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January 28, 2014

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OUR FILE NO. -010521

## Via Hand Delivery and Email

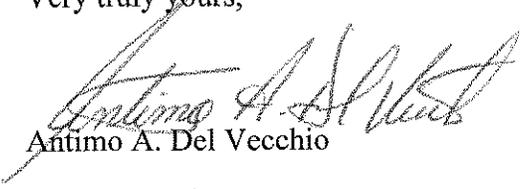
Ms. R. Lorraine Hutter, Secretary  
Borough of Montvale Planning Board  
12 Mercedes Drive  
Montvale, New Jersey 07645

**Re: Montvale Development Associates, LLC  
Application for Preliminary and Final Site Plan Approval, PUD Approval,  
EIS Approval and Soil Moving Permit Approval  
Block 2802, Lots 2 & 3; Block 1002, Lots 3 & 5, Montvale, New Jersey**

Dear Ms. Hutter:

I enclose a copy of the transcript prepared by Donna Lynn J. Arnold, C.C.R., for the Tuesday, January 7, 2014 meeting in connection with the above referenced matter. By copy of this letter to Robert T. Regan, Esq., I am forwarding directly to him a copy of the transcript as well. Should you have any questions regarding the enclosed, please do not hesitate to contact me.

Very truly yours,

  
Antimo A. Del Vecchio

ADV:rcf- Enc.

c: Robert T. Regan, Esq. (via email, w/enc.)

*Forty-Four Years of Service*

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PLANNING BOARD  
MONTVALE TOWNSHIP  
COUNTY OF BERGEN

VOLUME 7

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

-----  
Tuesday, January 7, 2014  
Council Chambers  
12 Mercedes Drive, 2nd Floor  
Montvale, New Jersey  
Commencing 9:40 p.m.

B E F O R E:

JOHN CULHANE  
THERESA CUDEQUEST, COUNCIL MEMBER  
JOHN DEINTO, CHAIRMAN  
WILLIAM LINTNER  
KARI SOLOMON, recused  
FRANK STEFANELLI  
DANTE TEAGNO  
WOLFGANG VOGT  
CHET WEBBER, absent

ROBERT REGAN, BOARD ATTORNEY  
JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL  
CRAIG P. HERRMANN, PE, PE, CME, MASER CONSULTING  
JOHN J. JAHR, TSOS, MASER CONSULTING, absent  
ANDREW HIPOLIT, BOROUGH ENGINEER  
LORRAINE HUTTER, BOARD SECRETARY  
RICHARD PREISS, BOROUGH PLANNER

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	W I T N E S S	REDIRECT	BOARD	PUBLIC	
1					
2					
3	JOSEPH MICHAEL SOFIA				
4	BY: MR. DEL VECCHIO	13			
5	BY: THE BOARD				
6	MR. CULHANE		25		
7	MR. FETTE		28		
8	MR. VOGT		32		
9	COUNCILWOMAN CUDEQUEST		33		
10	CHAIRMAN DEPINTO		35		
11	MR. HIPOLIT		49		
12	MR. PREISS		53		
13	MR. REGAN		72		
14	BY: MR. SEGRETO			55	
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16	KARI SOLOMON			73	
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20	162 Westwood Avenue, Westwood				
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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	
1				
2	EXHIBITS MARKED 8/6/2013			
3	A-1 Affidavit of Notice Document, Two Volumes			
4	A-2 Site Plan Drawings Prepared by I2A, 42 sheets, 6/21/2013			
5	A-3 Architectural Plans by JF2, Consisting of 8 sheets, 6/18/2013			
6	A-4 Wegman's Elevation Drawings, single sheet 7/24/2013			
7	A-5 Floor Plans Prepared for Wegman's Building, 5/14/2013			
8	A-6 Roof Plan (Wegman's) Single Sheet, 6/20/2013			
9	A-7 RRKL Master Plan Booklet			
10	A-8 Thumb Drive Containing Two Power Point Presentations			
11	A-9 Stone Sample Board			
12	A-10 Split Base Sample			
13	A-11 Material Board, Wegman's			
14	BOARD EXHIBITS			
15	B-1 Letter, 8/5/2013, from Chief of Police, Site Plan			
16	B-2 Letter, 8/5/2013, from Chief of Police, Soil Movement			
17	EXHIBITS MARKED 09/03/2013			
18	A-12 Paper Version, Colored Floor Plate Of Wegman's			
19	EXHIBITS MARKED 10/01/2013			
20	A-13 Id. Site Plan Drawings, 32 sheets, Last Revised 9/20/2013			
21	A-14 Id. Storm Water Management Report Revised 9/20/2013			
22	A-15 Id. Storm Water Maintenance Manual By I2A, revised 9/20/2013			
23	A-16 Id. Soil Movement Plan, By I2A			
24	A-17 Id. Revision dae 9/27/2013			
25	A-18 Id. EIS Report, by I2A, 6/21/2013			

