demonstration.

6 Correct?

7 A That's correct.

8 Q Let's start with, you brought with you
9 this evening a section of porous pavement.

10 If you can, hold it up for a moment and describe
11 the section for the Board.

12 I would propose that, when we're done, it's
13 going to be hard to physically mark it but we'll mark
14 it as A-19 with the Board's permission.

15 A This is about a 2 inch section of a, a
16 pervious pavement or porous pavement as it's sometimes
17 described.

18 This was provided to us by Flexipave. Flexipave
19 has been very successful in producing pervious
20 pavement throughout the industry.

21 This is made of stone. And, I believe they have
22 incorporated some tire fragments. They grind up
23 tires. And, that it has a binder.

24 But, this does conform to the New Jersey Best
25 Management Practices Manual which does describe some

1 of the finds and the gradations that should exist in
2 pervious pavement so that you would achieve that same
3 porosity.

4 So, this is a material -- and, again, I believe
5 that the, that my client is trying to land on an
6 actual material. But, they are very similar. They,
7 they work very similar to this, as I can show you.

8 And, if you can, run the video. This is, this
9 is a video demonstration. I should, I should back
10 this up, that I have done a fair amount of research on
11 porous pavement, commencing about three or four years
12 ago at Villa Nova University where we witnessed a
13 demonstration.

14 You can just keep playing it. If you can loop
15 it, that would be best.

16 So, I went to Villa Nova University where they
17 were doing a lot of studies on pervious pavement.

18 And, I can, I can testify that this is exactly what it
19 looks like when, when you run a hose or you run a
20 pitcher of water on it, that it gets absorbed very
21 quickly into the pervious pavement. And, I selected
22 this because it does resemble exactly what I'm looking
23 for, what I'm holding here, the pervious pavement
24 there and the pervious pavement section that I have
25 here.

1 Again, there are very different types.

2 As I mentioned before, there is a concrete

3 porous block. There is pervious pavement like this.

4 But, the video depicts, I believe, closest to what I'm
5 holding in my hand.

6 Q Now, Mike, all of those different items

7 that you just described, the porous block, the porous
8 concrete, the porous pavement, they all function in a
9 similar manner although their visual appearance may be
10 somewhat different?

11 A That's correct.

12 Q And, their functions or their utility is
13 that it essentially allows water, rainfall, storm
14 water, sheet flow essentially to be absorbed through
15 pavement where normally traditional pavement causes
16 the sheet flow to an inlet or to some other area of
17 the site.

18 A That's, that's correct. Beneath the
19 section of pervious pavement, there is a stone bed
20 which provides storage for storm water runoff. So,
21 the water goes through the pervious pavement, goes
22 into that storage section of stone and it is then
23 allowed to seep into or infiltrate into the sub grade
24 below. So, it does help not only for a water quantity
25 but, in fact, the DEP gives it the required total

1 suspended solids removal of 80 percent under the water
2 quality regulations.

3 I don't know if I said that right. But, I meant
4 quantity first and then quality second.

5 Q Now, you have prepared or produced a
6 section of how this would be installed --

7 A Yes.

8 Q -- as a sample for demonstration purposes,
9 obviously.

10 If you could show it.

11 A Yes. So, what I have shown here is, in
12 this hurricane vase would be a section of a typical
13 pervious pavement. And, there is a lot of schools of
14 thought exactly how the courses go. But, what I tried
15 to do is follow the US DOT section which we have
16 brought very similar to this base section.

17 On the bottom, I have just put some soil in the
18 bottom to represent the sub grade, the vase kind of
19 bends there. It might be kind of tough to see.

20 Then we would put a section of filter fabric and
21 that filter fabric will conform to ASTM M288, Type 2
22 fabric, which is meant for drainage.

23 Above that, and I used some different color
24 stones just so you could see from a difference. But,
25 this white marbly colored stone would be one that has

1 a lot more fines in it and provides a nice base for
2 the level above.

3 Now, here we have only shown 4 inches of the
4 base course. And, this gray stone in the middle will
5 be similar to what you would see as a base course or
6 the storage course I should say. And, we, again,
7 have, use 4 inches and that would have a board ratio,
8 acceptable board ratio of 40 percent.

9 Above that, we have a thin layer of filter
10 fabric and it's in there, actually. You can't really
11 see it because it's so razor thin.

12 And then, above that, I brought the same white
13 marly stone which would be a nice base, a compactible
14 base for the pervious pavement. So, the pervious
15 pavement would then sit right on top of that.

16 So, you just have to use your imagination a
17 little bit and note that that middle section and some
18 of these other sections would be just slightly wider
19 in order to provide the necessary storage.

20 Now, according to my drainage report and my
21 storm water analysis, we have run only the five-year
22 storm into the pervious pavement. So, while I'm
23 showing that it, that it really needs to handle the
24 five-year storm and anything above that would actually
25 run out.

1 I believe the pavement can handle a lot more
2 than that but the model, right now, shows the lower
3 five-year storm.

4 Q And, by using that lower five-year storm
5 and designing for everything above it through the
6 other components of the drainage system, you end up
7 with a much more conservative drainage system?

8 A Yes.

9 Q As opposed to taking credit for a full
10 hundred year storm through the porous pavement?

11 A I honestly believe so, yes.

12 Q So, at this point, we would like to take
13 the demonstration one step further and just
14 demonstrate how the section here, that we have created
15 as a sample, would actually function with the use of a
16 little bit of water.

17 MR. REGAN: Mr. Del Vecchio, are you going
18 to mark that as an exhibit?

19 MR. DEL VECCHIO: What I was going to
20 suggest is perhaps we revise the marking of A-19 and
21 include the entire section of porous pave, including
22 the vase, as A-19 rather than try to mark it
23 independently.

24 A So, I'm going to use about one quart of
25 water. And, I practiced this once or twice as well.

1 First, I'd like to just demonstrate how it
2 actually works with the pervious paved section by
3 itself. So, when I take my water and I pour it
4 through the pervious pavement section, no water is
5 really running off the side of the pervious pavement
6 section. It's only running through the porous
7 pervious pavement. You can see it's quite rapid.
8 So, what I just did is, I poured the water in
9 about 20 seconds and I poured a quart of water. So,
10 by my calculations, that's about 350 inches per hour
11 concentrated on this section of pervious pavement.
12 So, given that a five-year storm has a maximum
13 intensity of 6.1 inches per hour per the DEP, I am
14 many times, I just poured the water many times higher
15 than that five-year storm that I was referring to, a
16 hundred year storm which would exceed about 9 inches
17 per hour. Again, I might be 25 to 30 times the rate
18 that I just poured that water through.
19 And, that's why I feel, if given the right
20 amount of storage below, you know, this pervious
21 pavement could work just fine and even could lose some
22 of its porosity and permeability through the section
23 and still operate quite well.
24 And, I went back and, and re, did a little more
25 research. I even went to Flexipave and I asked them,

1 you know, based upon the last meeting, what the life
2 is. And they concurred that it was more like a 15
3 year life for this type of pavement.
4 So I think last time I, I testified that it was
5 five to 10, a little bit on the higher end because we
6 removed the pavement and Flexipave tells me it's more
7 like 15 years.
8 In fact, the US DOT manual on pervious pavement
9 does say that it would be more like 15. So, I stand
10 corrected. And, maybe I didn't do it enough justice
11 and it's more like a 15 year life.
12 So, I believe, in 15 years, given that, that it
13 can handle 50 or 60 times the rate of runoff going
14 through it, that even if it dropped a little bit in 15
15 years, it would still, it would still work just fine.
16 Q Perhaps we should just hand the
17 Flexipave --
18 A It's a little wet now.
19 Q Let me just shake it.
20 MR. VOGT: Mr. Dipple, is this
21 contaminated water that you used?
22 MR. DEL VECCHIO: Brand-new gallon of
23 Poland Springs.
24 THE WITNESS: Natural spring water.
25 MR. WEBBER: So, I ask the question again,

1 is that contaminated water?

2 MR. DEL VECCHIO: So, with the
3 demonstration on the Flexipave completed, I think the
4 only other items, we need to mark the video.

5 Mr. Regan, I don't think we literally marked
6 porous pave.

7 MR. REGAN: As A-20?

8 MR. DEL VECCHIO: As A-20, yes.

9 And, with that item concluded, that was the
10 fill-in testimony that we wanted to kind of fill in
11 the blanks from the additional questions that were
12 raised at the last meeting.

13 So, Mr. Dipple would be available, once again,
14 to the Board and members of the public and Mr. Segreto
15 for questioning.

16 CHAIRMAN DePINTO: Okay. Very good.

17 Thank you.

18 I'm first going to go to members of the Board,
19 starting with Mr. Stefanelli.

20 Do you have any questions of Mr. Dipple?

21 EXAMINATION BY MR. STEFANELLI:

22 Q Just that maybe I missed it. But, are
23 there restrictions on, on the products for, I would
24 say, like snow removal, sand, you know, what about
25 regular road debris?

1 A We do have and we did provide a Storm
2 Water Management Maintenance Manual which does include
3 pervious pavement. It recommends a maintenance
4 program for pervious pavement for, which includes
5 sweeping, vacuuming. And, it also describes what you
6 should be looking for in terms of, you know, pervious
7 pavement, if you see pond and you see, you know, these
8 things that, that could indicate trouble with the
9 pervious pavement.

10 But, again, not only what, not only the research
11 I've done in the past but research at the beginning
12 of, of this project and before we even recommend it or
13 put it on the plans, I also researched how it performs
14 in cold climates.

15 And, you know, the University of New Hampshire
16 and Penn State University are probably on the
17 forefront of pervious pavement research. And, I read
18 some of their material. It actually works quite well.
19 And, I actually testified at the last meeting that
20 allowing the water to get down into the lower sections
21 provides a means for it to kind of escape the surface
22 and, therefore, it's provides less surface crack.
23 And, as water expands, it can find its way out some of
24 those vines.

25 So, it actually performs quite well in cold

1 weather.

2 Thank you.

3 MR. DEL VECCHIO: Thank you.

4 CHAIRMAN DEPINTO: Thank you.

5 Mr. Vogt.

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

7 EXAMINATION BY MR. VOGT:

8 Q Mr. Dipple, I think you did an excellent
9 presentation with this, with this porous thing, quite
10 impressive on the screen as well.

11 A Thank you.

12 Q I think the infiltration rate is rather
13 high.

14 But, I do have a few questions.

15 What's the binder? You talk about binder. Do,
16 do we know what the binder is?

17 A It is, it is still an asphalt binder.

18 And, again, this is where you get into the different
19 manufacturer's preferences. But, it is very close to
20 the asphalt binder.

21 I'm sure the mix is slightly different and the
22 ratio is very different.

23 So, you would use this material. And, then
24 there's a process for creating this material that,
25 that gives it some of this porosity.

1 But, again, we're proposing asphalt pervious
2 pavement. So, it's the same bituminous asphaltic
3 binder that you would see in, in regular asphalt just
4 at a different ratio. And, it likely has some
5 slightly different properties, you know, within that.

6 Q Yeah. I don't want to know any trade
7 secrets or any such thing.

8 A I don't know if I know all of them. But,
9 that's....

10 Q That's okay. I do have another question.
11 You talked about the gravel underneath which
12 acts as a reservoir. So, as it rains perhaps for a
13 day or two, that reservoir might fill up. Yes, some
14 of the water which is in the reservoir would penetrate
15 into the sub soil and recharge the groundwater.

16 However, if a -- if there is a rain fall along
17 the period of time and the ground is very saturated,
18 are you providing any pipe which goes over to the
19 detention pond from there?

20 A Yes, in fact, we are.

21 We modified our model so it only handles a
22 five-year storm.

23 So, for instance, and I think, I think you
24 actually had two different -- there's two different
25 answers to your question.

1 The first one is, I think what you're referring
2 to as antecedent runoff which means that, you know,
3 there could be a big storm which fills it and then a
4 couple days later you get another big storm and watch
5 what happens.

6 So, the DEP requires that the water drains
7 within 72 hours.

8 So, given that, including the five-year storm,
9 which is 4.3 inches of rain, not to be confused with
10 the rate that I gave earlier. But, it's a 4.3 total
11 inches of rain in Bergen County. Over 72 hours, that
12 only needs to drain at about a half of a 10th of an
13 inch per hour. So, that's an extremely low
14 infiltration rate.

15 And, in fact, there was some geotechnical
16 testing done by the applicant in order to see what the
17 subsurface looks like. And, we did see a lot of sand,
18 there is some gravel, a lot of cobbles as one would
19 expect in this area. And, I, I believe that that --

20 And, again, we have varying -- where we're
21 putting this pervious pavement, it's either sometimes
22 in a deep cut, sometimes in a fill. So, we run, you
23 know, some preliminary testing and we're getting low
24 infiltration rates but not anywhere near that low.

25 So, I believe this would work just fine,

1 allowing it to infiltrate with a five-year storm.

2 And then, if another rainfall or if a, if a --
3 to answer your second question, if a larger rainfall
4 occurs, it is designed to overflow the pervious
5 pavement into a series of inlets and to carry it to
6 the detention basin which is below the anchor retail
7 store. And, it's been modeled that way.

8 So, I think our analysis now is extremely
9 conservative given how this performs, that that's our
10 plan.

11 MR. VOGT: You answered my questions.

12 Thank you.

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

14 CHAIRMAN DEPINTO: Thank you.

15 Mr. Webber.

16 EXAMINATION BY MR. WEBBER:

17 Q One question on durability again. I know
18 I keep going back to that.

19 How, how was this with snow plowing? No issues?

20 A No, I don't, I don't believe there are any
21 issues. It's a very, very tough surface.

22 That's one of the main concerns of the

23 manufacturers is how it stands up to snow plowing. I
24 think it's a very tough surface. And, I haven't seen
25 any literature and I haven't witnessed myself exactly

1 how it performs after it's plowed but, it seems to be
2 a pretty good product all the way around.

3 Q Because, my concern is the large parking
4 lot, the snow has to be removed, whether it's -- I
5 don't know if you can just push it to the side or if
6 it's going to have to be scooped up, trucked out.

7 Do you think it will hold up to the wear and
8 tear of the, of the loader and plow?

9 A Yes.

10 Q Okay.

11 A Yes.

12 Q And, the striping on it, any issues with
13 painting --

14 A No.

15 Q -- for the lines?

16 A No, no issues for painting on the top.

17 MR. WEBBER: Okay. Thank you. That's

18 all.

19 CHAIRMAN DEPINTO: Thank you.

20 Mr. Lintner.

21 MR. LINTNER: Thank you. Just one

22 question.

23 EXAMINATION BY MR. LINTNER:

24 Q When this pavement approaches it's useful
25 life, whether it be 12 or 15 years, how do you know?

1 What, what happens to it at that time?

2 A Well, there are some indicators. There
3 could be, you know, there could be some problems with
4 the drainage.

5 For instance, if it's not infiltrating the way
6 it's supposed to in a small storm, you see ponding.

7 You see water coming about. It means there's
8 something wrong with its base course.

9 If it's the top course, it wears just like
10 regular asphalt. You will get areas that, over time,

11 you know, we're using this in vehicular areas
12 throughout the upper parking lot and you will have

13 some of the same turning movements so it will wear and
14 start to crack.

15 I think this could be repaired, though, in
16 sections or a large section or overall, you know, the

17 entire area.

18 But, I don't, you know, I think it, I think it,

19 from what I've read about it over its life, it kind of
20 wears and shows the same signs as regular asphalt.

21 MR. LINTNER: Okay. Thank you.

22 CHAIRMAN DEPINTO: Thank you.

23 Mike.

24 COUNCILMAN GHASSALI: Thank you, Mr.
25 Chairman, just a follow-up.

EXAMINATION BY COUNCILMAN GHASSALI:

Q 15 years this would be changed, you have to pick up the parking?

A Well, it's, it's just an average. So, you know, if it stands up well, if it's put down well, it could be more than 15 years.

So, I think it's something that the applicant is going to have to watch and know when it becomes unsightly or unuseful or, you know, unsafe and then that's when it needs to be replaced or.

So, I'm saying the industry is saying that about 15 years is the useful life of pervious pavement but it could be longer, it could be shorter.

Q So in 15 years, if you're still -- if we're still here, we would know if the water is running through or actually going through?

Is there a test every year that you could be doing?

A No, I don't think it's tested. I think, from a, from an infiltration, if you're talking about the infiltration of it, the infiltration, there are signs. After a storm you see ponding water on the surface, you really shouldn't. And, you should know about how big a storm we had.

If we had a 9 inch storm or another hundred year

storm and there's ponding on the surface, well, that may be expected because it was such a large, a large storm.

If it was a 1 inch storm and you saw that water was kind of bubbling up through here you know that there's a problem with the surface.

So, I, I think, I think there are telltale signs. But, again, the surface would be just like regular asphalt, the same signs you see in asphalt, rutting, cracking, you know, where the joints are put together, where you see separation of the joints from paving, that's a common failure in asphalt.