- 1 EXHIBITS MARKED 10/15/2013
- 2 A-19 Id. Section of Porous Pavement
- 3 Including the Vase
- 4 Porous Pavement
- 5 Traffic Impact Analysis
- 6 6/20/2013
- 7 A-22 Id. Traffic Impact Analysis
- 8 By Maser Consulting, 3/7/2013
- 9 Technical Appendices
- 10 3/7/2013
- 11 EXHIBITS MARKED 11/06/2013
- 12 B-1 Id. Letter, 10/25/2013, E. Timsak
- 13 A-24 Id. L2A Concept Plan, SK-01, 10/29/2013
- 14 A-25 Id. Site Traffic Impact
- 15 A-26 Id. Sign Package Drawings
- 16 A-27 Id. Cut Sheet Booklet, 7/17/2013.
- 17 EXHIBITS MARKED 11/25/2013
- 18 A-28 Id. Traffic Impact Analysis
- 19 11/14/2013
- 20 EXHIBITS MARKED 01/07/2014
- 21 A-29 Id. Princeton Logs
- 22 A-30 Id. Bridgewater Logs
- 23 A-31 Id. Tabulation, Dolan & Dean
- 24 B-4 Id. Letter, 1/2/2014, Maser
- 25 B-5 Id. Truck Study, Maser

- 1 (Agenda)
- 2 CHAIRMAN DEPINTO: Block 2802, Lots 2 and
- 3 3, 300 Grand Avenue, Block 1002, Lots 3 and 5, 159-161
- 4 Summit Avenue, Montvale Development Associates LLC,
- 5 Shops at Depieros, application for preliminary and
- 6 final site plan approval, preliminary and final
- 7 subdivision approval, planned unit development and
- 8 soil moving permit.
- 9 Good evening, folks.
- 10 MR. DEL VECCHIO: Good evening, Mr.
- 11 Chairman.
- 12 For the record, Andy Del Vecchio, member of the
- 13 firm of Beattie, Padovano on behalf of the applicant
- 14 Montvale Development Associates.
- 15 As you indicated, we are here on continued
- 16 public hearings.
- 17 I believe, at the last meeting, we had concluded
- 18 the testimony of Ms. Dolan.
- 19 We had brought with us two witnesses this
- 20 evening under the expectation that we would have
- 21 reached the public hearing section of these hearings a
- 22 little sooner.
- 23 Because of the hour, I'm going to kind of take a
- 24 witness out of the order that I had planned. And, I'm
- 25 going to recall or recall, for the first time, a

1 Wegman's representative, since the Board has been  
 2 asking that a second representative be brought to the  
 3 hearings. He's here this evening. And, I would like  
 4 to call him forward to commence his testimony rather  
 5 than complete some unopen testimony which I can do at  
 6 a later date.

7 CHAIRMAN DEPINTO: Okay. Mr. Del Vecchio,  
 8 before we move on with that, I have no difficulty with  
 9 that.

10 But, you had requested of the Board Secretary to  
 11 check availability of Board professionals for a  
 12 special meeting. And, while everyone is here -- I  
 13 believe the Montvale professionals have come up  
 14 with --

15 MS. HUTTNER: January 15th and February  
 16 26th.

17 CHAIRMAN DEPINTO: January 15th.

18 MR. REGAN: That's a Wednesday. Okay.

19 That's okay.

20 MR. PREISS: Yes, I'm good.

21 CHAIRMAN DEPINTO: You're okay for the  
 22 15th. Andy, you're good.

23 MR. HIPOLIT: Yes.

24 CHAIRMAN DEPINTO: And Richard's good.

25 MR. PREISS: Yes.

1 CHAIRMAN DEPINTO: How about Board  
 2 Members, January 15th, for a special meeting.

3 MS. HUTTNER: We're meeting on the 13th for  
 4 a special meeting also which is the K. Hovyanian  
 5 application and then the 15th would be the  
 6 continuation of Depiero.