These are all common to this type of asphalt, too. So, it's very similar to asphalt.

In fact, I think the life of this, you know, can be actually longer than regular asphalt.

I see a lot of parking lots that are replaced in a short amount of time, 5 to 7 years. And, this is given 15 years. You know, this could stand up a little bit longer than even regular asphalt.

Q I guess my question is, you don't want to see any more water going through the streams than we have now. And, what you showed us, that demonstration, shows water going, you know, through it, it stays there and it's disbursed.

1 In 15 years, 17, 20 years, at some point that
2 has to be changed. That's my question, I guess. We
3 have to change that --

4 That standard is not the same as you showed us
5 now?

6 A Yes. I think it has to be watched. But,
7 again, we're, we're only looking at the 5 year storm
8 event. That it's. You know, everything has been
9 modeled.

10 So, this large detention basin that we have at
11 the back of the Wegman's and the two underground
12 basins really provide that water quantity, reduction
13 that I referred to, that I'm, that I'm bound to
14 provide, because of the New Jersey Storm Water
15 Management Rule, those, too, need to be maintained.

16 So, there's maintenance on the basins, there's
17 maintenance on the asphalt that we have plus the
18 pervious and the non pervious asphalt.

19 So, the site, in general, needs to be watched
20 and, if a problem is perceived and, and we see a lot
21 of runoff after a small storm, then it should be
22 checked.

23 COUNCILMAN GHASSALI: Mr. Chairman, a
24 question of you. A bond, like we for residential, 10
25 year bond or 15 year bond.

1 CHAIRMAN DEPINTO: Mr. Regan.

2 MR. REGAN: I think it may be something
3 that the Board should consider.

4 An issue I would have is what would be the
5 amount. We have testimony of replacement costs after
6 the life of the, of the improvement.

7 COUNCILMAN GHASSALI: Okay. But, that's
8 standard.

9 MR. REGAN: We don't do it now, typically
10 we don't. But, typically we have developers with
11 asphalt pavement.

12 COUNCILMAN GHASSALI: Okay.

13 CHAIRMAN DEPINTO: This is new. And, we,
14 we have used pervious pavement elsewhere. Most
15 recently with Lifetime Athletic.

16 But, I think that's a valid suggestion. And, we
17 may have to look into that when that time comes.

18 COUNCILMAN GHASSALI: Thank you.

19 CHAIRMAN DEPINTO: Thank you.

20 Mr. Teagno.

21 MR. TEAGNO: Thank you, Mr. Chairman. All
22 my questions have been asked.

23 CHAIRMAN DEPINTO: Thank you.

24 Mr. Culhane.

25 MR. CULHANE: I have a couple questions.

1 EXAMINATION BY MR. CULHANE:

2 Q With regards to the soil calculations, I
3 assume that Sheet SML-2 is going to be revised and
4 resubmitted?

5 That's the sheet that had the summary
6 information.

7 A Yes, I think I can provide the amount of
8 cut and the amount of fill.

9 Q The other question dealing with the soils
10 in general, can you tell us basically what's happening
11 with the top soil on-site and the environmental
12 indicated that the average is about 15 inches.

13 Is it going to be stockpiled off to the side?

14 Is any top soil going to remain under the paved
15 areas?

16 A Well, I, I haven't really consulted with
17 the contractor on whether or not that, you know, the
18 soil, you know, can be blended, you know, together
19 with some of the lower soil to reduce some of the
20 percentage, some of those organics. That's something
21 that's done depending how the top soil looks.

22 And, because we have such incredible amounts of
23 soil movement, I think the top few inches would, will
24 be agricultural, you know, would likely be removed in
25 any instance.

1 But, I haven't really spoke to the site
2 contractor as to whether or not he feels he could
3 blend that in with some of the deeper soils and then
4 reduce the organics content. But, that's something.

5 Q In regards to the pavement, the area
6 that's going to be used, as I understand it basically
7 a parking area for what I consider to be relatively
8 light loads imposed by the vehicles, say, the 15 year
9 life, is that predicated on general traffic, on just a
10 parking area for cars?

11 What was the basis for the 15 year life?

12 A Well, it's, it's more industry -- I, I
13 have seen it in a number of places.

14 If my, if my memory serves me right, I consulted
15 the US DOT manual on pervious pavement or at least
16 information sheet that they publish. I don't have a
17 copy of it here with me tonight. But, they mention
18 the 15 year. They didn't really elaborate on it.

19 The industry, in a number of industry
20 publications that I looked at, including Flexipave,
21 also concurred with the 15 year life.

22 These are typically used in parking lots, areas.

23 You know, the heavy loading of the supermarket
24 was not considered for pervious pavement because of
25 the largest trucks. We have already described the

1 number of deliveries. We don't know how it's going to
2 react under, under those conditions. So we have kind
3 of limited it to just that light parking area and the
4 upper parking area.

5 And, the upper parking area will have large
6 vehicles rolling over it but the frequency will be
7 much less than, of course, the Wegman's.

8 So, I don't know where the 15 years, whether or
9 not it's, you know, constant. I wouldn't think that
10 would be under constant, heavy loaded trucks. It
11 would be probably much less than that.

12 Q Now, if it's slight loading, then, in all
13 probability, a 15 year may be conservative as opposed
14 to a 15 year life generated by average traffic
15 including trucks.

16 That's the point I was trying to make?

17 A Yes.

18 Q The other question I would have regarding
19 the pavement, looking at the sample, I would assume
20 that the friction factor for that surface is much
21 higher than you would have for the sheet asphalt?

22 A I believe so. Yes.

23 MR. CULHANE: No other questions, Mr.

24 Chairman.

25 CHAIRMAN DEPINTO: Thank you.

1 Mr. Fette.

2 MR. FERTE: Just one comment. It goes
3 back to the Lifetime Fitness.

4 If Board Members recall, part of their, their
5 approval had an asphalt maintenance program that was
6 submitted to us.

7 Should the Board act favorably on this
8 particular application, I would think we would require
9 the same thing from this applicant basically spelling
10 out how it's going to be maintained. And, I, and I
11 don't have the document. I apologize I don't have
12 their document in front of me. But, some sort of
13 asphalt management plan, I think, would answer a lot
14 of the Board Members' questions and some of the items
15 that we talked about.

16 No further comments.

17 CHAIRMAN DEPINTO: Very good. Good

18 suggestion.

19 Thank you.

20 Board professionals.

21 Craig, do you have anything?

22 EXAMINATION BY MR. HERMAN:

23 Q Just a few minor suggestions. I think it
24 would be helpful for the Board. I know you had said
25 about 8,868 cubic yards of soil will be moved off the

1 site.

2 Do you have any idea about how many trucks?

3 Do you have that yet?

4 That's one of the main things that's going to
5 be...

6 A I think it, depending on the trucks that
7 they bring, we typically see them between 10 and 20
8 cubic yards so somewhere between 867 trucks and, you
9 now, my math, 434 trucks.

10 So, I think it's somewhere in that range that
11 would, that would need to come off the site.

12 Q Okay. The other question I have is, is
13 with your sample there, I think you basically said
14 that, even those there's different color stones when
15 we build it, it would be the same kind of stone.

16 Correct?

17 A Yes.

18 Q How thick is that that you're proposing?

19 A Well, I think I would like the opportunity
20 to modify the detail. I have done a little bit of
21 research.

22 If this application was approved, I think I
23 would make that a condition of approval that I could
24 modify that detail. I have gone back and researched,
25 you know, the, the US DOT section. And, I'll try to

1 mimic that.

2 So, I, I still believe that 12 inches of the
3 larger stone followed by a bottom course up against
4 the subbase and then you have to have the top course
5 to level that off so you can pave on top of it. And
6 then, with the filter fabric.

7 So, my detail is not far off but from, what I
8 have learned in the last couple of weeks, I think I
9 might want to modify that detail.

10 But, again, it shouldn't effect my storm water
11 management model. It should just be kind of a
12 preference of the manufacturers.

13 MR. HERMAN: Okay. I think that's ---

14 CHAIRMAN DePINTO: Anything else?

15 MR. HERMAN: That's it.

16 MR. WEBBER: When you say you may have to
17 modify your model --

18 CHAIRMAN DePINTO: Okay. Go ahead.

19 EXAMINATION BY MR. WEBBER:

20 Q With the amount of rock that's in there,
21 would you be adding more?

22 A No. I said I would not modify my model, I
23 would only modify the detail.

24 Right now I have different layers. And --

25 Q But, they'll stay consistent.

1 You're not going to be adding more depth to it?

2 A No, I don't believe I need more depth.

3 Q Because, how much would that impact your
4 soil removal?

5 Because, the deeper you go, the more soil you
6 have to remove.

7 A No. I think the depth that's shown on the
8 plans would stay. The overall section depth would
9 remain the same.

10 I think what I have on the plans right now show
11 different types of stone and different ratios of that
12 stone.

13 What I would like to do is take the opportunity
14 to modify my detail to the, to have a section that's
15 closer to what the DOT recommends, the US DOT
16 recommends.

17 Q So, you wouldn't be going deeper?

18 A No.

19 Q Where you need to remove more soil?

20 A No.

21 MR. WEBBER: Thank you, Mr. Chairman.

22 CHAIRMAN DEPINTO: Thank you.

23 Mr. Preiss.

24 MR. PREISS: I don't have any questions.

25 I just wanted the Board to know, when we put the

1 ordinance together with regard to this issue of
2 maintenance of the pervious pavement section, there's
3 a requirement in the ordinance which reads as follows,
4 this is Footnote 4 to the bulk requirements where it
5 talks about lot coverage.

6 It says, upon approval, an approved bonded
7 maintenance plan incorporating Best Management
8 Practices shall be required for all pervious paving
9 surface areas to minimize porous pavement areas. So
10 that, I assume, would be one of the conditions of
11 approval.

12 That's all. Thank you.

13 CHAIRMAN DEPINTO: Okay. Thank you.

14 Okay. With that said, any other questions?

15 Okay. With that said, I'm going to open it to
16 the public. I'm accept a motion.

17 MR. WEBBER: So move.

18 MR. VOGT: Second.

19 CHAIRMAN DEPINTO: Mr. Stefanelli;

20 seconded, Mr. Vogt.

21 All in favor.

22 (Aye)

23 CHAIRMAN DEPINTO: Mr. Segreto, you're up.

24 MR. SEGRETO: Thank you, Mr. Chairman.

25 I'll stay with the pervious pavement for continuity.

CHAIRMAN DePINTO: Sure.

RE-CROSS-EXAMINATION BY MR. SEGRETO:

- 1 Q Mr. Dipple, you indicated that this
 2 pervious pavement is a tough surface and it's durable.
 3 Correct?
 4 A Yes.
 5 Q And, you have indicated that it has a 15
 6 year life?
 7 A Yes.
 8 Q Regular impervious asphalt, what is the
 9 life of that?
 10 A I think it's, it's much less. I think
 11 it's more along the lines of what I mentioned before.
 12 Depending on the use, it would be as low as 5
 13 years, as high as 10. But, I think it's, it's more
 14 like 10 years.
 15 Q And, a pervious pavement that's going to
 16 be installed on this site will handle a 5 year storm.
 17 Is that correct?
 18 A Yes.
 19 Q And, that means that there won't be any
 20 runoff from this pervious pavement as long as the
 21 storm is 5 years or below?
 22 A That's correct.
 23 Q Now the storage course and the design in

- 1 terms of 5 year, 10 year, 20 year storm, isn't it true
 2 that the larger the storage course, the greater the
 3 capacity in terms of that it can handle certain year
 4 storms.
 5 Isn't that correct?
 6 A That's correct.
 7 Q So, don't you, don't you know what the
 8 storage course or how the depth of the storage course
 9 will be for this 5 year pervious pavement?
 10 A Yes. I do.
 11 Q And, what's the depth going to be?
 12 A It's -- one second.
 13 It's about 11 inches. And, I have gone to, I
 14 have gone to 12 inches.
 15 Q All right. So, if you wanted to install
 16 pervious pavement for, let's say, a 10 or 20 year
 17 storm, you would just increase the depth in terms of
 18 inches.
 19 Right?
 20 A That's one way of doing it.
 21 Q So, 5 year storm, 12 inches of storage
 22 course.
 23 Do you know what the storage course would be for
 24 a 10 year storm?
 25 A Ahh-ahh, it would be about 13 and a

1 quarter inches.

2 Q And, I believe it was Mr. Fette indicated,
3 for Lifetime Fitness, the entire parking lot that they
4 propose is going to be pervious pavement.

5 Is that correct?

6 A Did you ask if it was the entire lot?

7 CHAIRMAN DEPINTO: I don't believe that's
8 so, Mr. Segreto.

9 MR. SEGRETO: I'm sorry. Then I
10 misunderstood. All right.

11 Q Do you know what the storage course needs
12 to be for a hundred year storm for this pervious
13 pavement?

14 A It could be as much as 22 inches.

15 Q 22 inches? All right. So, in terms of,
16 in terms of design, it just would be an added expense
17 in order to create pervious pavement for a hundred
18 year storm.

19 Is that correct?

20 A I think it would be more stone and more
21 expensive.

22 Q Right. And, it doesn't change the
23 durability of the top portion, the actual porous pave,
24 does it?

25 A Not that I'm aware of.

1 Q All of that concerns everything below
2 that.

3 Is it a 2 inch course of pervious pavement?

4 Is that -- I saw the design from here. It
5 looked like 2 1/2 inch.

6 A Well, it's over a 2 inch section but,
7 actually, I think it's thicker for the type of use. I
8 believe it's a 3 inch section of that porous pavement.

9 That's a 2 inch section. That's just what the
10 manufacturer provided.

11 Q All right. So, it may be more.

12 All right. In the life, the Lifestyle Village,
13 Phase 1, I notice that there's substantially more

14 imperVIOUS pavement than in the Wegman's parking lot.

15 Is that correct?

16 A I believe so. I don't know the ratio of
17 total pervious pavement and the, in the Lifestyle off
18 the top of my head.

19 Q Well, the pervious pavement --

20 A I'll say, I'll say it's slightly more.

21 Q Right. The pervious pavement seems to be
22 throughout, throughout the Lifestyle Village, Phase 1.

23 Correct?

24 A Yes, that's correct.

25 Q And, I notice it's, for lack of a better

1 word, it's in, it's in strips across the parking lot.
 2 It looks like there's pervious pavement.

3 What's the width of the first strip in front of,
 4 in front of the 22,000 square foot building?

5 How wide is that?

6 A Are you referring to the drive aisle in
 7 front of the --

8 Q Well, the drive aisle in front of that
 9 22,000 square foot building is impervious pavement.

10 Correct?

11 A No. No. The drive aisle is pervious.

12 Q Right in front of the 22,000 square foot
 13 store?

14 A Yes.

15 Q I don't, I don't see the dots indicating
 16 the pervious pavement there. It looks, it looks to be
 17 white without any dots on it.

18 A Perhaps your scale is...

19 Q Let's make sure we're talking about the
 20 same thing. That doesn't seem --

21 CHAIRMAN DePINTO: Mr. Segreto, you're
 22 going to have to speak up.

23 Q I'm sorry. It doesn't seem to have the
 24 dotted lines right in front of that 22,000 square foot
 25 building.

1 A I, I think the copy that you have, Mr.
 2 Segreto, is missing a number of bands. This is just
 3 the way the copy was produced at this smaller scale.
 4 It, it often happens when you, when you convert a
 5 drawing to a smaller scale.

6 But, no, the entire area of the Lifestyle Center
 7 is designed to be pervious pavement.

8 Q Including the front of the 22,000 square
 9 foot building?

10 A Yes.

11 Q All right. Now, Building E, I guess on my
 12 copy, the smaller version, there doesn't seem to be
 13 any dots indicating the pervious pavement.

14 A That's, that's correct, no pervious
 15 pavement around the circle and then around the two
 16 drive aisles on either side of the signature green
 17 space will be impervious.

18 Q And, what's the reason of not putting
 19 pervious pavement near that?

20 And, the parking lot I'm talking about is the
 21 parking lot between the Wegman's and Building E.

22 A Oh, oh, over, over to the north of the
 23 Wegman's building.

24 Q Right, to the north of the Wegman's and
 25 to, I guess it is the south of Building E. That

1 entire parking lot, on my version, doesn't seem to
2 have any pervious pavement.

3 A That, that's correct. It would be a small
4 area of pervious pavement up against Building E. We
5 didn't think that it was necessary there because we
6 wanted to keep it away from the main loading aisles of
7 the supermarket, the Wegman's supermarket so that
8 would kind of be a small area unto itself.

9 And, it's, it's closest to the retaining wall
10 also. So, we wanted to push it back so we could get
11 seepage out through the retaining wall.

12 Q Are there any manufacturer limitations
13 with regard to using this pervious pavement where,
14 let's say, 18 wheel tractor trailers are driving
15 around or through, throughout the course.

16 A No, no, not that I'm aware of.

17 Again, like asphalt, it would probably have a
18 lesser life but, no, I'm not aware that it's not used
19 in, in heavily trafficked area.

20 Q All right. So, if there's no limitations
21 on, on the heavy traffic areas, why not, why not use
22 the pervious pavement throughout the Wegman's parking
23 lot both behind and around the Wegman's as well as the
24 two main drives?

25 A Well, I, I was directed to follow the

1 ordinance and the ordinance requires that I use a
2 certain percentage of pervious pavement and I
3 accomplish that. And, and we were asked not to use it
4 around the loading areas and the heavily trafficked
5 areas to the large supermarket and that's what we did.

6 Q All right. So, Wegman's, Wegman's doesn't
7 want the pervious pavement around the building.
8 Is that correct?

9 A In certain areas, yeah. They did not,
10 they did not want it in the loading and heavily
11 trafficked areas for the trucks, so...

12 Q Did Wegman's tell you why, specifically,
13 when there's no limitations provided by the
14 manufacturer for this pervious pavement?

15 A No.

16 Q In terms of heavy traffic?

17 A No, they did not.

18 Q Now, again, on my, on my version, it seems
19 like the pervious pavement in front of the Wegman's
20 near Mercedes is in strips.

21 I'll show you -- again, I just want to make
22 sure, is it going to be in, is it going to be in
23 strips like it's depicted on mine or is it all
24 pervious pavement in front near Mercedes?
25 A It's all pervious pavement in front.

M. Dipple - Cross - Mr. Segreto

1 Q Now, in terms of where the pervious
2 pavement is going to meet the impervious pavement, is
3 there any particular type of application that has to
4 be done where these two different types of pavement
5 are going to meet?
6 A No. Asphalt works very well against other
7 surfaces like concrete or a different type of asphalt.
8 You have two different types of asphalt. Together it
9 works very well.
10 It's a flexible pavement. So, there's no real
11 special treatment. There might be a small tack coat
12 which is like a, like an elastic coat between the two
13 so that it bonds together. But, that's it. Nothing
14 special.
15 Q Do you know the percentage of the pervious
16 pavement in front of the Wegman's?
17 To me, it looks like 35, 40 percent will be
18 pervious and the remainder will be impervious.
19 A I don't know the number offhand. But, it
20 seems like 35 to 40 percent is a pretty good estimate,
21 just given the front parking lot.
22 Q Now, all of the, all of the paths or
23 sidewalks, all along the perimeter of the site,
24 they're all going to be impervious concrete.
25 Is that correct?

M. Dipple - Cross - Mr. Segreto

1 A No. I, I'd like to defer some of this,
2 the answer to this to the landscape architect. But, I
3 believe she has chosen some pervious material for some
4 of the sidewalks throughout the site.
5 Q All right. Because, on the version of my
6 plan all of the perimeters look like they're proposed
7 concrete sidewalk, at least from the coloration.
8 Do you know where, do you know where, where
9 they're going to be pervious?
10 A I do not.
11 Q That's right. It's for the landscaper.
12 I'll ask the landscaper, landscape architect. I'm
13 sorry.
14 MR. SEGRETO: All right. That's all I
15 have with regard to the pervious pavement. I'll just
16 go into my --
17 CHAIRMAN DePINTO: Your follow-up,
18 follow-up from two weeks ago.
19 MR. SEGRETO: From where I left off. All
20 right.
21 Thank you, Mr. Chairman.
22 Q All right. Mr. Dipple, we'll go back
23 essentially to your testimony concerning the storm
24 water as well as the environmental impact.
25 We're going from a 25 acre farm to a 224 square

1 foot retail center.
 2 Correct?
 3 A Ahh-ahh, that's, that's correct.
 4 Q And, do you know what the existing
 5 coverage is for the site --
 6 A I do, I believe --
 7 Q -- lot coverage?
 8 A I believe it's in the zoning table, that
 9 appears on --
 10 Q On your Sheet CO-4?
 11 A No. I only saw the proposed zoning.
 12 Q All right.
 13 A It's part of the storm water management
 14 report.
 15 It's roughly 158,000 square feet.
 16 Q So, what is that in terms of percentages?
 17 A 14 percent.
 18 Q So, lot coverage will go from 14 percent
 19 to 75 percent.
 20 Correct?
 21 A Close to 75 -- 73.
 22 Q Do you agree with me that you could not be
 23 going, going more from one extreme to the other in
 24 terms of the change in the use of the property?
 25 A Going from one extreme to another.

1 Q Yeah.
 2 A I suppose there's room on both fronts but,
 3 if you're asking if we're increasing the impervious
 4 surface, I would say, yes, we are.
 5 Q Substantially?
 6 A It's a large amount.
 7 (9:00 p.m.)
 8 Q The existing detention basin, what is the
 9 size of that existing detention basin?
 10 A These numbers I don't have. They're part
 11 of the design. But, if you would like me to calculate
 12 it.
 13 Q I'm just looking for --
 14 A I don't have the area with -- I don't have
 15 the -- I may have it. I stand corrected.
 16 The top of that detention basin is about 10,000
 17 square feet in area.
 18 Q And, what is it's capacity in terms of --
 19 A 19,221 cubic feet.
 20 Q And, now the -- you're going to have two
 21 new basins.
 22 Correct?
 23 A Three. Three in the, in the Phase 1
 24 section.
 25 Q Right. How big, how big are they going to

1 be, in square feet as well as their capacity in cubic
2 yards?

3 A The two of them are underground basins.
4 So, in terms of square feet, I, I don't have that
5 number but I can give you the storage is 59,934, for
6 proposed underground Basin 1.

7 Q All right. Where is that located?

8 A I believe that is in front of the anchor
9 retail.

10 And, underground -- let me just, let me just
11 confirm that.

12 Q Umm. Is that the 59 on any one of the
13 plans?

14 A Yes, it is noted on the plans. But, I
15 have the report in front of me. So, I'm going to
16 stick to the report.

17 Q Do you know which sheet on the plans shows
18 that?

19 A I'm sorry. That's in the light -- No. 1
20 is in the Lifestyle area. It's labeled underground
21 Basin 2 which is in front of the anchor and that is
22 45,033 cubic feet. And, then the proposed
23 above-ground basin, below the anchor retail, is
24 123,694 cubic feet. And, it has a top area of 29,000
25 square feet.

1 Q What's the reasoning behind the
2 underground storage basin being larger in the

3 Lifestyle Village as opposed to the Wegman's when the
4 Wegman's parking lot seems substantially bigger?

5 A It actually doesn't drain any part of the
6 parking lot. The, the one in front of the Wegman's
7 only handles roof runoff.

8 I, I -- we run an analysis and we run the areas
9 and we meet the Storm Water Management Rule and we do
10 a balance. And, that's, that's all part of the,
11 that's all a part of the design.

12 Q All right. And, the underground storage
13 Basin No. 1 takes more than just roof runoff.

14 Is that correct?

15 A Yeah. Well, it takes roof runoff and it
16 takes some asphalt and then it takes some of the
17 overflow as I described from the pervious pavement.

18 Q And, where is that going to be located,
19 that is the underground detention No. 1?

20 A That's below the open space just to the
21 south of the rotary that comes off Grand Avenue.

22 Q Now, do you know what the existing peak
23 runoff rates are on this site for the 2, 10 and 100
24 year storm events?

25 A I do. They're listed in my report.

1 Under existing conditions, we show a peak rate
2 of runoff of, under the 2 year storm frequency, of
3 12.56 cubic feet per second; and, under a 10 year
4 storm it would show 26.46 cubic feet per second and
5 under a hundred year storm we show 54.65 cubic feet
6 per second.

7 Q And, your close construction peak runoff
8 rates are going to comply with the ordinance.

9 Is that correct?

10 A It's the ordinance under the New Jersey

11 Storm Water Management Rule, yes.

12 Q And, the ordinance provides, in Section
13 108-4F, that you must have runoff rates of 50, 75 and
14 80?

15 A That's correct.

16 Q And, your storm water plan is going to
17 comply with that?

18 A Yes, it will.

19 Q Now the pervious pavement is designed for
20 a 5 year storm?

21 A Yes. That's correct.

22 Q But, the overall site, the overall storm
23 water management plan is designed for what year storm?

24 A 100 year storm.

25 Q Is there anywhere in your plans that show

1 us what the detention plan, I mean the detention
2 basins, I'm sorry, are going to look like?
3 Or, is that going to be from the landscape
4 architect?

5 A It's a combination of the two.

6 We have details of the detention basin and
7 planned view. We have a section on Ms. Badot's plans
8 that will show some as proposed.

9 Q What sheet do you have those details on
10 and where?

11 A Well, you can see the -- well, you can see
12 the detention basins on Sheet C-11, C-12, a little bit
13 and on C-13. And, then it was requested that we add a
14 plan which just depicts the above-ground detention
15 basins which is C-13A. It is entitled basin and four
16 bay plan.

17 Q Do you have any cross-section so that you
18 could, you could look at it?

19 A In the upper right hand corner of sheet
20 C-13A.

21 Q Oh, I see. Now where, if anywhere, is
22 there going to be any kind of landscaping?

23 A Working with the landscape architect,
24 we're going to have landscaping up against the
25 retaining wall and then around the pathway which leads

1 you around the four bay and then there will be
 2 landscaping again along the sidewalk around the
 3 detention basin.
 4 So, again, I would like to leave some of that
 5 testimony for her because I don't think I have her
 6 plans in front of me.
 7 Q You know, I understand that. But, the
 8 basin, the detention basin, what is that going to be
 9 comprised of?
 10 A I'm sorry, the detention basin?
 11 Q Yes, would it be grass?
 12 A It's generally lawn, yes.
 13 Q I notice, with most, most detention basins
 14 that, when they're empty, after they have emptied out,
 15 it seems to look like a lot of mud and matted down
 16 grass.
 17 Is that what's going to happen here?
 18 A Uhh, I, I don't know. We have a
 19 maintenance plan.
 20 But, I will say if there's a fair amount of mud
 21 that the basin, in some respects, has done its job
 22 because it's trapped some of the sediments before it's
 23 allowed to leave.
 24 So, part of that is, is some of the suspended
 25 solids which are required to stay in the detention

1 basin.
 2 Q You'll agree with me that the above-ground
 3 detention basin is very large, is it not, on the site?
 4 A It's large, yes.
 5 Q And, you'll agree with me that, when they
 6 empty out, they're rather unsightly, aren't they?
 7 A Well, I think, initially, you could call
 8 it -- I mean, you say it's unsightly but, again, there
 9 is a maintenance plan which requires some mowing and
 10 some, you know, cleaning of some of that debris and
 11 the things like that.
 12 So, I think the New Jersey Storm Water
 13 Management Rule made a real effort to try to not only
 14 improve the functionality of the basins but the
 15 esthetics also.
 16 Q Now, in your testimony, when you were last
 17 here, you indicated that the farm has served its time.
 18 What did you mean by that?
 19 A Well, I --
 20 Q It's outdated, it's obsolete, no more need
 21 for farms anymore?
 22 A No. No. I, you know, I, I guess I was, I
 23 guess I was just paraphrasing from some things that I
 24 have heard or some things that I have read. But, I
 25 think it's, I think it's stated somewhere, either in

1 the ordinance or it's been publicly stated that the
2 farm has fallen on some, some troubled times
3 financially and, and the Depiero family has decided
4 that, that redevelopment of the property is, is in, is
5 in their best interests.
6 So, I, I am no expert on farming and the
7 financial gains or losses of farming in New Jersey.
8 So, I guess I was just paraphrasing from what I heard.
9 Q All right. You indicated that the air
10 quality and there's not going to be any negative
11 impact to air quality.
12 Is that correct?
13 A No.
14 Q Going from a farm to 224,000 square feet
15 of retail.
16 Right?
17 A That's correct.
18 Q Are you familiar with the traffic study
19 that has been done by both your traffic engineer and,
20 and the Board's Engineer with regard to the ordinance?
21 A I am, I am familiar with it. I am not an
22 expert in it.
23 Q All right. You agree with me there's
24 going to be a substantial amount of traffic coming to
25 this site?

1 A Yes. That would be the case.
2 Q Right. And, and there's going to be so
3 much traffic that there needs to be substantial
4 improvements to 9 intersections, right, in this area?
5 A I, I don't know if the count is nine. I
6 know that the number of intersections were slated for
7 improvement and this development would, you know,
8 would probably require, boost those to a level of
9 service that would require improvements but I don't
10 know, off the top of my head, the total number.
11 Q And, with all that traffic coming to the
12 site, that would not come to that site if it was a
13 farm, you don't see that it's going to negatively
14 impact air quality?
15 A No, I don't, I don't think it will. No.
16 Q All right. Part of your Environmental
17 Impact Statement, I guess it's Section F, probable
18 adverse environmental impacts that can be avoided.
19 Right?
20 I think one of those you indicated that there's,
21 obviously, going to be more noise on the site once
22 it's developed.
23 Is that correct?
24 A Yes.
25 Q Any other negative impacts that can't be

1 avoided?

2 A Well, we list a few and we try to follow
3 the ordinance. Your ordinance -- I'm sorry, the
4 Borough ordinance talks about the displacement of
5 viable farms.

6 I guess you could say that it's not a viable
7 farm. So, therefore, that probably wouldn't apply.

8 Q All right. You didn't know about the
9 economics of farming so how can you say it's not a
10 viable farm.

11 A Again, I'm not an expert in that but I,
12 I've been told that the farm is no longer viable.

13 And, therefore, that's why they sought the
14 redevelopment of the farm.

15 So, I suppose I should leave it at that.

16 Q Now you indicated that you're going to
17 improve water quality, is that, is that correct?

18 A Yeah. I think we really are because --

19 Q How are you going to do that?

20 A Well, we outlined water quality in our
21 report quite extensively through the use of not only
22 the pervious pavement but, as I have described earlier
23 which, by DEP standards, meets the total suspended
24 solids removal, we're incorporating mechanical
25 treatment devices for one of the underground detention

1 basins and the large above-ground detention basin
2 includes a bio retention four bay which will also
3 achieve the 80 percent total suspended solid removal.

4 So that's, that's a big part of the Storm Water
5 Management Rule and the Borough ordinance and we are
6 required to meet that.

7 Q What's the function of that four bay? How
8 does that work?

9 A Well, it works like a bio retention
10 island. It actually allows the water -- it's sized so
11 that the water quality storm which is the first inch
12 and a quarter of runoff comes into it and it's allowed
13 to remain there and it actually seeps through a
14 filtration level, layer, I should say, and then it's
15 allowed to slowly seep out through a series of
16 perforated pipes and then onto the main detention
17 basin.

18 So, we follow the Best Management Practices
19 Manual for the design of that system and we believe it
20 will function so.

21 Q Now, with regard to your testimony, there
22 will be no upgrades needed to sanitary sewer or storm
23 water that's existing on Grand, Mercedes and Phillips.
24 Is that correct?

25 A That's correct.

1 Q And, is it true that the majority of the
2 storm water is discharged to the storm water system on
3 Grand.
4 Is that correct?
5 A Yes.
6 Q Any on Mercedes or Phillips?
7 A The only thing that was incorporated at,
8 at the engineer's request is that should a larger
9 storm and overflow was directed to Phillips Parkway, a
10 low point there.
11 Q Now the storm drainage system on Grand
12 Avenue was 12 inch types.
13 Is that correct?
14 A No. That's the sewer system.
15 Q Oh, I'm sorry.
16 A I believe the storm is an 18 inch.
17 Q And that 18 inch storm drain system is
18 going to be able to accommodate the discharge from the
19 site?
20 A Yeah. We believe so.
21 Again, we're reducing the flow, the peak flow
22 rate significantly so we're only improving the
23 situation that exists today and especially under some
24 of the smaller storms where we're reducing it in half.
25 Q You don't believe that a 24 inch storm

1 drain is going to be necessary on Grand Avenue to take
2 this discharge?
3 A Well, it's very steep, Grand Avenue is
4 very steep, the pipe is very steep. So, I don't, I
5 don't know if a 24 inches, you know -- I don't think
6 so.
7 It's not needed. I haven't run any analysis on
8 the 24 inch so I, I...
9 Q Now the AH-PUD ordinance was changed from
10 the 2012 to 2013 version.
11 Is that correct?
12 A Are you familiar with the changes that were
13 made?
14 A Yes.
15 Q Minimum open space was reduced to 25
16 percent.
17 Is that correct?
18 A Yes. I don't have it here in front of me
19 but I'm familiar with it generally but I don't have
20 the specifics here in front of he.
21 MR. REGAN: Mr. Segreto, could I interrupt
22 you?
23 MR. SEGRETO: Yes.
24 MR. REGAN: In terms of the ordinances you
25 are referring to, are you referring to an ordinance

1 that was never adopted?
 2 MR. SEGRETO: Yes, at the 2012 version of
 3 the --

4 MR. REGAN: Right, it was never adopted.
 5 MR. SEGRETO: Yes. We all know that it
 6 was turned down.

7 Right.
 8 And, impervious coverage was increased, right,
 9 to 50 percent.

10 Q You are familiar with this.

11 Right?

12 A I am.

13 Q Total lot coverage was increased to 75
 14 percent.

15 Right?

16 A I believe so. Yes.

17 Q Did you, as the site engineer, have any
 18 input to increasing those three criterias of the
 19 AH-PUD ordinance?

20 MR. DEL VECCHIO: I'm going to object to
 21 the question. At this point, it has no bearing on the
 22 direct testimony provided by Mr. Dipple.