7 Is there anyone who can't make that?  
 8 And, Mr. Segreto, are you available for the --  
 9 what did I just --

10 MR. SEGRETTO: The 15th. Yes. Yes, I am.

11 CHAIRMAN DEPINTO: Let's try the  
 12 applicant.

13 Mr. Del Vecchio, the 15th.

14 MR. DEL VECCHIO: My only dilemma on the  
 15 15th is I have another appearance that evening. If we  
 16 could start later, I'm okay with making it here for  
 17 8:00, 8:30.

18 MS. HUTTNER: We couldn't start till 8:00  
 19 anyway.

20 MR. DEL VECCHIO: That's because of  
 21 Municipal Court?

22 What I would suggest, we could do an 8:30 start  
 23 time. That means court is definitely over. And, I  
 24 will definitely be here.

25 CHAIRMAN DEPINTO: I don't have a problem

1 with 8:30.

2 Anyone have a problem with that?

3 Why don't we do that? Let's -- members of the

4 public that are here, that may have an interest in

5 this application, please be advised that it will next

6 be heard again February 15th --

7 MS. HUTTER: January.

8 CHAIRMAN DePINTO: January. January 15th

9 at 8:30 p.m. even though we were prepared ultimately

10 at 6:00 but Mr. Del Vecchio has to go home and feed

11 the kids or something. We'll do it at 8:30.

12 No further notice will be given to the public

13 other than this announcement. Okay. I'm sorry.

14 MR. DEL VECCHIO: Thank you. And, I would

15 also like to confirm the 26th of February if the Board

16 is amiable of doing that as well.

17 CHAIRMAN DePINTO: You know, with the 26th

18 of February, I think what we will do with that is, we

19 would pencil it in, to set it aside for you, if

20 necessary. But, we do have some regular meetings in

21 between now and then. So, I really don't want to be

22 scheduling two specials like that.

23 So, at this point, I would think that you're

24 going to be on for the 15th and then probably again --

25 what's the next meeting thereafter?

1 MS. HUTTER: It would be January 15th and

2 January 21st.

3 CHAIRMAN DePINTO: Right. The 21st we

4 have Shell?

5 MR. PREISS: No. We had penciled in, it

6 would be the K. Hov second hearing.

7 CHAIRMAN DePINTO: That would be K. Hov.

8 We could split that.

9 MR. REGAN: K. Hov is Monday night.

10 CHAIRMAN DePINTO: Carried over to the

11 21st.

12 MS. HUTTER: Our regular meeting.

13 MR. REGAN: Okay.

14 MR. PREISS: We told them that we were

15 going to do the 13th and the 21st, I think.

16 MS. HUTTER: Yes, we did.

17 CHAIRMAN DePINTO: They're not going to

18 need two full nights.

19 Rich, do you think so?

20 Are you intending to give them a hard time?

21 MR. PREISS: Of course.

22 MR. LINTNER: You guys will learn.

23 MS. HUTTER: Wasn't 3 years enough?

24 MR. PREISS: We can, we can try and get

25 them done but, you know, who knows.

1 I know that they're anticipating coming back on  
2 the 21st. If we can get done early enough, then we  
3 could, we could do, we could split the evening.

4 CHAIRMAN DEPINTO: For right now, let's  
5 plan it on the 21st. And then, the next meeting  
6 thereafter would be February.

7 MS. HUTTER: February 4th.

8 CHAIRMAN DEPINTO: 4. And, what do we  
9 have for the 4th?

10 MS. HUTTER: Variances.

11 CHAIRMAN DEPINTO: When is Shell?

12 MS. HUTTER: The 18th of February.

13 MR. PREISS: The 18th.

14 CHAIRMAN DEPINTO: Okay. I'm not going to  
15 be available for the 18th.

16 MR. PREISS: Now you tell us.

17 MR. LINTNER: If you can't hear it, we  
18 can't hear it.

19 MR. REGAN: Yeah. We have a problem.

20 MS. HUTTER: We don't have enough people.

21 CHAIRMAN DEPINTO: I'll have to check my  
22 calendar. I don't think I'm available then.

23 MR. HIPOLITT: The first time in 40 years.

24 CHAIRMAN DEPINTO: Okay. We'll work on  
25 that tomorrow.

1 I'm sorry. Please continue.

2 MR. DEL VECCHIO: Okay. I'm going to call  
3 Joe Sofia as the applicant's next witness.

4 As the Board had requested a second  
5 representative from Wegman's to come forward, we have

6 asked Joe to come forward this evening. Joe has got a

7 little bit more direct knowledge of the details of how  
8 truck deliveries and truck operations are handled at

9 the New Jersey stores.