23 This is a clear indication of Mr. Segreto is
 24 trying to engage in discovery and for litigation as
 25 opposed to asking cross-examination questions on the

1 testimony that was given, particularly in respect to
 2 an ordinance that was never adopted nor testified to
 3 in any fashion by this witness.

4 MR. REGAN: I agree the ordinance was
 5 never adopted. I don't think it's even being
 6 litigated.

7 So, any questions about the 2012 ordinance,
 8 which was never adopted by the governing body, to me,
 9 is irrelevant. And, I agree, Mr. Segreto, you have
 10 litigation pending against the Borough and the Mayor
 11 and Council in connection with the 2013 ordinance.
 12 Which, obviously, you are free to engage in discovery
 13 but I don't think this is the proper forum.

14 MR. SEGRETO: All right.

15 Q Mr. Dipple, the Police Chief submitted a
 16 report indicating that he believed the parking fields
 17 are very tight.

18 Have you done anything to open up the parking
 19 fields?

20 A Can you just indicate which comment, on
 21 which letter you're referring to.

22 Q I don't know if it was in his report or in
 23 his direct testimony, the Chief of Police but he did
 24 indicate he believed the parking fields were very
 25 tight.

1 Do you have any recollection of that testimony?

2 A I don't, I don't recollect the testimony
3 but I have not made any changes to any dimensions in
4 the parking.

5 Q You'll agree with me, if you reduce the
6 size of the retail stores, you could open up the
7 parking fields.

8 Right?

9 A No. We've been over this already.

10 Q You can't?

11 A You have to rephrase your question. I
12 don't, I don't know if I understand your question as
13 it's phrased.

14 MR. SEGREGO: So that's an objection.

15 Q If you reduced the size of the buildings,
16 you need less parking spaces.

17 Right?

18 A That's correct.

19 Q And, if you have less parking spaces, you
20 could open up the parking fields.

21 Correct?

22 A No. I don't think --

23 Q You can't --

24 A -- that the parking fields would be
25 designed any different than they are.

1 This is 9 by 18 parking spaces, 24 foot drive
2 aisles, 30 feet in front of most of the stores, in
3 front of the large anchor, if I'm correct, in front of
4 the junior anchor. Those are, those are very standard
5 dimensions which I believe are comfortable dimensions
6 for proper circulation to the shopping center.

7 So, I don't believe that I would design it any
8 differently than I have --

9 I'm sorry. It's 24 in front of the junior
10 anchor but still a 24 foot drive aisle is, is plenty
11 of room.

12 Q Will you agree with me that if the
13 applicant was proposing a 60,000 square foot Wegman's,
14 which is a minimum for the anchor store, according to
15 the ordinance, you would have a substantially less
16 environmental impact than the 140,000 square foot
17 Wegman's that's proposed?

18 MR. DEL VECCHIO: At this point I'm going
19 to object. The question has been asked three times
20 and answered three times.

21 If we're just here to ask questions and delay
22 the proceedings and we could keep asking the same
23 question over and over. But, it's been asked and
24 answered already.

25 MR. REGAN: I agree. But, why don't we do

1 it one more time.

2 MR. SEGRETO: To say that, to say that I'm

3 delaying, I mean, I have not even been an hour with my

4 cross-examination.

5 MR. REGAN: You're not delaying.

6 Why don't you proceed?

7 Q All right. You agree it's a less

8 environmental impact if you had a 60,000 square foot

9 Wegman's than a 140,000 square foot Wegman's?

10 A No. I don't believe so.

11 First of all, I don't think we've shown any

12 substantial environmental impact.

13 No. 1, our environmental impact statement states

14 that.

15 (9:25 p.m.)

16 Secondly, as I've said previously, if a smaller

17 anchor store was constructed, that would open up more

18 property which could be developed and would likely be

19 developed by the applicant, you know, this property

20 under the current zoning.

21 So, I don't, I don't believe that, I don't

22 believe that to be true.

23 Q You'll agree with me you'll have, you need

24 less parking spaces.

25 Right?

1 A For a 60,000 square foot store, would

2 require less parking spaces for that store, that's

3 correct.

4 Q Right. You would only need a parking lot

5 for a -- you would need only 300 spaces as opposed to

6 700?

7 A For that store, that's correct.

8 Q And, there would be less traffic generated

9 by a 60,000 square foot Wegman's.

10 Right?

11 A Again, I think we're, I think my answer

12 remains the same and that is I think the development

13 would still show that we could put about 224,000

14 square feet on here which would have a parking ratio

15 of about what we show. And, there wouldn't really be

16 any substantial change to the traffic impact here.

17 So, I don't -- I would say that per store, a

18 smaller store would require less, would provide less

19 traffic. But, all totaled for the development, it

20 would be about the same.

21 Q And, there's nothing that requires the

22 applicant to, if it would, propose a 60,000 square

23 foot Wegman's to, to further develop the site.

24 Right?

25 I mean, it could, it could put more green open

1 areas.
2 Right?
3 A There is nothing that requires them to
4 build more.
5 Q And, a smaller Wegman's and a smaller
6 parking lot, you would have less runoff.
7 Right?
8 A Again, I'm going to refer back to my
9 answer in that the total site build out would be
10 similar and I think there would be no substantial
11 change to the storm water runoff. If you made one
12 store a little bit smaller, you opened up the
13 opportunity to build another store which would require
14 parking.
15 And, I think we come right back to the numbers
16 or similar numbers to what we see here and there
17 wouldn't be any substantial change.
18 MR. SEGREGO: I have no further questions
19 with regard to that portion of his testimony.
20 CHAIRMAN DEPINTO: Thank you.
21 At this point, Mr. Segreto, I think we're going
22 to take about a 10 minute break, giving the
23 stenographer a chance to freshen up and we shall
24 return.
25 (A recess is taken at 9:27 p.m. - 9:43

1 p.m.)
2 CHAIRMAN DEPINTO: Okay. Let's continue.
3 Mr. Segreto, I believe you have no more
4 questions?
5 MR. SEGREGO: No, not based on the
6 testimony.
7 CHAIRMAN DEPINTO: Thus far. Thank you.
8 With that said, I do want to open to the public.
9 I'm sorry. We did open it to the public. We did
10 allow Mr. Segreto to speak first.
11 Is there anyone else from the public who has any
12 questions based upon the testimony that we have heard
13 this evening from Mr. Dipple? No one?
14 With that said the Chair will entertain a motion
15 to close the meeting to the public.
16 MR. VOGT: So move.
17 CHAIRMAN DEPINTO: Seconded by Mr. Fette.
18 All in favor.
19 (Aye)
20 Okay. Mr. Del Vecchio.
21 MR. DEL VECCHIO: At this point, before
22 concluding Mr. Dipple's testimony, we have our traffic
23 consultant with us this evening. And, I would like to
24 take her out of order and have her sworn at this time.
25 MR. REGAN: Do you swear or affirm that

1 the testimony you'll give in this proceeding shall be
2 the truth, so help you God.

3 THE WITNESS: Yes. I do.

4 MR. REGAN: For the record, state your
5 full name, please.

6 THE WITNESS: Elizabeth Dolan, D O L A N,
7 Dolan & Dean Consulting in Martinsville, New Jersey.

8 MR. REGAN: Mr. Chairman, as the Board is
9 aware, Ms. Dolan has previously been qualified in the
10 field of traffic engineering before the Board, most
11 recently in the location of last month in the matter
12 pending before the Board.

13 I recommend that she be so deemed.

14 CHAIRMAN DePINTO: The Chair will accept
15 recommendation of Counsel.

16 Please continue, Mr. Del Vecchio.

17 DIRECT EXAMINATION BY MR. DEL VECCHIO:

18 Q Miss Dolan, you were retained by Montvale
19 Development Associates, LLC, to perform a Traffic
20 Impact Analysis for the site?

21 A That's correct.

22 Q And, as a result of being retained, you
23 have produced a Traffic Impact Analysis report that is
24 dated June 20, 2013?

25 A Yes.

1 MR. DEL VECCHIO: I would like to mark
2 that as A-21, at this time.

3 Q Miss Dolan, you have visited the site
4 which is the subject of the application?

5 A Yes.

6 Q You have made yourself familiar with the
7 existing traffic patterns in or around the site?

8 A Yes, I have.

9 Q You have also visited the neighborhood in
10 which the property sits to gain a better understanding
11 of the traffic network that may serve this property?

12 A Yes.

13 Q And, as a result of that work, you,
14 ultimately, embarked upon producing the Traffic Impact
15 Analysis which we have marked as A-21?

16 A Yes. That's also correct.

17 Q Can you tell the Board what other
18 information you gathered in order to produce the
19 report that we marked as A-21?

20 A Information gathered in addition to
21 traffic counts that we collected ourselves included
22 traffic volume data that was available for some of the
23 nearby intersections, from other consultants as part
24 of other applications and, of course, the rezoning
25 Traffic Impact Analysis performed by Maser Consulting

1 which is from earlier this year, March 2013.

2 Those are the primary documents that were used
3 in the development of our study.

4 MR. DEL VECCHIO: If you bear with me one
5 moment.

6 Q You made reference to the major Traffic
7 Impact Study dated March 7 and their technical
8 appendix dated the same date?

9 A That is correct. That was their report
10 that studied various intersections with the rezoning
11 of the property.

12 MR. DEL VECCHIO: Mr. Regan, either we
13 would propose to mark those documents, since Miss
14 Dolan relied upon them in preparing her report, as
15 applicants A-22 and A-23 respectively or, if the Board
16 prefers to mark them as Board exhibits, we take no
17 objection to that.

18 MR. REGAN: You can mark them.

19 What is A-22?

20 MR. DEL VECCHIO: A-22 would be the
21 Traffic Impact Study prepared by Maser Consulting
22 entitled Traffic Impact Study for Proposed AH PUD
23 rezoning. It is dated March 7, 2013.

24 MR. REGAN: And, then 23 would be the
25 technical appendices?

1 MR. DEL VECCHIO: Correct. With the same
2 title and the same date.

3 MR. SEGRETO: Mr. Chairman, I would
4 object. We're only marking them for identification.
5 Is that correct?

6 We're not marking them into evidence?

7 MR. REGAN: At this juncture, I believe.

8 MR. SEGRETO: One of the problems I have
9 with it is, obviously, it's a hearsay document. And,
10 we haven't had the right to cross-examine anyone from
11 Maser with regard to the contents of that report.

12 So, I'm going to strenuously object for purposes
13 of marking it for Id, to later mark it into evidence.

14 MR. REGAN: We'll mark it just for

15 identification now, Mr. Del Vecchio.

16 MR. DEL VECCHIO: We can mark it for
17 identification now. It is our intent to move it into
18 evidence at the conclusion of Ms. Dolan's testimony.

19 First of all, the technical Rules of Evidence
20 don't apply in these proceedings and, second of all,
21 even if it did, an expert is intended to rely on
22 another expert's work. And, if they so relied, it
23 would be exception to the hearsay rule.

24 And, I'm sure Maser Consulting will be offering
25 testimony to the Board as has always occurred when the

1 applicant submitted a traffic report. The Board
2 usually hears from its own traffic consultant any way.

3 MR. REGAN: It will be but, even if that
4 did not occur --

5 MR. SEGRETO: Right. But that --

6 MR. REGAN: -- rely upon the opinion or
7 data compiled by the record. That's an exception to
8 the hearsay rule even aside from the more lenient
9 Rules of Evidence that are applicable in this
10 proceeding.

11 MR. SEGRETO: I don't know if, I don't
12 know if Maser is going to testify as a result of what
13 they hear this traffic engineer say. But, Maser has
14 to test -- someone from Maser has to testify before
15 this Board with regard to the opinions, the
16 conclusions that are in that report and they have to
17 be subject to our cross-examination.

18 And, if they're not going to testify with regard
19 to those opinions and not be available for
20 cross-examination, then it's completely improper for
21 them to be part of the evidence in this.

22 MR. REGAN: And, your objection is
23 premised on hearsay.

24 Is that correct?

25 MR. SEGRETO: Right. No, it's, it's --

1 it's being, if it's going to be offered into evidence,
2 that it's going to be offered for the purposes of
3 conclusions and opinions. And, if an expert is going
4 to --

5 The report is going to be put in evidence, they
6 have to be subject to cross-examination with regard to
7 those opinions as well as the conclusions. Even if
8 they're a Board expert, they have to testify and they
9 have to be available for cross-examination.

10 Otherwise, it's, it's completely improper to put them
11 into evidence.

12 MR. REGAN: Well, experts --

13 MR. SEGRETO: And for this Board to
14 consider it.

15 MR. REGAN: Do you agree that experts rely
16 upon data and information from other experts all the
17 time.

18 Isn't that correct?

19 MR. SEGRETO: I know but we're talking
20 about putting the entire report in a technical
21 analysis into evidence in this record so that this
22 Board can make findings of facts and conclusions based
23 upon the opinions of that expert. And, if they're
24 not, if that expert is not going to be here for
25 cross-examination, then their report can't go into

1 evidence. It's evidentiary.

2 MR. REGAN: Well, let's mark it for
3 identification now.

4 MR. SEGRETO: Sure.

5 MR. REGAN: We'll address this issue
6 later. But, I, I believe that Miss Dolan can properly
7 rely upon data and opinions of other experts. It
8 happens all the time.

9 CHAIRMAN DEPINTO: It's my understanding.

10 MR. REGAN: Hearsay.

11 CHAIRMAN DEPINTO: It's my understanding,
12 in discussions I have had with Mr. Hipolit, it is his
13 intention to bring in the authors of this plan at one
14 of our upcoming meetings which will give the Board
15 members and Mr. Segreto the opportunity to question
16 him.

17 So, why don't we move on at this point?

18 And, as indicated, mark it for identification
19 purposes only.

20 MR. REGAN: A-22 and A-23 will be marked
21 for identification only.

22 Q Ms. Dolan, can you --

23 CHAIRMAN DEPINTO: Excuse me for one
24 second.

25 Mr. Herman, please make a note and advise Mr.

1 Hipolit to arrange to have Mr. Fahr present --

2 MR. REGAN: Yes.

3 CHAIRMAN DEPINTO: -- to offer testimony.

4 Thank you. Please continue.

5 Q Ms. Dolan, can you tell the Board how you
6 approached this assignment and what you did in order
7 to produce the traffic report?

8 A Yes. As the site plan was developed, the
9 plan ended up being the two parcels that you have been
10 talking about for the past two hearings, 200,000

11 square feet for Parcel A and 24,000 in Parcel B.

12 And, Parcel A will include the Wegman's building
13 of 140,000 square feet.

14 The balance has been referred to as the
15 Lifestyle section.

16 The type of development that we're looking at is
17 retail and retail activity peaks on weekday afternoons
18 and evenings and on midday Saturdays.

19 So, the focus of the Traffic Impact Study is to
20 look at those two time periods when the site is going
21 to be generating maximum driveway activity. And, when
22 we look into the evening peak hour, that's the same
23 time frame when the adjacent office uses are
24 generating a lot of outbound activity at the end of
25 the workday.

1 So, our office had begun with a series of
2 traffic counts along Mercedes, Grand and over on
3 Phillips, Paragon and Grand back in 2010, 2011, as we
4 were working on some feasibility studies for this
5 site, the development.

6 It was at that time that we also were able to
7 obtain some counts by other consultants for other
8 developments, one of which is that Lifetime Fitness
9 Center that's been discussed and traffic counts.

10 The County provides us with other counts for
11 different locations so the data base was compiled.

12 We did share our counts with Maser Consulting
13 and, ultimately, there were established what we call
14 the weekday evening and Saturday peak hour traffic
15 volumes. Those are the existing traffic volumes that
16 were used in locations during our study period,

17 weekday evening when both the proposed retail and
18 existing offices will simultaneously generate a lot of
19 traffic and then, on Saturday midday, there's not much
20 office generation but certainly the proposed Wegman's
21 and associated other retail entities at the proposed
22 development will generate their maximum driveway
23 volume.

24 So, with existing traffic volumes established,
25 those two critical key analysis hours, the next task

1 is to estimate traffic that would be generated by the
2 proposed development.

3 And, we did a fair amount of research at other
4 Wegman's. We've looked at the data that's published
5 by the Institute of Transportation Engineers. And, we
6 looked at the methodology that NJ DOT requires and our
7 colleagues use and that we employ.

8 And, what has been done, is apply what are
9 called shopping center rates to Parcel A, 200,000
10 square feet, and those shopping rates to Parcel B,
11 24,000 square feet.

12 As has been discussed by prior witnesses, there
13 will be no vehicular interconnection between Parcels A
14 and B. So, it's a little bit conservative.

15 We estimate for those two development parcels
16 separately. If you aggregate all of them, there are
17 progression equations that taper off and has building
18 area increases. So, that would produce lower trip
19 estimates.

20 So, in order to make sure that we modeled the
21 highest type of trip activity, we generated separate
22 numbers for Parcels A and B. We checked them against
23 some of the Wegman's research to make sure that they
24 made sense with a supermarket of this size and type
25 incorporated into the plan and validated our trip

1 estimates which are, for the evening peak hour, a
2 total of 953 driveway movements for Parcel A and 230
3 driveway movements for Parcel B.
4 On Saturday peak hour, 1,372 driveway movements
5 for Parcel A and 346 for Parcel B.
6 And, that's an increase of, over the existing
7 DePiero's activity that we recorded of a maximum of
8 about 400 peak hour driveway movements.
9 The methodology for trip generation assignment
10 is based on a few factors, one of which is how much
11 traffic will be new to the area and how much will be
12 pass by and that will be traffic that's drawn from the
13 existing traffic flow.
14 In this area, we have higher weekday evening
15 peak hour activity because there are people going home
16 from work, commuting from the area, leaving nearby
17 office areas and some of that traffic may be captured
18 by the development.
19 The ITE, again the Institute of Transportation
20 Engineers has factors for us to apply based on actual
21 studies, face-to-face interviews, of how people make
22 their, make their retail shopping trips. So, the pass
23 by credit of 34 percent was used for the weekday
24 evening.
25 That means about 34 percent of the site traffic

1 coming to Parcels A and B would be drawn from traffic
2 that's already passing by, whether it's on Phillips,
3 on Grand or Mercedes. And, the pass by credit is a
4 little less on Saturday because we don't have all that
5 same traffic volume here on Saturday and also because
6 people make more primary trips to go shopping on a
7 Saturday. You are inclined to leave your house, make
8 a shopping trip and return whereas here you may leave
9 the office, do a little bit of shopping and then
10 you're on your way home.
11 So, the pass by credit is taken into account and
12 then the traffic has to be assigned throughout the
13 roadway network.
14 Our office had prepared some initial
15 distribution assignment patterns. We had then
16 received a, what's called a gravity model from Maser
17 Consulting, the Board's consultant. They had done a
18 very specific modeling of other shopping opportunities
19 within an anticipated travel time to get to and from
20 the site, population densities of various communities
21 within the area and the analysis helps us to define
22 the population draw based on travel times and what are
23 called intervening opportunities, other opportunities
24 for shopping.
25 So, there is a rather involved analysis that

1 Maser put together. But, it was a useful tool in
2 routing the traffic throughout the roadway system
3 which was the purpose of their March 2013 study.

4 But, for our study, we were really looking at
5 how our driveway is going to be operating, how are we
6 going to size them to handle the anticipated inbound
7 and outbound flows during these peak periods. So, we
8 routed the traffic through the adjacent roadway system
9 and into our driveway system which includes two
10 driveways on Mercedes Drive on Parcel A and a right
11 in, right out driveway on Grand Avenue for Parcel A.
12 For Parcel B, we have one point of access, off
13 of Phillips Parkway.

14 So, with the traffic, we have our existing
15 traffic volumes, we have our site traffic volumes
16 routed through the system and routed through the
17 driveways. Now we have to forecast the total future
18 traffic volumes so we take our existing peak hour
19 evening and peak hour Saturday traffic volumes, and,
20 we grow them out at a growth rate on an annual basis
21 to a design year.

22 And, at the time we were preparing this
23 analysis, we refer to NJ DOT's growth rate chart that
24 was then available. DOT provides a growth rate for
25 every county within the State and for different

1 roadway, roadway types.

2 And, for Bergen County, for the compounded
3 growth rate was 1.75 percent per year.

4 Since that time, NJ DOT has actually reduced the
5 growth rates for this area. It would be 1 percent per
6 year. And, that's consistent with what we've seen in
7 our traffic counting programs and the traffic volumes
8 have not increased over the past few years. They have
9 stayed somewhat steady. And, in many cases we have
10 seen a decline in traffic volumes.

11 So, the use of this 1.75 percent per year growth
12 factor over 3 years is another conservative element
13 that's built into the analysis. When we had compared
14 some of our 2011 and 2012 traffic counts, we saw no
15 growth.

16 So, by using 2 percent per year, we factored in
17 traffic that would come from other developments and
18 make sure that the forecasting that we're, we're
19 looking at for analyzing our driveway needs has a
20 factor of safety in it, if you will, to account for
21 area development and when the traffic does start to
22 pick up again.

23 So, what we ended up developing, a series of
24 future traffic volumes that include traffic,
25 background growth rates and all of the site generated

1 traffic that is going to enter and exit Parcels A and
2 B during these evening and Saturday peak hours.
3 And, I would just say, going back to the
4 beginning of my testimony, these two hours would be
5 the busiest hours, all other hours of the day would
6 see less traffic entering and existing Parcels A and
7 B.
8 So, with the development of the driveway volumes
9 at each of our access points, we then looked at what
10 type of geometry, what type of control is going to be
11 needed to get the traffic into and out of the site at
12 acceptable operational levels.
13 And, starting with Parcel A, our main site
14 driveway on Mercedes Drive is proposed to line up with
15 when, the office at Mercedes-Benz office driveways
16 across the street. So, they form a four-way
17 intersection and that intersection is going to require
18 a traffic signal.
19 We're looking at predominantly accommodating
20 lefts in from Mercedes and then rights back out onto
21 Mercedes to get to and from the Grand Avenue corridor.
22 So, the traffic signal is needed to process
23 those lefts into the site. And, we are looking at a
24 combination of traffic volumes that will warrant a
25 traffic signal.

1 And, there are specific warrants within the
2 manual on Uniform Traffic Control Devices that
3 indicate what combination of traffic volumes will
4 qualify for a traffic signal. And, the projected
5 volumes that we're looking at will get us to meet
6 warrants for signalization.
7 So, the signal is, is needed from an operational
8 perspective but it's also warranted where you look at
9 the combination of volumes at this proposed four leg
10 intersection.
11 So, in addition to the traffic signals, we would
12 be providing a widening along Mercedes Drive so that
13 we could provide a left turn lane for the southbound
14 left coming from Mercedes Drive into our property.
15 So, there would be a physical widening on Mercedes to
16 achieve that left turn slot.
17 And, when we do that widening, we can also
18 provide a northbound left turn lane for the movements
19 into the Mercedes Benz driveway across from that
20 driveway.
21 The second driveway that is proposed for Parcel
22 A will be further to the south on Mercedes Drive.
23 That will be controlled with a stop sign within the
24 geometrical requirements of that location where we're
25 expecting the majority of the traffic to use the

1 signalized driveway because the majority of the
2 traffic is oriented to and from the Grand Avenue
3 corridor.

4 And then, finally, I think you've been shown the
5 concept or the site plan shows the traffic circle, if
6 you will, or rotary that's proposed off of Grand
7 Avenue. And, that will effectively form a right in,
8 right out driveway that will be stop controlled.

9 As vehicles are leaving the property, they will
10 first stop before entering the Grand Avenue corridor.
11 We're also showing some widening along Grand Avenue to
12 effectuate an accel/decel lane to further enhance the
13 movements into and out of that site driveway.

14 MR. DEL VECCHIO: We're going to put up
15 the site plan, with your permission, just to
16 illustrate where these access points enter into this.

17 So, Dan, if you could do that for us.

18 MR. REGAN: This is Sheet CO-4.

19 MR. STEINHAGEN: Is that the one you want?

20 MR. DEL VECCHIO: Yes. C-4 will work.

21 A There it is. Okay.

22 So, there's our main signalized driveway for

23 Parcel A. And, you can see it on the western

24 driveway, existing driveway for the Mercedes Benz

25 office complex. So, we would be looking at a traffic

1 signal here.

2 The specifics of the traffic signal have not
3 been designed but we would be providing, as I said,
4 the northbound and southbound left turn lanes into the
5 site and into the Mercedes Benz driveway. There would
6 be pedestrian control and there are pedestrian
7 crosswalks that will connect the sidewalks on both
8 sides of Mercedes Drive.

9 Q And, that traffic light is proposed to be
10 installed by the applicant.

11 Correct?

12 A Yes, that's correct.

13 And, I can't see it from here but further
14 towards the bottom of the page would be the second
15 driveway for the site on Mercedes Drive. And then, up
16 along Grand Avenue, are the right in and the right out
17 segments that will be along an arriving portion of
18 Grand Avenue providing for an accel/decel treatment at
19 that location.

20 Q And, the length of those accel and decel
21 lanes meet with the distance requirements in the
22 County's site plan resolution?

23 A Yes.

24 I don't know the specifics but I remember
25 working on the lanes with Mike Dipple's office. But,

1 yes, but that's by County requirements that we have to
2 adhere to.

3 Q Now there, obviously, is another access
4 point because the two, the two phases are not
5 connected.

6 Where is the access point for the Phase 2
7 retail?

8 A It's behind the monitor up on the dais but
9 it's on Phillips Parkway just south of the
10 intersection at Grand Avenue opposite Paragon. It's
11 about 120 feet south of Grand Avenue. And, that would
12 be a full movement driveway accommodating lefts and
13 rights into and out of the 24,000 square feet of
14 retail area.

15 And, we have, at Maser Consulting's request,
16 they had asked us to look at the queuing back from the
17 signal at Grand Avenue to make sure there would be no
18 interference with our site driveway operation. We
19 have provided those calculations of the typical
20 queuing, is not going to pass the driveway.

21 And, we have acceptable levels of service at
22 that driveway for two reasons. No. 1, the trip
23 generation for the 24,000 square feet is relatively
24 low. And, No. 2, the traffic using Phillips Parkway
25 across the site frontage is relatively low. So, we

1 have calculated acceptable Level of Service for that
2 driveway as well as for the other driveways I have
3 been discussing.

4 And, of course, the one driveway that requires
5 the signal control would not queue acceptable Levels
6 of Service if the traffic signal were not provided.

7 So, that is a key element for providing ingress
8 and egress for Parcel A.

9 Q Now you have provided in your report the
10 traffic signal warrant analysis?

11 A Yes.

12 Q And, I believe that begins on Page 12 of
13 your report?

14 A That's correct.

15 Q And, can you identify which of the
16 warrants would be satisfied for such a signal?

17 A Yes. If you go over to Page 15, there's a
18 table that summarizes Warrant Numbers 1, 2 and 3.

19 And, we would meet the Warrant No. 1, the 8 hour
20 volume warrant and No. 2 the 4 hour volume warrant.

21 So basically what that's saying is that you have
22 enough volume over four hours to exceed certain
23 thresholds that, in combination, require a traffic
24 signal and the same thing for the 8 hours.

25 Q Now one of the other key areas that you

1 were asked to take a look at by the applicant was to
2 ensure that sufficient parking, off-street parking was
3 provided in this center.

4 And, did you undertake that analysis?

5 A Yes, I did.

6 Q And, can you tell the Board what you did
7 and the conclusions you reached?

8 A Well, I looked at the site plan as related
9 to the different building locations and the number of
10 parking spaces proximate to the various building
11 locations.

12 For, for Parcel B there is a 4 space per
13 thousand square foot requirement that is met and that
14 is all within, I would say, walking distance. And,
15 that's a relatively small and compact area for the
16 parcel.

17 For the Parcel A, we looked at the distribution
18 of parking which is required at 5 per thousand and
19 found generally that type of supply is provided in, in
20 a relative proximity to each of the smaller buildings
21 at the Lifestyle portion. And, of course, there is
22 that surplus in front of the supermarket.

23 But, overall, the 5 per thousand is being
24 provided in and it's required by ordinance and that's
25 a standard number based on documentation by the

1 Institute of Transportation Engineers. And, it's a
2 number commonly used in other ordinances.

3 Q And, in fact, it is the number that is
4 used in the ordinance which governs this particular
5 property?

6 A Yes. That's my understanding.

7 Q Now, with regard to the intersection at
8 the site driveway, the main site driveway and
9 Mercedes, with the installation of a traffic signal,
10 will that operate at an acceptable level of Service
11 with the installation of the traffic signal?

12 A Yes. With the traffic signal we will
13 obtain acceptable levels of service, A, B and C, for
14 the various movements on both the weekday p.m. peak
15 hour and the Saturday peak hour. And, that includes
16 the left turn lanes, northbound and southbound, that
17 were discussed and full traffic signalization at that
18 location.

19 Q And, do you have any opinion as to whether
20 or not the installation of the traffic signal at that
21 location would result in a betterment, detriment or no
22 change to the operation of the existing Mercedes Benz
23 Corporation driveway with its connection to Mercedes
24 Drive?

25 A It would certainly allow for easier left

1 turning exiting movements at a traffic signal
2 controlled location.

3 But, we had the eastbound approach at Level of
4 Service B and C which is comparable to the existing
5 conditions without a signal today.

6 Q Now, with regard to the implementation of
7 the roundabout on the site driveway, would you agree
8 with me that that is not a typical feature found, at
9 least in Northern Bergen County, as a design feature
10 or an access point?

11 A I would agree with that statement, yes.

12 Q And, did you have an opportunity to take a
13 look at that roundabout and determine whether or not
14 it would and could function appropriately from a
15 traffic standpoint?

16 A I did. And, if you look at the way the
17 stop bars have been placed, the idea here is to allow
18 unimpeded inbound movement. So, as people come in,
19 they then have the choice of exiting any point along
20 the circle. So that means there would be no backup
21 out into Grand Avenue.

22 People, the drivers come in. They choose where
23 they want to go. And, anybody who's waiting to leave
24 back out into the Grand Avenue corridor will be stop
25 signed controlled so that they yield to these incoming

1 vehicles.

2 The letter that, Maser had asked for some
3 queuing calculations at that location as well which
4 were provided. We're not calculating any excessive
5 queues which would block up the operation of this
6 design feature.

7 Q And, if installed as designed on the plans
8 with the traffic control mechanism you discussed, do
9 you believe that the round about will operate in a
10 safe and efficient manner from the traffic engineering
11 standpoint?

12 A I do. With the stop control for the
13 movements coming into the circle, yes.

14 Q Now with regard to the site driveway for
15 the Phase 2 retail, you indicated you performed a
16 queue analysis to the traffic light, the existing
17 light on Grand Avenue and Phillips Parkway?

18 A We did. And, the Maser rezoning report
19 also provided that calculation.

20 Q And, based upon the results of that work,
21 do you believe that the site driveway for the Phase 2
22 retail is appropriately located and will operate in a
23 safe and efficient manner from a traffic engineering
24 standpoint?

25 A Yes. I hit on that a little bit earlier.

1 But, the queuing that's calculated can be stored
2 without blocking the driveway. And, the movements
3 into and out of the driveway will operate at an
4 acceptable level of services under unsignalized
5 conditions.

6 Q And, that site driveway would not meet any
7 warrants for signalization that you're aware of?

8 A No, definitely not because of, as I said
9 earlier, it's a relatively low combination of volumes,
10 lower volumes on Phillips as well as lower trip
11 generations.

12 MR. DEL VECCHIO: Mr. Chairman, being
13 mindful of the hour, the next block of testimony that
14 I would have for Ms. Dolan may take up approximately
15 20 minutes to a half hour.

16 I know it's been the Board's practice during the
17 course of these hearings to try to offer some
18 opportunity for questioning of the witness that I have
19 at hand before the night closes out.

20 I leave it to the Board's option of whether you
21 wish to do that or I would propose to hold off on the
22 next block of testimony until our next hearing with
23 Miss Dolan.

24 CHAIRMAN DEPINTO: I think what we're
25 going to do is, I am going to open it up to questions

1 from Board Members based upon the testimony that we
2 have heard from Miss Dolan thus far. And, then I'll
3 open it to the public and to Mr. Segreto.

4 And, with that said, I'm going to start.

5 EXAMINATION BY CHAIRMAN DEPINTO:

6 Q Actually, I have a few questions first,
7 Miss Dolan.

8 With respect to planning, what percentage of the
9 total traffic anticipated to the A. portion of the
10 property will be coming from the north and west versus
11 the south and east.

12 A About 44 percent from the west, about 16
13 percent from the east -- oh, okay. Hold on. I have
14 two different numbers. I'm sorry. 75 -- from the
15 east is closer to about 48 percent.

16 Q So you're saying about 48 percent of the
17 traffic to this site will be coming from the east and
18 I presume that would be primarily by traveling
19 westbound on Grand Avenue.