10 So, we brought -- we have selected this witness  
11 from Wegman's who has those details to testify. And,

12 that will be the area that will be elicited from his  
13 testimony this evening.

14 Joe, you need to be sworn.

15 MR. REGAN: Sir, would you raise your  
16 right hand.

17 Do you swear or affirm that the testimony that  
18 you give this evening will be the truth, so help you

19 God.

20 THE WITNESS: I do.

21 MR. REGAN: For the record, would you  
22 state your full name, please, and spell your last

23 name?

24 THE WITNESS: Joseph Michael Sofia. The  
25 last name is spelled S as in Sam, O, F as in Frank, I

1 A.

2 MR. REGAN: Thank you.

3 THE WITNESS: You're welcome.

4 DIRECT EXAMINATION BY MR. DEL VECCHIO:

5 Q Joe, can you tell the Board by whom you're

6 employed?

7 A Wegman's Food Markets.

8 Q How long have you been employed by

9 Wegman's?

10 A 23 years.

11 Q And, over that time, what positions --

12 MR. DEL VECCHIO: Excuse me one moment. I

13 want to take care of a housekeeping item.

14 Mr. Regan, I know we have a Board Member who

15 recused. Because we have an objector's counsel here,

16 I want to make sure we preserve the record.

17 MR. REGAN: Ms. Solomon recused herself so

18 it would be appropriate for you to sit in the

19 audience.

20 Or, you can leave. It's your option.

21 MR. LINTNER: In other words, we'll see

22 you Monday.

23 MR. DEL VECCHIO: Okay.

24 Q Joe, over the 23 years that you have been

25 employed by Wegman's, what positions have you held

1 during that time?

2 A I started as an assistant, as a management

3 trainee. I'm out of college and basically worked my

4 way through the store in various positions, assistant

5 department manager, department manager, up to store

6 manager.

7 I relocated to New Jersey for Wegman's about 12

8 years ago as a store manager. And, I was the, I was

9 brought here to run the Manalapan store. I'm from

10 Rochester originally, where the company headquarters

11 is.

12 So, I was a store manager in Manalapan and then

13 I was the store manager at Princeton.

14 I opened up the Mount Laurel store. I was the

15 store manager at the Cherry Hill store after I was the

16 store manager. And, then, at that point, shortly

17 thereafter, I became Senior Vice President, Division

18 Manager.

19 So, I now have the responsibility of the

20 southern New Jersey stores.

21 I reside in Central Jersey in Monmouth County.

22 Q So you have direct knowledge of how the

23 New Jersey stores operate, including the day-to-day

24 operations and the truck deliveries to and from those

25 stores?

1 A Yes.  
2 Q And, as part of your responsibilities as  
3 store manager, when you were in that position, you in  
4 fact oversaw those operations and you are familiar  
5 with not only the Wegman's delivery from Wegman's  
6 vehicles but also the vendor delivery?  
7 A Yes.  
8 Q Based upon or in anticipation of your  
9 appearance here this evening, we had submitted certain  
10 documents which were the truck logs or the vendor logs  
11 for deliveries from both the Princeton store and the  
12 Bridgewater store. The Princeton store covered the  
13 period of July 1st through July 8th of this year and  
14 the period of October 1st through October 14th -- I'm  
15 sorry, October 4th of this year. And, the Bridgewater  
16 store logs were submitted for the period of July 1  
17 through July 8th and October 5th through October 6th  
18 and then subsequently those logs were summarized by  
19 our traffic consultant to quantify the deliveries.  
20 You're familiar with those documents?  
21 A Yes, I am.  
22 Q And, they truly, they truly and accurately  
23 represent the volumes of deliveries that were received  
24 by Wegman's in those stores on those dates?  
25 A Yes, they do.

1 Q Those documents were submitted to the  
2 Board under my cover letter dated November 25th.  
3 MR. DEL VECCHIO: And, what I would  
4 propose, Mr. Regan, with the Board's permission is to  
5 mark the Princeton logs for the dates I identified as  
6 A-29, the Bridgewater logs as A-30 and then separately  
7 mark the summary or the tabulation of those logs by  
8 Dolan & Dean as A-31.  
9 Q Now, Joe, with reference to the  
10 tractor-trailers to and from the Wegman's store from  
11 the Wegman's distribution locations, I made you aware  
12 of the issuance of a review letter by the Board  
13 Engineer dated January 2nd which had a proposed or  
14 recommended route for those vehicles coming from a  
15 Wegman's distribution point to the store.  
16 MR. REGAN: Mr. Del Vecchio, if we're  
17 going to represent, we're going to mark it maybe as a  
18 Board exhibit.  
19 MR. DEL VECCHIO: No objection.  
20 MR. REGAN: That would be B-4. That would  
21 be the Maser letter of January 2nd.  
22 MR. DEL VECCHIO: I would agree that it's  
23 B-4.  
24 Q So, with reference to that recommended  
25 route, I have made you aware of that route and on

1 behalf of Wegman's, Wegman's is prepared to consent to  
2 follow that route for its delivery vehicles to and  
3 from the proposed store from its distribution centers?

4 A Yes. You made me aware of that route and,  
5 yes, we are in agreement with that.

6 Q And, you, in fact, have taken the  
7 opportunity to drive the route just to make sure that  
8 you are comfortable with the route prior to --

9 CHAIRMAN DePINTO: Excuse me, Mr. Del  
10 Vecchio.

11 For the benefit of members of the public could  
12 you please define, on the record, that route?

13 MR. DEL VECCHIO: Yes.

14 The route that is recommended is highlighted.

15 It's Comment 32 in the Maser report. And, the route  
16 is from the New York State Thruway, to the Garden  
17 State Parkway extension southbound, then, from the  
18 Garden State Parkway extension southbound to Red

19 School House Road, right onto Red School House Road  
20 traveling northbound on Red School House Road to

21 Chestnut Ridge, turning left on to Chestnut Ridge Road  
22 traveling southbound on Chestnut Ridge Road to Summit

23 Avenue, turn left onto Summit Avenue, travel eastbound  
24 on Summit Avenue to Paragon Drive, turn right onto

25 Paragon Drive traveling southbound on Paragon Drive to

1 Grand Avenue West, cross over Grand Avenue West to  
2 Phillips Parkway, travel southbound on Phillips  
3 Parkway to Mercedes Drive, turn left onto Mercedes  
4 Drive and travel northbound onto Mercedes Drive to the  
5 site.

6 I think, and I'll ask Mr. Hipolit or Mr. Hermann  
7 to correct me if I am wrong, I think it's actually a  
8 right onto Mercedes Drive not a left.

9 MR. HIPOLIT: It would be a right.

10 MR. DEL VECCHIO: I think there's a typo  
11 there because there is no left onto Mercedes Drive.

12 So, with that amendment --

13 MR. HIPOLIT: That's --

14 MR. DEL VECCHIO: -- we will turn right  
15 instead of left into Lehn & Fink. I'm showing my age.

16 That is the route that we are prepared to  
17 consent to, the recommendation if it's the Board's  
18 desire that we follow that recommendation.

19 Q Joe, with reference to the Wegman's  
20 distributions from its distribution center, those are  
21 typically done by a semi tractor-trailer?

22 A Yes.

23 Q And, those deliveries happen throughout  
24 the course of the day?

25 A Yes.

1 Q Do they typically tend to congregate  
2 during any particular time of day, morning, noon,  
3 evenings?

4 A Usually morning and evenings.

5 Q Usually after the rush of the day  
6 so-to-speak?

7 A Yeah, like approximate like 6:00 p.m. to,  
8 you know, 10:00, 11:00.

9 Q And, the typical delivery by a Wegman's  
10 trailer would be that they would pull into a dock?

11 A Yes.

12 Q They would either unload the trailer by  
13 dropping the trailer at that dock and picking up an  
14 empty trailer and then leaving the site?