20 A Right. The way, the way that distribution
21 was split up, let me correct that to 32 percent. So,
22 32 percent of the site traffic would come along Grand
23 Avenue from the east traveling westbound to access
24 Parcel A via Mercedes Drive.

25 Q Okay. So, a vehicle traveling from the

1 east in a western direction is going to go up to the
 2 intersection of Mercedes and Grand, make a left hand
 3 turn at that point, travel along Mercedes and then
 4 make another left at the to be controlled
 5 intersection.

6 Is that correct?

7 A That's the way it's been modeled. We have
 8 the option of using Phillips Parkway but we modeled it
 9 all coming through the intersection of Grand and
 10 Mercedes.

11 Q If the shortest distance for a westbound
 12 vehicle to gain access to the site would be to make
 13 the left onto Phillips and then a right onto the
 14 unassigned intersection of the site, why wouldn't you
 15 project the majority of the vehicles coming from the
 16 east using that drive versus the controlled
 17 intersection?

18 A We, we had actually modeled it in previous
 19 versions of our report, we had modeled it both ways.

20 In working with Maser and their assignment
 21 pattern, the result was to assign everything to
 22 evaluate a worse case at, at Phillips -- I'm sorry, at
 23 Mercedes and Grand.

24 There appears to be much more capacity at
 25 Phillips and Grand so that could, those lefts could be

1 accommodated. But, we've modeled it as a worse case
 2 with everything loaded at that one location.

3 And, again, that goes to some of our back and
 4 forth analysis and comments from Maser's traffic in
 5 our office.

6 Q Are intersection improvements anticipated
 7 for Phillips and Grand to accommodate westbound
 8 vehicles on Grand making that left hand turn onto
 9 Phillips?

10 A I don't know that there were -- certainly
 11 for Parcel B but I don't believe that that
 12 intersection improvement from the Maser report
 13 included a very high volume of left turners for Parcel
 14 A on to Phillips Parkway.

15 Q I live on the east side of Montvale and I
 16 frequently come to the Borough Hall. I never drive
 17 west on Grand Avenue to the intersection of Mercedes
 18 and Grand to turn left to get to the Borough Hall. I
 19 make my left-hand turn on Phillips.

20 Given the proximity of the Borough Hall to the
 21 proposed development, why wouldn't other people follow
 22 that same route?

23 Are we giving enough attention, quite frankly --
 24 If that, if that high percentage of the traffic
 25 projected to go to the site is coming from the east,

1 which, which I'm concerned about, quite frankly,
 2 because I thought the percentage coming from the west
 3 would be much higher because of the Garden State
 4 Parkway and the draw of the Wegman's. But, if your
 5 numbers are correct and that high a percentage is
 6 coming from the east, has there been enough emphasis
 7 put on the proposed improvements of Phillips and
 8 Grand?

9 A I can tell you that, from my prior
 10 analyses, I weighted that movement heavier, that
 11 movement being the left turn onto, onto Phillips from
 12 Grand. I did route traffic in that direction when
 13 discussing.

14 And, reviewed with Maser that, that distribution
 15 pattern was somewhat vetoed. But, that's not to say
 16 that I can't resurrect some of those prior studies and
 17 take a look at what those volumes are.

18 CHAIRMAN DePINTO: I think we're going to
 19 hear, as Mr. Segreto indicated, I think we're going to
 20 have to hear some testimony from Maser with respect to
 21 that.

22 And, again, I'm only relying upon my personal
 23 experience in traveling the roads of Montvale and
 24 specifically taking that route from the east side of
 25 Montvale coming to this Borough Hall and the route

1 that I would take.

2 And, frankly, when this shopping center is
 3 developed, I will never, ever enter by means of going
 4 through the Mercedes Grand interchange and wait for
 5 that signal to turn to allow me to make that left hand
 6 turn nor will I travel down Mercedes and wait for
 7 another light as I hate traffic lights. And, if I
 8 hate traffic lights, I bet you a lot of people hate
 9 traffic lights.

10 So, are we putting the emphasis where the
 11 emphasis should be put?

12 So, I do want to hear from Mr. Jahr, I do want
 13 to hear from the Maser traffic experts because, if
 14 your plan is modeled off of what their recommendations
 15 are, I'd like to hear those recommendations firsthand.

16 I'm just questioning. Secondly, with regard to
 17 the Mercedes property, I know you have intentionally
 18 aligned the proposed signalized intersection of the
 19 Mercedes parking lot with the proposed A. Property,
 20 let's call it, a portion of A. property.

21 That is not the only access to the Mercedes
 22 property.

23 Is that correct?

24 A That's correct.

25 Q Is there anything that's going to be done

1 to work with Mercedes in controlling their on-site
2 traffic to utilize the controlled intersection versus
3 not using it?

4 A I am not aware of any discussions or, or
5 what may be going on with Mercedes Benz, if anything
6 at all. I think it would make sense certainly to
7 coordinate with them but I haven't had any dialogue
8 with them as of yet.

9 Q Has there been any study into gap
10 schedules when Mercedes-Benz and its two buildings and
11 I think that's One Mercedes and Three Mercedes, are
12 letting out, that's a pretty steady flow of vehicles
13 coming out of their five or six curb cuts along
14 Mercedes.

15 A Yeah. I know we have counted all of those
16 driveways as part of our study. The concentration of
17 activity at our proposed site driveway location coming
18 from Mercedes is pretty high at that particular
19 driveway. So, it seems to be the right alignment
20 location.

21 But, I would agree with you that some
22 coordination to, to further channelize some of their,
23 particularly their left turn movements out of the
24 Mercedes at that location maybe beneficial.

25 Q Yeah. Because, quite frankly, I'm not

1 certain how you are going to phase the light to take
2 into consideration the traffic during that p.m. peak.
3 Because, I believe the testimony that we heard was
4 that you're expecting the higher count, traffic counts
5 to the site, the greater activity is weekday p.m.

6 Well, if it's weekday p.m. into the site, which
7 is the peak traffic exiting the Mercedes facilities as
8 well as the other corporate facilities, how does that
9 all function with one controlled intersection and five
10 or six uncontrolled intersections?

11 A Right.

12 Q What is the timing schedule?

13 What is the gap?

14 Will this put a burden on our good friends over
15 at Mercedes? Because, they get very unhappy easily.

16 A We don't want to make anybody unhappy.

17 Q No, you don't want to do that.

18 A One driveway north of this proposed
19 signalized location, there it is, there's one driveway
20 from Mercedes corporate offices between our signalized
21 location and then what would be their first driveway
22 under existing conditions, we can see many people
23 turning left out of that driveway. It's in close
24 proximity to the intersection.
25 But, certainly the queuing for the movements

1 coming into our site, through that left turn lane,
2 would be contained in a left turn storage lane that
3 would not then block the Mercedes driveway that is
4 near the Lifestyle portion of Parcel A.

5 Q Okay. In either the Maser study or your
6 study have counts been taken with respect to ingress
7 and egress from those two Mercedes locations?

8 A I do have those counts. I have counts for
9 all driveways along Mercedes for definitely the peak,
10 evening peak hour. I'm not sure if we have all
11 driveways for Saturday. But, I'll look into that
12 data.

13 Q Yeah. I would like to see how that would
14 impact the proposed location and signalization.

15 I'm fearful of that p.m. activity from Mercedes
16 with the proposed inbound to the, the development as
17 you had indicated being a peak time.

18 A I, I have those volumes --

19 Q Is the design adequate to handle both peak
20 inbound and peak outbound of the other facilities at
21 the same time?

22 A I'll take a closer look at that because I
23 know in fact those volumes for those two northern
24 driveways. I don't have them with me now. I'll have
25 them and an answer for you at the next meeting.

1 Q Additionally, you are aware of, as you had
2 stated, the Lifetime Athletic development which I
3 understand shall be opening within the next few weeks.

4 And, you said that you had access to the traffic
5 report that had been prepared and part of the public
6 record.

7 Is that correct?

8 A That's correct, yes.

9 Q And, you have taken their traffic counts
10 into consideration in the design of the adequacy of
11 the road improvements that you propose to make on
12 Mercedes?

13 A I know I looked at that report. I have
14 also, as I have referenced, I looked at the Maser
15 report. I need to double check and see how they were
16 factored in because I know that the, the volume counts
17 from that, that report were used to develop some of
18 the base traffic volumes for the study.

19 So, I'll get you an exact answer on how that was
20 included.

21 Q And, additionally, I would like your
22 opinion with the -- and, I'm sorry, what did you say
23 was the percentage of the traffic that will be coming
24 from the east, heading in a westerly direction to the
25 site would be?

1 A Well --
2 Q Was it 32 or 44?
3 A About 32 percent turning from Grand Avenue
4 onto Mercedes Drive. And, some of that is coming down
5 Paragon. But, it looks to be 32 percent would be that
6 left turn volume.
7 Q Well, if you have 32 percent of the
8 vehicles to the site coming from the east, I'm just
9 not quite sure of the percentages and how you derive
10 that.
11 A Well --
12 Q The testimony that we heard prior to this
13 evening was that it's anticipated that the development
14 is going to attract people from a greater radius than
15 merely local residents.
16 Most of the people that travel to this general
17 area utilized the Garden State Parkway.
18 What percentage of the traffic to the site do
19 you anticipate will be coming to the property from the
20 Parkway or have you not done that analysis?
21 A I have referred to the Maser Consulting
22 report, which I think is A-22, that we've been
23 discussing because they provided --
24 Q Okay. That's good enough for me.
25 A Okay.

1 Q I want to hear from Maser Consulting.
2 A Maser Consulting.
3 Q If it's their information, I will want to
4 hear from Maser Consulting.
5 CHAIRMAN DEPINTO: Mr. Herman, please make
6 had a note of that. And, quite frankly, I want both
7 representatives here, I want both Mr. Rashad and Mr.
8 Jahr.
9 MR. HERMAN: Okay.
10 CHAIRMAN DEPINTO: I have some questions,
11 and I'm sure other Board members have questions, based
12 on what Miss Dolan said. And, if we're going to rely
13 on this big, fat ugly book, I want to know what those
14 numbers mean.
15 With that said, questions from Board members
16 starting with Mr. Vogt.
17 MR. VOGT: Thank you, Mr. Chairman. I
18 think I will wait for Maser Consulting's report.
19 CHAIRMAN DEPINTO: Thank you.
20 Mr. Webber.
21 EXAMINATION BY MR. WEBBER:
22 Q A couple questions. To start off with,
23 you mentioned you're going to make Grand Avenue wider
24 for your accel/decel?
25 A Yes.

1 Q How much wider is it going to be?

2 Is it a full car length and width?

3 A It's a full width.

4 Q And, 400 feet?

5 A I think it's about 400 feet, yes.

6 Q And, that's adequate?

7 A We're meeting the County design

8 requirements.

9 Q County standards?

10 A Um-hum.

11 Q Okay. Do you know the travel direction

12 for the tractor trailers coming to and from Wegman's?

13 Would they be coming from the east or from the
14 west?

15 A I don't know where they're coming from.

16 I know the site has been designed to get them in
17 and out around the site but I don't know their origin.

18 Q Okay. That's going to be, for me, that's
19 an important thing to be making the left onto Mercedes

20 -- I'm sorry, the right onto Mercedes, and, and the
21 stacking of the traffic with the lights, again, with
22 the Mercedes people coming in and out in the morning.

23 I know the tractor trailers need a certain

24 amount of time to unload. And, I believe some of the

25 testimony from Mr. Akers that, from Wegman's, that

1 they would try to have the trucks there early in the
2 morning. So, that's going to stack traffic back up.

3 Because, I don't believe that they can make these

4 sweeping turns into the parking lot, as it's going to
5 be.

6 A I know it's been modeled by Mr. Dipple's
7 office. Certainly we have to meet these geometrical
8 requirements. I wasn't here for the timing and the
9 truck testimony. But, I'm taking notes and --

10 Q Okay. There is talk of five trucks a day
11 on average not including the peak times when it could
12 double or triple, I believe the testimony was. So,
13 you're going to have a lot of trucks coming through,
14 tractor trailers that are going to be stacking up
15 traffic behind them.

16 And, one other thought I had with the traffic
17 study.

18 Have you taken into account the Hills morning
19 arrival at school?

20 A We have not counted the morning activity
21 because this is primarily generating the majority of
22 traffic later in the day. So, we haven't studied the
23 morning peak hour.

24 Q Because, from experience, I live on the
25 west side of town. And, I have driven two kids to

1 school, down Grand Avenue, on a Monday or Tuesday
2 morning at peak times that you're showing for your
3 egress and ingress to the site. And, I can tell you
4 now that the school parking and the traffic will back
5 up from Spring Valley Road well past Phillips Parkway.
6 And, that's just on a normal, sunny Tuesday
7 afternoon or Tuesday morning.

8 A I know that there's improvements that are
9 pending at that location that would help all peak
10 hours. They have focused on the evening and Saturday.
11 But, I'll say what I said earlier, we have not made
12 any specific morning studies.

13 Q Because, that will back traffic up
14 tremendously. And, if you're going to be throwing
15 some 40 to 50 vendor trucks along with tractor trailer
16 trucks and the school children and you have high
17 school drivers, first year drivers, crazy parents that
18 are trying to -- the jockeying that goes down that
19 road, it's harrowing.

20 So, if you're going add another ostensibly third
21 lane for parents that are going to try to beat the
22 other cars out, it's a, it's a wonderful game to watch
23 as the cars try to race to see who gets ahead of who
24 at the traffic lights. That's something that needs to
25 be looked into.

1 And, I don't know whether that's a traffic study
2 issue or if that's a police going forward issue.

3 But, the volume, your volume calculations, I
4 don't know if that's taken into consideration, the
5 high school traffic.

6 A Well, any, any school activity that's
7 occurring, I'll say between 4:00 and 6:00, has been
8 accounted for. But, the morning and afternoon at this
9 period, we have not focused on that because typically
10 the overall traffic volumes are lower than we would
11 find in the evening peak hour and the various design
12 improvements have been focused on the evening peak
13 hour which is the highest street volume in mind, with
14 the highest volume.

15 MR. WEBBER: That's all I have for now.

16 CHAIRMAN DEPINTO: Thank you.

17 Mr. Lintner.

EXAMINATION

18 BY MR. LINTNER:

19 Q Just a quick question concerning the
20 roundabout.

21 Could you walk me through the, the entrance and
22 the exits off that roundabout?

23 When you're coming off of Grand Avenue --

24 A There's the entrance.

25 Q Okay. You have an option of turning.

- 1 A Into the Lifestyle Center.
- 2 Q Or continuing around?
- 3 A Continue into these parallel parking
- 4 spaces.
- 5 Q Okay.
- 6 A Or continuing into this other section of
- 7 12 parallel parking spaces.
- 8 Q Okay.
- 9 A Both of those aisles then lead to the 30
- 10 foot aisle, that can lead you into the Wegman's on the
- 11 other side.
- 12 Q Okay.
- 13 A So, there's one, two, three peel off
- 14 points and then the same thing -- sorry, the stop bar
- 15 is right here, right before the exit, back out onto
- 16 Grand Avenue.
- 17 And, similarly, if you're coming out of the
- 18 Lifestyle parking lot, right at that point there's a
- 19 black line representing a stop bar as well.
- 20 So, that would be a stop point before you enter
- 21 into that circle.
- 22 Q And, you could continue around the circle?
- 23 A Yes, you can make a complete loop.
- 24 Q Okay.
- 25 A Through the circle.

- 1 Q How about the first set of parallel spots
- 2 which is the one on the left, the lower left, is that
- 3 a two-way?
- 4 A We've got a channel one-way.
- 5 Q So you can't come back to the circle that
- 6 way?
- 7 A That's right. But, you can just come
- 8 around the corner into that second row of parking
- 9 parallel spaces.
- 10 Q Okay. So, there's two ways in from the
- 11 parking lot that's -- right?
- 12 You're coming off the upper section and the
- 13 lower section back?
- 14 A In the circle, this is one-way.
- 15 Q Okay.
- 16 A And then this is two-way.
- 17 Q Okay.
- 18 A If you exited this and want to go back to
- 19 Grand Avenue, just a quick two turns and then you're
- 20 back out.
- 21 MR. LINTNER: Okay. All right. That's
- 22 fine. Thank you.
- 23 That's all I have Mr. Chairman.
- 24 CHAIRMAN DePINTO: Thank you.
- 25 Councilman Ghassali.

COUNCILMAN GHASSALI: Thank you, Mr.

Chairman. I have a comment and one question.

EXAMINATION BY COUNCILMAN GHASSALI:

Q The traffic was the No. 1 complaint that we got from the residents by the size and everything else. But, the traffic complaint, almost every person who complained to the Mayor and Council had something to do with traffic.

I think peer point, we have to take as much time to speak to whoever we have to speak to to make sure we get this right for the purpose of this Board and the Mayor and Council. I mean for the traffic.