15 A Some of the loads that come are what we  
16 call live unloads which means when the tractor-trailer  
17 backs into the dock, we have employees there that  
18 unload what's on the tractor-trailer and then they  
19 just drive it away.

20 Other times it's what we call a drop. So, the  
21 tractor-trailer would back in with a load. It would  
22 leave it at that dock. The tractor would disconnect  
23 from the trailer and it would hook into another  
24 trailer that was left previous and take that back to  
25 our warehouse. That's how we get our recyclables and

1 the empty pallets and things, the cardboard balls that  
2 we make. That's how we get them back to our  
3 reclamation center.

4 So, the empty trailer isn't actually empty.

5 It's actually filled up with returnables that go back  
6 to the warehouse.

7 Q And, when that drop situation occurs, it  
8 is -- you're not dropping a trailer within a drive  
9 aisle or an access aisle. You're dropping it in a  
10 loading bay and picking up a trailer that was  
11 previously left in a loading bay and leaving the site  
12 with it?

13 A That's correct.

14 Q These are not trailers that are stored off  
15 of a loading, designated loading bay area?

16 A No.

17 Q Now the situation where you have a live  
18 unload, is there a typical duration for a live unload  
19 that it would take to unload that trailer?

20 A It could vary but approximately from 20  
21 minutes to maybe 35 or 40 minutes. We have electric  
22 power jacks. Everything is on skids in the truck on  
23 pallets, wooden pallets. And, on a truck,  
24 tractor-trailer has between 22 and 24 of these on  
25 there.

1 We have electric power jacks. A couple people  
2 with electric power jacks are moving 12 each, so  
3 usually not more than -- at the very most, 40 minutes  
4 but probably closer to 25 or 30.

5 Q In the terms of a drop unload, that  
6 trailer could be he left over night or for whatever  
7 duration until it is unloaded and refilled with  
8 whatever is returning to the distribution center?

9 A That's correct.

10 Q Now, with regard to vendor deliveries that  
11 are not from the Wegman's distribution center, is it  
12 ever permissible to allow front door deliveries from  
13 the vendor or from a Wegman's distribution truck?

14 A No. We don't allow product delivered to  
15 our front door. The only delivery, if you want to  
16 call it that, is our armor car service pulls up to the  
17 front of the building and they access the front door  
18 to get to our accounting office for the safety of the  
19 armor car folks. It's the closest route to our  
20 accounting office.

21 Q So vendor deliveries are never taken  
22 through the front door?

23 A No.

24 Q In fact, your shipping and receiving  
25 personnel are located to the rear where the vendor

1 dock is?

2 A That's correct.

3 Q And, there's a mandatory log that is kept,  
4 as evidenced by the data we have submitted, for folks  
5 to sign in and sign out of their presence in the  
6 store?

7 A Yes. Every time a vendor comes in, they  
8 sign a log in and they sign a log out when they leave  
9 but also we have to verify that their bill is correct  
10 with the order so we check each order in. It's done  
11 in the receiving area in the back of the store.

12 Q Now, with regard to the vendor deliveries,  
13 they are not a typical drop a pallet in the back door  
14 and leave. Vendors are actually placing product on  
15 the shelves?

16 A Yeah. It works a couple different ways.

17 Some of the larger people like Coca Cola, Pepsi or  
18 Frito Lay, they have delivery people and they have  
19 salespeople. So, the delivery people would just drop  
20 and leave it there in our back room, a designated  
21 spot. And, the salespeople kind of come around from  
22 store to store and they put the product on the shelf.

23 Some of the smaller vendors, like Pepperidge

24 Farm, maybe I might be using a bad example, but some  
25 of the smaller people, the actual salesman, the actual

1 truck driver do the whole job themselves.

2 So, the truck would come. They would unload  
3 their product. They would go fill the shelf. And,  
4 then sometimes, if there is out of date product, they  
5 would take it out all in one visit.

6 Q And, that vendor vehicle parks, is parked  
7 at what is called a vendor dock to the rear of the  
8 store?

9 A Correct.

10 Q And, how is that vendor dock logistically  
11 set up in terms of how the folks get product out of  
12 the back of the truck, on the dock and into the store?

13 A If you look at the, if you look at the  
14 elevation of the back of the store, in the very middle  
15 is an area called a vendor dock and basically it's a  
16 covered area, a concrete dock area where a truck can  
17 back up. It's not actually a bay, but one of the bays  
18 but it's similar to that.

19 And, we have, if the truck is high enough, we  
20 have a stainless steel ramp that would bridge the gap  
21 between the truck and the concrete. And, they can  
22 unload their product that way.

23 If the truck isn't high enough, they simply back  
24 up to there and they hand stack, they stand in the  
25 back of the truck and hand stack the product on a

1 u-boat we call it. It's just a cart with wheels and  
2 size. They put their product on there so it could be  
3 brought into the store.

4 Q Now, with regard to those vendor  
5 deliveries, there is sufficient room at the vendor  
6 dock to allow whatever vendor may be visiting or  
7 coming to the store to have a designated, a place to  
8 park their vehicle and effectuate that unloading?

9 A Yes.

10 Q Vendors are not parking in access aisles  
11 or in the front of the store or anywhere else to wheel  
12 their product into the loading dock?

13 A No. They're not.

14 Q Is there ever -- have you ever experienced  
15 a problem where too many vendors show up and there's  
16 no space at the vendor dock?

17 A It's very unusual. If you look at the  
18 truck logs that were submitted, the vendor, vendors,  
19 they are spread pretty evenly throughout the day.

20 And, we don't necessarily have hard appointments  
21 in an appointment book. We used to do that but it  
22 wasn't really necessary.

23 Wegman's and most of our competitors have  
24 certain times that they're receiving product. The  
25 Wegman's is from 6:00 in the morning until about 3:00

1 in the afternoon that the vendors can come. So, time  
2 is important to them.

3 And, if they find that, say 8:00 in the morning  
4 is busy, they'll kind of come a little bit later in  
5 the day just so they don't have to wait.

6 Q And, in the situation where the third  
7 party vendor is both truck driver and salesperson and  
8 has to place the product on the shelf, what is the  
9 typical delivery and stacking time, if you will, for  
10 those type of vendors?

11 A I would say 45 minutes to an hour.

12 MR. DEL VECCHIO: I have no further  
13 questions for Joe.

14 I make him available to the Board for its  
15 questions.

16 CHAIRMAN DePINTO: Very good. Thank you.

17 I guess question I'm going to start with Mr.  
18 Teagno.

19 MR. TEAGNO: I have no questions, Mr.  
20 Chairman.

21 CHAIRMAN DePINTO: Thank you.

22 Mr. Culhane.

23 EXAMINATION BY MR. CULHANE:

24 Q Joe, you mentioned the proposed route that  
25 Maser identified.

1 How do you control the driver, that he actually  
2 follows that route?

3 A We would give the driver instructions that  
4 that's the preferred route when they left our  
5 distribution center. So, we have trucks coming out of  
6 Rochester. Most of our trucks come out of  
7 Pennsylvania. We have a dispatcher. We're going to  
8 need to let them know what the preferred route is and  
9 hold them accountable for that.

10 Q Obviously, there may be occasions for  
11 whatever the reasons and they can't follow that route.  
12 Do you identify an alternate route for them at the  
13 same time or not?

14 A I haven't done so, no.

15 Q No? Just curious.

16 The Wegman trucks, when they do their drop load  
17 versus a live load, if there's a daily say three semis  
18 coming in on a daily basis, what's the split between  
19 the drop and the live.

20 A About 70 percent, my best educated guess,  
21 would be live unloads.

22 Q So, for argument's sake, two out of the  
23 three trucks.

24 A Yeah. The trailer is an asset for us and  
25 we try to keep them in use. So, having them sit there

1 is really not beneficial to the distribution team.  
2 But, it is necessary for recyclables so we do do it.

3 Q Now, in the numbers that have been

4 provided by both Maser and yourselves, neither one,  
5 obviously, is covering what I believe to be the busy  
6 season, Christmas, Thanksgiving, Christmas, what's the  
7 approximate increase in the number of Wegman's trucks  
8 arriving at the site during that period?

9 A One of the weeks we submitted was around  
10 4th of July which is another busy holiday for us, not  
11 quite as busy as Christmas, though.

12 Christmas, I would say you're probably looking  
13 at about, I'm going to go by our store volume, a  
14 percentage increase say over a fourth of July week, we  
15 probably do maybe 25 percent more business on

16 Christmas versus a regular holiday, 4th of July is a  
17 little bit slower holiday. Christmas and Thanksgiving  
18 are our two busiest times of year.