There are two major developments being discussed across the border from Montvale in the Village of Chestnut Ridge. One is 140,000 square feet shopping center on Spring Valley Road. And, across the street from it, there is a horse farm they're discussing an 800 home development there.

In your discussion, have you taken any of this --
A Traffic for those two particular developments was not included, no.

Q Okay. The method that you used to come up with your numbers, you said you spoke to people about their theory, about their, their travel preference?

A I think I was referring to how the Institute of Transportation Engineers data base is collected with regard to pass-by trips. They're usually based on face-to-face interviews.

COUNCILMAN GHASSALI: Okay. Thank you.
Okay. And, the same as Mr. Vogt, I think I rely heavily on the cross-examination by Maser as a group.
CHAIRMAN DEPINTO: Okay. Very good.

Thank you.
Mr. Teagno.

MR. TEAGNO: Yes.

EXAMINATION BY MR. TEAGNO:
Q I just have one question. The new traffic signal you're proposing --

A Yes.
Q -- across from Mercedes, I assume a car coming from the Mercedes Benz parking lot could go straight in addition to your left and right?

A Yes. We have modeled that, yes.
Q Has any consideration been given to the fact that coming from Mercedes Benz and heading either to the New York State Thruway or east on Grand Avenue that you could cut through, make a left, go around the traffic circle, a few degrees and make a right onto Grand?

1 A We have not modeled that, no.

2 Q That's going to happen. Please count it.

3 It's going to happen.

4 As soon as people figure out that they can go

5 through that parking lot and, and eliminate the need

6 to wait at that light on Mercedes and Grand, you're

7 going to get a lot of traffic through the shopping

8 center.

9 I don't know how you can take that into

10 account --

11 A Yeah. That's a --

12 Q -- account for something that doesn't

13 exist yet.

14 A It would be modeled but we have not looked

15 at a cut-thru. That's something that can happen but

16 legally it's not supposed to happen. You're not

17 supposed to cut through unless you're visiting there.

18 Q Yeah. That's going to happen because

19 that's an option to skip that traffic light up there

20 or skip two left-hand turns onto Phillips and then

21 Grand.

22 A The other thing discussed, ultimately the

23 County's decision up at the intersection, where we've

24 got the right turn lane from Mercedes to Grand,

25 currently the traffic signal controls that. But,

1 they're talking about possibly changing it to a yield

2 or eliminating it and having it, a modified geometry.

3 So, that will become a freer flow right. And, then

4 improves to Mercedes Drive to make sure that right

5 turn is not blocked the way it is today under existing

6 conditions.

7 Q Okay. Thank you.

8 A You're welcome.

9 CHAIRMAN DEPINTO: Okay. Thank you.

10 Mr. Culhane.

11 MR. CULHANE: One, I agree with Dante. I

12 had the same observation. I, too, think people are

13 going to use it as a short cut.

14 Two, when you mentioned how you anticipated the

15 traffic going up to Mercedes Drive, taking a left off

16 Grand westbound, I find that particular left turn kind

17 of onerous because of the sharpness of its degree.

18 It's not your typical left-hand turn. I would

19 suspect that, basically to reduce the flow rate, we

20 would be able to achieve with the volume of traffic

21 that are projected.

22 I agree with the Chairman that I would

23 anticipate most of the people using Phillips and then

24 circling around to get into the site.

25 At this time, I'd hold any further questions at

1 this time.
2 CHAIRMAN DEPIUNTO: Okay. Thank you.
3 Mr. Fette.
4 EXAMINATION BY MR. FETTE:
5 Q Miss Dolan, I'm coming down Mercedes,
6 southbound, you said there was going to be a strack
7 lane?
8 A A left turn lane.
9 Q I'm sorry, a left turn stack lane?
10 A Yes.
11 Q About how long would that be did you say?
12 A Long enough to store six to eight cars.
13 Q Six to eight cars?
14 A Yeah.
15 Q So, it would be about 160 feet?
16 A Yeah. I think so.
17 Q Plus or minus?
18 A Plus or minus.
19 Q Okay. But not any tractor trailers?
20 A Well, if a tractor trailer came in there,
21 it can certainly store two tractor trailers.
22 Q Okay. Correct me if I'm wrong, was there
23 any kind of signals in the roundabout?
24 A No, no signals in the roundabout.
25 Q Okay. I misheard you. I apologize.

1 And, just an observation, I remember, I think
2 from the first meeting, if, if, and I'll call your
3 attention to the roundabout, the green area directly
4 to below it, okay, I think it was one of the first
5 meetings we had when they were talking about the
6 general site layout, they were talking about that as
7 a, like a common area for, I guess, things going on.
8 You may not be able to answer this but I'm just
9 thinking ahead. If they ever close one side of that
10 to traffic, how would that impact to make room for a
11 bigger event.
12 Okay?
13 A I guess that would be then event planning.
14 And, if there was some type of event where they were
15 having that level of planning, sort of a traffic study
16 or police control study, that goes along with that, so
17 that you would make sure that you are moving the
18 traffic through heavily policed presence.
19 Q Because, it just seems like it's going to
20 be coming off of West Grand, it's going to be probably
21 a pretty busy entrance, I would think?
22 A We've shown the volume of traffic using
23 it, yes.
24 MR. FETTE: Okay. Thank you. No further
25 comments.

1 CHAIRMAN DePINTO: Thank you.

2 Mr. Stefanelli.

3 MR. STEFANELLI: Yes. I have just a
4 couple.

5 EXAMINATION BY MR. STEFANELLI:

6 Q The new light that will be in at Mercedes,
7 would that be signalized?

8 A Yes. Fully signalized, yes.

9 Q Okay. And, would that also, maybe I
10 missed, synchronized, too, with Grand Avenue?

11 A Probably that -- again, the specifics of
12 the traffic signal itself haven't been designed. But,
13 there is plans for other coordination of signals.

14 So, I imagine this one would be coordinated as
15 well.

16 Q I guess my question, and I think the, some
17 of the questions might, but the Parkway, I have
18 concern because I think a lot of people are going to
19 be coming off. You know, we have a lot of volume
20 coming off the Parkway now heading north and then
21 getting on going south, especially at the p.m. hour,
22 heading home. I have seen it backed up all the way --

23 There is only one lane. I don't see any
24 improvements or even in the Maser report on
25 improvements to get people on to the Parkway heading

1 south.

2 I see that as the backup. Because, once the
3 light hits and you start backing up traffic on
4 Chestnut Ridge, that kind of blocks people from
5 getting access to the Parkway heading south.

6 And, I see that as one of the big bottlenecks,
7 almost on a daily basis is the signalization and the
8 backup from Chestnut Ridge.

9 I'm just wondering if that is something that I
10 think we should look at, as part of the study.

11 I'm not saying that we get the Parkway involved
12 in that but it's definitely an improvement.

13 That was my only comment.

14 But, I just was wondering if you did any traffic
15 counts getting on to the Parkway.

16 A I know that the signal coordination has
17 been looked at by Maser. But, I don't want to answer
18 for them.

19 Q Okay. That's a Maser question.

20 MR. STEFANELLI: That's it.

21 MR. CULHANE: Mr. Chairman.

22 CHAIRMAN DePINTO: Yes, Mr. Culhane.

23 MR. CULHANE: One other question.

24 On that proposed signal, who would actually have
25 control of it, the town, the County?

1 How would that coordination work?

2 CHAIRMAN DEPINTO: It's a municipal road.

3 I presume the municipality would have control of it.

4 MR. CULHANE: As pointed out, there would

5 have to be some coordination with the various signals.

6 CHAIRMAN DEPINTO: Correct.

7 MR. TEAGNO: Mr. Chairman, I have one.

8 CHAIRMAN DEPINTO: Yes.

9 EXAMINATION BY MR. TEAGNO:

10 Q On that rotary, on that circle, if I come

11 in off, somehow enter the circle off Grand Avenue from

12 the retail space and I'm going around the circle, why

13 would I take either leg to the left or to the right,

14 around the green space?

15 A Come in here?

16 Q Yeah. Head down toward the green space.

17 I can go there or I can go a little further and go --

18 A Go here, yeah.

19 Q So, why am I -- why do I have a choice

20 here?

21 A Here? Because, if you want to go into the

22 Lifestyle --

23 Q No. No. At the bottom of the circle.

24 Yes, there. You got a leg there.

25 A Right here.

1 Q Another road that's two-way on the other

2 side.

3 A Right.

4 Q Why would I take one or the other? Where

5 am I going?

6 A If you wanted to potentially park in one

7 of the parallel spaces immediately adjacent to, I

8 don't know which building letter that is, Building D,

9 you might choose the westerly aisle. Conversely, you

10 would choose the easterly aisle of parallel spaces, in

11 here, if you were going to this building which is

12 Building E.

13 Q Okay. I just wanted to know if it would

14 be simpler to have one road.

15 A The design of that particular feature is

16 probably best answered by another witness.

17 Q Okay. Thank you.

18 A You're welcome.

19 CHAIRMAN DEPINTO: Follow-up question also

20 with respect to the concerns of Mr. Teagno and Mr.

21 Culhane.

22 EXAMINATION BY CHAIRMAN DEPINTO:

23 Q If we are concerned about vehicles coming

24 on to the site, making the left hand turn to get to

25 the roundabout, to get to Grand Avenue to head east on

1 Grand Avenue in an effort to avoid the light at
 2 Mercedes and Grand, why couldn't this be one-way, both
 3 of these legs be one-way southbound only?

4 A That is certainly something we could look
 5 at.

6 Off the top of my head, I would say that the one
 7 problem that causes is anyone leaving the parking
 8 field in front of Wegman's that wants to go back to
 9 Grand Avenue eastbound would choose that easterly
 10 aisle of parallel spaces to get out to that exit.

11 And, so if that --

12 Q No. I would go out here down to Phillips.
 13 This is my driveway.

14 A That would certainly, I would say, force
 15 more traffic to, to that Phillips destination because
 16 you would be making it very inconvenient to, to go
 17 through the parking area just to get back out to
 18 Grand. I don't think anybody would do that.

19 But, that's certainly --

20 Q I think we're going to have to take a look
 21 at that. I think, when you look at the plan and that
 22 possibility of that short cut, we have a number of
 23 buildings in town where parking lots were not intended
 24 to be short cuts for through traffic but they are.

25 As a matter of fact, right across the street, at

1 The Learning Experience, anybody who lives on Craig
 2 Road, who was traveling east on Grand Avenue knows the
 3 best way to get to the Hovarian community on Grand
 4 Avenue is to drive through the day care center which
 5 we had anticipated would happen. The applicant
 6 thought otherwise.

7 But. You could stand there any evening and see
 8 it happen all day long.

9 Traffic tends to take the shortest distance from
 10 Point A to Point B whether it's public property or
 11 private property.

12 I think that's something we're going have to
 13 look at very, very carefully. And, I expect you to
 14 come back, when you testify again, Ms. Dolan, to offer
 15 some alternatives to what exits.

16 CHAIRMAN DePINTO: Any other follow-up
 17 questions from Board members? None.

18 With that said, the Chair will entertain a
 19 motion to open the meeting to the public.

20 MR. STEFANELLI: So move.

21 CHAIRMAN DePINTO: Sorry. Sorry. I take
 22 it back.

23 Bob, do you have anything?

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

25 CHAIRMAN DePINTO: Mr. Herman, do you have

1 anything?

2 MR. HERMAN: No. Like you had asked, we
3 will make Mr. Rashad and Mr. Jahn available for, to
4 coordinate with the Board.

5 CHAIRMAN DEPINTO: And, please advise Mr.

6 Del Vecchio when they will be available so that he can
7 make sure that Ms. Dolan is here so we could address
8 that.

9 Okay. Mr. Preiss.

10 MR. PREISS: No questions.

11 CHAIRMAN DEPINTO: Okay. Thank you.

12 Again, I entertain a motion to open to the
13 public.

14 MR. TEAGNO: So move.

15 CHAIRMAN DEPINTO: Mr. Teagno, seconded.

16 Councilman Ghassali.

17 All in favor?

18 (Aye)

19 We're going to Mr. Segreto and members of the
20 public.

21 Anyone have any questions of the testimony that
22 we heard this evening from Ms. Dolan?

23 All the way in the back. Mr. Lavis.

24 Good evening. Arthur Lavis, L A V I S.

25 EXAMINATION BY MR. LAVIS:

1 Q You testified -- Miss Dolan, is it?

2 A Yes.

3 Q You testified before that 44 percent of
4 the traffic would come from the west.

5 Correct?

6 A Yes.

7 Q And, you said 48 percent from the east?

8 And, then you kind of, to my mind, contradicted

9 yourself saying 32 percent would come from Grand

10 Avenue?

11 So, where would the other 16 percent from the
12 east come from?

13 A I miscalculated when I said 48. The

14 volume is 32 percent.

15 Q So, where does the other 24 percent come
16 from?

17 A Some of it is coming from the north and
18 some of it is coming up from, from, let's say the back
19 way using, using, coming up Mercedes from the south.

20 Q Right. Okay.

21 You said you took into account the traffic that
22 would be generated by Lifetime Fitness.

23 And, do you know that the order of magnitude of
24 the number of parking spaces, how many members there?

25 A I haven't looked at that.

1 Q It was in the paper. It said 7,000
2 members, 600 parking spaces. So, they would seem to
3 generate a large amount of traffic to integrate.

4 And, I just want to make sure that's been fully
5 integrated into the study?

6 A As I said earlier, I have to see how it
7 was incorporated. I haven't looked at that study in
8 awhile.

9 Q And, I think you answered Mr. Ghassali
10 saying that you had not incorporated the 800 homes on
11 the horse farm and the other shopping center, I guess
12 across the street, 40,000. But, there were two other
13 major developments going on, one on Spring Valley from
14 Old Tappan and one on Summit from Old Tappan.

15 Have you incorporated those in your study?

16 A Only those with the affordable housing
17 from this project.

18 Q 300 more, ballpark?

19 CHAIRMAN DEPINTO: Yes.

20 MR. LAVIS: Yeah.

21 A Those have not been included.

22 Q Would that not be backup and put those in
23 and also the developments off Spring Valley?

24 A It depends where they are, how large they
25 are. I'll take a look at it.

1 Q Yeah. In your report, Number 115, on the
2 second page, it says trip generation estimates have
3 been prepared using the 9th edition of the Trip
4 Generation Manual?

5 A Yes.

6 Q In the Maser Consulting report they
7 applied the entire development, they applied the
8 shopping center or retail trip generation factor and
9 did not use the supermarket factor.

10 And, I did some study myself and found out the
11 supermarket factor, trip generation factor
12 co-efficient is three or four times the retail.

13 Did you use the supermarket trip generation
14 factor for the supermarket?

15 A I don't think it's three or four times
16 higher.

17 Q It's much higher. I would say it's three.
18 If it's a fact, it's a fact.

19 MR. DEL VECCHIO: Could you please allow
20 the witness to answer the question?

21 We'll answer all of them. Just let her answer
22 them, please.

23 MR. LAVIS: Okay.

24 A The ITE supermarket rate is very high. It
25 is based on supermarkets averaging somewhere around, I

1 believes, 50 or 60,000 square feet.

2 There is a caution in the manual that says
3 there's a small sample size. So, to use that data
4 with caution.

5 I didn't spend much time on it. But, in my
6 testimony I did mention that we had done specific trip
7 generation studies at Wegman's.

8 When we matched those rates up against the ITE
9 supermarket rates, we found out that the ITE
10 supermarket rates were very high.

11 Also, when you have several different retailers
12 in one setting, one of which may be a supermarket, the
13 ITE guidelines tell you to use the shopping center
14 trip generation because not only it uses peak at one
15 time and there are shared trips between individual
16 uses.

17 So, when you take an internal credit after
18 applying the supermarket rates, you basically come out
19 to the same rates as the shopping center.

20 Q I did a mental exercise myself. And, I
21 applied the supermarket trip generation rate just to
22 the supermarket and excluded all the other
23 establishments and you come up with a much higher trip
24 generation as if the other retail did not --

25 CHAIRMAN DEPINTO: Mr. Lavis, Mr. Lavis,

1 I'm going to have to swear you in if you're going to
2 offer testimony.

3 MR. LAVIS: I do not purport to be an
4 expert.

5 CHAIRMAN DEPINTO: Okay. At this point,
6 if you could just limit your comments to questions of
7 the testimony.

8 Q Would you agree that would be the case,
9 Miss Dolan?

10 A I would agree, if you applied the
11 supermarket rate from the ITE manual to the Wegman's
12 building area, you would generate a higher trip
13 generation than using the shopping center rate, yes.

14 Q For the entire development?

15 A I don't have that specific calculation.

16 Q Well, I would ask if you could do that, if
17 you could apply the trip generation for the
18 supermarket, just to Wegman's, and see if that gives
19 you the higher number and even higher traffic count
20 for the entire development.

21 And, I think you would find it would be,
22 Wegman's alone would be generating more traffic.

23 CHAIRMAN DEPINTO: Questions. Questions.
24 Questions.

25 MR. LAVIS: You are a hard task master but

1 you're good, you're good.

2 CHAIRMAN DePINTO: Art, do you have more?

3 MR. LAVIS: I have one more, yes.

4 You told me to slow down before. So, I'm making
5 a note of that.

6 CHAIRMAN DePINTO: I didn't tell you to
7 slow down. Someone else told you that.

8 Q When I sat up on the Planning Board
9 committee decades ago, under the great leadership of
10 Mr. DePinto, who I have known for a very long time,
11 the traffic people would always give us a level of
12 Service, a letter, I believe, for various roads.

13 Have you done that kind of tabulation from
14 before and after?

15 A I have done that in this report, as I've
16 testified to, for the site driveway intersections.

17 Our new traffic signal, as I said, would be A, B and
18 C.

19 And unsignalized would also be C or better.

20 The balance of the calculations really come from
21 the Maser Consulting report with before and after
22 impacts.

23 Q Would you think the development to
24 consider the effects of the trip generation on the
25 intersection of Kinderkamack and Grand which now are

1 perennial daily gridlocked in our community?

2 A There has been an intersection study as
3 part of the rezoning of this particular property and a
4 series of improvements that have been identified.

5 And, the Board have requested that Maser Consulting
6 come and present those findings.

7 And, you'll hear a lot more from them. That's
8 really been their work. So, I'll defer to them.

9 Q Maser Consulting said they didn't consider
10 Grand and Kinderkamack.

11 A That specific intersection, I'm sorry, and
12 I have not. That, that's, the limits of the study
13 does not entertain intersections, is the extent of
14 what has been done that I'm aware of.

15 Q How about the Level of Service at Grand
16 and Chestnut Ridge?

17 A Again --

18 Q Is that --

19 A There's some, some Ds, Es, Fs for the
20 evening peak hour.

21 And, again, that's been studied in-depth by the
22 anchor store.

23 Q Would you consider it appropriate to
24 restate your numbers taking into account all of the
25 potential developments and all that, that going

1 forward?

2 A Again, we have used a background growth
3 factor that we know is higher than the actual growth
4 of the area. And, I don't know enough about the
5 specific locations, sizes and scopes of these projects
6 to, to give you a full answer at this time.

7 Q They're very nearby but might not be
8 relevant to you to investigate and to consider that?

9 A Yes.

10 Q And, do you think you might be able to do
11 that?

12 A I'll take a look at it, absolutely. Yes.

13 MR. LAVIS: That's all I have, Mr.

14 Chairman. Thank you.

15 CHAIRMAN DEPINTO: Thank you.

16 Anyone else from the public? Yes, sir.

17 MR. LUCIBELLO: Hi. Anthony Lucibello, I

18 live at 31 Twin Oaks Drive.

19 EXAMINATION BY MR. LUCIBELLO:

20 Q I would just like to ask a couple

21 questions on some of the numbers you gave out before.

22 You gave out four numbers for the peak times?

23 A Yes.

24 Q For vehicle capacity.

25 Would you repeat that again?

1 A I believe it was the trip generation for
2 each of the parcels for each of the peak hours
3 studied. And, these would be total driveway
4 movements.

5 For Parcel A, during the evening peak hour, 953;
6 for Parcel B, during the evening peak hour, 230; for
7 Parcel A during Saturday peak hour, 1,372, and for
8 Parcel B during the Saturday peak hour 346.

9 Q Could you tell us how you came up with
10 those numbers?

11 A These are based on the Institute of
12 Transportation Engineers equations for a shopping
13 center. For Parcel A, based on 200,000 square feet
14 and, for Parcel B, based on 240,000 square feet.

15 Q This is based on mathematical formulas not
16 based on actual counts of cars in this area?

17 A The trip generation estimates are based on
18 studies published by the ITE based on actual counts of
19 shopping centers. That's one analysis.

20 But, the analysis also includes an actual count
21 of cars going past the site during the peak hours.

22 So, there's a physical count of cars plus an
23 estimation of future cars.

24 Q Who counted those cars?

25 A They were counted some by our office, some

1 by, I don't know if Maser Consulting did any, Atlantic
2 Traffic did some, Orth-Rodgers. So, it was a variety
3 of consultants who did traffic count data around the
4 subject matter.

5 Q How does that get pulled together? You
6 get all these different numbers from different people
7 and how does that get pulled together?

8 A Well, typically, you look at what is
9 generally the most conservative data points.

10 So, as I had said, our office counted the
11 intersections of Mercedes and Grand probably three or
12 four times. It was also counted by Atlantic Traffic.

13 So, all that data was, was compared and
14 evaluated and specifically by Maser, in A-22, where
15 they came up with a series of existing traffic volumes
16 throughout the entire system that the study included
17 inclusive of our area.

18 Q Okay. You also mentioned that you got
19 some, I don't know if you said counts or some kind of
20 numbers from Bergen County as well as from Wegman's?

21 A From Bergen County we had obtained traffic
22 study by Orth-Rodgers & Associates. It was a traffic
23 impact study for, I think, the Hovnanian development.
24 So, that data was obtained from the County.

25 The Wegman's research that I talked about was

1 traffic counts collected at Wegman's in Bridgewater.
2 and Princeton, New Jersey, by our firm and, and in, I
3 believe, 2011.

4 Q How do those numbers get factored into
5 this?

6 A These numbers, the Wegman's counts that we
7 collected were used to validate the use of the ITE
8 trip generation for, for use in projecting volumes
9 associated with this application.

10 Q I don't -- I haven't seen your report.
11 So, all this information is in your report?

12 A Not all of the reference information is in
13 it but the numbers that you asked for for the driveway
14 movements and many of the other elements that have
15 been discussed are included in the report.

16 MR. LUCIBELLO: Mr. Chairman, is this
17 report available to the public?

18 CHAIRMAN DePINTO: Yes, it is.

19 MR. LUCIBELLO: Where can we access this?

20 CHAIRMAN DePINTO: It should be on the
21 table in the rear of the room, No. 1. Or, if you
22 contact the Board secretary tomorrow, she may be able
23 to --

24 Do you have any electronic copies of it?

25 MS. HUTTER: The traffic report is

1 on-line.

2 MR. IUCIBELLO: It's on-line?

3 MS. HUTNER: The Maser Consulting one is

4 on-line and you could come to me between 8:30 and 4:30

5 to review the file and/or make an appointment if you

6 can't get there by 4:30.

7 MR. IUCIBELLO: And, Miss Dolan's --

8 MS. HUTNER: Yes, I have that.

9 MR. IUCIBELLO: I don't know if you -- I

10 mean, it's a traffic study. I know you do counts and

11 engineering related to that.

12 Q What about the pollution that's associated

13 with increased traffic, did you measure that?

14 A No, I did not.

15 CHAIRMAN DEPINTO: Sir, I think the EIS,

16 which is the Environmental Impact Statement which was

17 prepared by Mr. Dipple, I'm not quite certain if you

18 were at the last meeting.

19 MR. IUCIBELLO: I was.

20 CHAIRMAN DEPINTO: Mr. Dipple had

21 testified as to that specific point. That report also

22 is part of the file. And, you could read that report.

23 And, he speaks to that.

24 MR. IUCIBELLO: Okay. Well, I recall his

25 testimony was, when that issue came up, I believe he

1 said that he's not an expert in that area. And, he

2 deferred to this testimony.

3 CHAIRMAN DEPINTO: Well, Mr. Dipple, with

4 respect to your EIS and the question I guess deals

5 with the anticipated traffic, the impact that it will

6 have on air quality.

7 Is that correct, sir, is that what you're

8 concerned about?

9 MR. IUCIBELLO: Yes.

10 MR. DIPPLE: I referenced the air quality

11 in the Environmental Impact Statement. But, I did not

12 defer to someone else. I believe this gentleman is

13 confusing my noise testimony, a noise section that I

14 heard, to our noise expert.

15 We do, we do reference that, the air quality. I

16 have indicated that we don't foresee any impact.

17 That's based upon, you know, our, our knowledge

18 of air quality in large parking lots. They're

19 typically much, much larger than this to effect air

20 quality. And, there are studies that can be done for

21 that.

22 But, based upon our knowledge and our

23 experience, the parking lot has to be much, much

24 larger than this to effect air quality.

25 MR. IUCIBELLO: Well, is it just about the

1 parking lot?

2 Isn't it about the traffic that traverses around
3 the area?

4 MR. DIPPLE: Well, it's kind of -- it
5 assumes that, that the vehicles are running. So,
6 whether or not they're moving or whether or not
7 they're parked deals with vehicles that are running.

8 If all the cars are not running, then there is no air
9 quality impact at all.

10 So, it deals with vehicles, this many vehicles
11 moving to a site.

12 MR. LUCIBELLO: So, did you base this on
13 actual numbers?

14 I mean, what's it's --

15 MR. DIPPLE: No. No.

16 MR. LUCIBELLO: Yes?

17 MR. DIPPLE: No, we did not. It's based
18 upon our experience and prior experience on other
19 sites.

20 CHAIRMAN DePINTO: Well, Mr. Dipple, are
21 there published standards --

22 MR. DIPPLE: Yes.

23 CHAIRMAN DePINTO: -- relative to that?

24 MR. DIPPLE: There are published

25 standards. There is, there is a methodology that you

1 could use to show the impact of a large parking
2 facility.

3 And, my testimony now is, our experience has
4 been that, because I've done developments with very
5 large parking lots, larger than this one, that it
6 would have to be a very significant parking lot, much
7 larger than what we're presenting here, in order to
8 exceed any threshold that is set forth by the United
9 States DOT or the State DOT -- Federal Highway
10 Commission. I apologize.

11 I believe it might be the Federal Highway
12 Commission who has set those standards.

13 MR. LUCIBELLO: Okay. So, your experience
14 is not based on -- it's based on these standards but
15 without any numbers to say one way or the other?

16 MR. DIPPLE: It's based upon prior
17 experience and studies that have shown that we're not
18 even close to the thresholds for parking lots that are
19 in the same size or magnitude as this one proposed.

20 MR. LUCIBELLO: I just have one final
21 question.

22 Since this testimony is going to continue, the
23 public will have an opportunity --

24 CHAIRMAN DePINTO: Yes, you will.

25 MR. LUCIBELLO: -- to come up again.

1 Thank you very much.

2 CHAIRMAN DEPINTO: Thank you. Okay.

3 Anyone else from the public?

4 Okay. And, finally, Mr. Segreto.

5 Mr. Segreto, obviously we're at curfew. You've

6 got five minutes. But, when we do continue, which I

7 believe we're scheduled for next week?

8 MS. HUTTER: The 22nd, 7:30.

9 CHAIRMAN DEPINTO: The 22nd at 7:30.

10 MR. SEGRETO: I just have a question.

11 This witness is going to return on the 22nd.

12 Is that correct?

13 MS. DOLAN: Yes. Yes.

14 MR. SEGRETO: Okay. And, what about Mr.

15 Dipple?

16 MR. DEL VECCHIO: He's a permanent

17 fixture.

18 MR. SEGRETO: He's a permanent fixture.

19 All right. But, we're going to start off with

20 this witness?

21 CHAIRMAN DEPINTO: Yes.

22 MR. SEGRETO: To, to conclusion?

23 CHAIRMAN DEPINTO: Well, for you, for your

24 cross.

25 MR. SEGRETO: All right. All right. If I

1 have five minutes, I might as well use them.

2 CROSS-EXAMINATION BY MR. SEGRETO:

3 Q Miss Dolan, with regard to the, I don't

4 want to be accused of -- if you give me five minutes,

5 I'll take it.

6 The other traffic studies you used, you

7 indicated you used Maser Consulting's report and you

8 said, I guess, it was Atlantic's reports for the Life

9 Fitness Center.

10 Is that correct?

11 A That's correct.

12 Q What other studies did, did you use, let's

13 say from other applicants, other developments here in

14 Montvale?

15 A There, there were one or two studies the

16 County provided from Orth-Rodgers. I'm sorry, not

17 Orth-Rodgers, McDonough Rea. I'm sorry.

18 I believe one of them was Hovanian. Maybe it

19 was just that one. And, then there was an addendum to

20 that so it would have been for the same site.

21 Q That's for the Hovanian project?

22 A Yes.

23 Q And, the counts in that McDonough Rea

24 report, when were they performed?

25 A I don't know offhand. I don't know if I

1 have that information with me.

2 Q All right. How about the counts for the
3 Lifetime Fitness Center?

4 A They were performed in 2011.

5 Q Okay. Are there, other than the Maser
6 Consulting, Atlantic and McDonough Rea report, what
7 other reports did you review?

8 A I believe those are all of them.

9 Q All right. Am I correct that you did or
10 you relied upon counts that, that your office did in
11 2010.

12 Is that correct?

13 A Well, we performed a series of counts in
14 2010, in 2011 at the intersection surrounding the
15 subject property. And, they were supplemented by
16 Atlantic counts at the Grand Avenue intersection with
17 Mercedes and Phillips.

18 Q So there's, there's no counts that you
19 know of for 20, that were done in 2012 or 2013?

20 A I don't -- I think Maser Consulting may
21 have done one in 2012. But, I think all of our counts
22 were 2011.

23 We provided some traffic counts to Maser in 2012
24 for other off track locations that were studied in, in
25 their A-22, their March 2013 report. So, those would

1 be the 2012 counts. And, they are locations further
2 from the subject property.

3 Q Why didn't your office do any counts in
4 2012 or 2013?

5 A No counts in 2013.

6 2012 at West Grand Avenue and Chestnut Ridge
7 Road. I think that's the only one.

8 Q Now I know the gentleman just asked you
9 but you indicated that you used Wegman's research.

10 And, now, in response to this question, you indicated
11 that the research you were talking about from Wegman's
12 was actual traffic counts that your office did at the
13 existing Wegman's.

14 Is that correct?

15 A That's correct.

16 Q And, you indicated those were 2011 counts?
17 A I believe.

18 Q All right. And, that was at the
19 Bridgewater store and you named another store.

20 A The other store was Princeton.

21 Q Princeton.

22 Do you know how big the Woodbridge store

23 is? Not Woodbridge -- I'm sorry, Bridgewater.

24 How large that store is, the Wegman's.

25 A Bridgewater, 123,000 square feet.

1 Q And, that has access on a major highway?
2 A 202, yes.
3 Q And, what about the Princeton Wegman's?
4 A 125,298 square feet.
5 Q And, does that have access to a major
6 highway?
7 A Route 1.
8 Q Did you do any other traffic counts of any
9 existing Wegman's?
10 A No. Those are the only two we did.
11 Q Did you use any Wegman's marketing
12 materials or surveys with regard to coming up with
13 your traffic generation counts?
14 A No.
15 Q Could you tell me why not?
16 A We're often asked that. We, actually, in
17 this case, we did the research counts to specifically
18 look at trip generation at comparable sized stores.
19 But, typically, we rely on data published by the ITE.
20 Q So, as a traffic engineer, you're not
21 interested in what Wegman's expects the traffic
22 generation to be?
23 A From my experience, customer counts,
24 transactions during certain time periods. But,
25 appropriate traffic engineering standards is to follow

1 the ITE methodology and in New Jersey the access code
2 requires the use of the ITE numbers.
3 Q Now you indicated that you shared counts
4 with Maser Consulting. I'm assuming that you did
5 counts and you had discussions with Maser Consulting
6 about those counts.
7 Is that correct?
8 A Right. We had our traffic counts and we
9 provided them copies of those counts, yes.
10 Q And, when did you share those counts with
11 Maser Consulting and how did you do it?
12 A I don't know when. We've been working on
13 this project for a few years.
14 But, in their -- it would have been prior to the
15 issuance of their March 2013 report because they
16 reference those traffic volumes in the development of,
17 of the existing base traffic volumes for the study
18 peak hours.
19 Q All right. So, your office provided Maser
20 Consulting with certain information that Maser
21 Consulting used to, to draft its report that it
22 presented to the Mayor and Council.
23 Is that correct?
24 A Traffic counts.
25 CHAIRMAN DEPIINTO: Okay. Mr. Segreto, I'm

1 going have to interrupt you.

2 MR. SEGRETO: Okay.

3 CHAIRMAN DEPINTO: We're at that witching
4 hour. Thank you.

5 And, when we continue the hearing -- well,
6 first, notice to the members of the public that are
7 here, please be advised that this hearing will be
8 continued October 22nd at 7:30 p.m.. No further
9 notice will be provided to you other than this
10 announcement, No. 1.

11 No. 2, Mr. Segreto, you will be given the first
12 opportunity to continue with your cross-examination of
13 this witness.

14 Thank you very much for attending this evening.

15 We'll see you next week.

16 (The hearing adjourns at 11:17 p.m..)

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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.

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