19 Q What about vendors, their volume, I  
20 assume, increases during that time period?

21 A Yes. And, actually, Super Bowl and New  
22 Year's are very busy for vendors but the snack vendors

23 and the soda vendors not as much so for the Wegman's  
24 trucks necessarily on those holidays.

25 Q When the vendors have semi trailer

1 delivery, according to the Maser, I would assume there  
2 are several of those each day, I assume they are using  
3 the same loading bays that the Wegman trucks would be  
4 using?

5 A Yes, sometimes. Some of the vendors use  
6 tractor-trailer trucks or box trucks. They use both  
7 depending the size of the load. So, if it's a big  
8 load, you may see a tractor-trailer truck. Sometimes  
9 they back into the regular bays that our trucks back  
10 into and we unload them that way. But, they can also  
11 back up to that vendor dock area that was described  
12 earlier. That can facilitate unloading of a  
13 tractor-trailer also.

14 Q I assume you have somebody at the location  
15 that dictates where they should park?

16 A Yes. Correct.

17 MR. CULHANE: No other questions at this  
18 time, Mr. Chairman.

19 CHAIRMAN DEPINTO: Thank you.

20 Mr. Fette.

21 EXAMINATION BY MR. FETTE:

22 Q Two questions. Are there other -- you  
23 mentioned in your testimony that you had been through  
24 a lot of the stores in New Jersey and you are --

25 A Yes.

1 Q -- currently responsible for all of the  
 2 Jersey stores?  
 3 A Yes, sir.  
 4 Q Do you have any other stores that have  
 5 designated delivery routes?  
 6 A Not that I'm aware of.  
 7 Q None?  
 8 A No, sir.  
 9 Q Okay. So, we would be unique?  
 10 A Yes, sir.  
 11 Q Okay. And, you commented about  
 12 recyclables, bales of cardboard and things like that  
 13 in particular which always seems to look like a mess  
 14 behind supermarkets. And, I'm sure you have had that  
 15 situation.  
 16 So, what you're saying is, we're not going to  
 17 see that?  
 18 A Correct. Actually, we don't have that  
 19 situation where they are outside behind the  
 20 supermarket and they won't even be visible. We have  
 21 two balers in the store. One is on the perishable  
 22 side, one is on the grocery side.  
 23 And, once the bale is made, we wheel it out to  
 24 the salvage truck, that's the tractor-trailer that's  
 25 going back.

1 Q Right. Okay. What other kind of stuff  
 2 goes back other than like cardboard bales?  
 3 A Skids, the pallets.  
 4 Q Empty pallets.  
 5 A That's a big portion of what goes back.  
 6 The bales, believe it or not, are very giant, takes up  
 7 a lot of room on there.  
 8 We collect recyclable plastic from customers.  
 9 We have recyclable bins in the front of the stores  
 10 that are behind the vestibule area.  
 11 Q Okay. I have seen those. Okay.  
 12 A We package those up and they go back and  
 13 that's the bulk of it that ends up going back.  
 14 Q Okay. But garbage, food garbage and  
 15 things like that is not?  
 16 A Correct.  
 17 Q That, that goes into the, into the  
 18 dumpster?  
 19 A Yes. Some food may go back but it  
 20 wouldn't be garbage. Anything that's like a dented  
 21 can we, we save those and that gets sent back to  
 22 reclamation, in banana boxes, we wrap it up nice and  
 23 neat it gets sorted and ends up being donated to  
 24 different food pantries.  
 25 When we get a full tractor-trailer of that, we

1 arrange for donations to go to food pantries.

2 Q Thank you.

3 MR. PETTE: No further questions.

4 CHAIRMAN DEPINTO: Thank you.

5 Mr. Stefanelli.

6 MR. STEFANELLI: Thank you.

7 EXAMINATION BY MR. STEFANELLI:

8 Q In your experience, since you've been to  
9 most of the stores and I would have to say that I've  
10 been to quite a few of those stores, very well run,  
11 can you give us a scenario that you had an issue with  
12 traffic, truck traffic at any of your locations?

13 A Thank you for the nice comments.

14 Truck traffic?

15 Q We have a concern about truck traffic.

16 A Yeah. To be very honest, I can't really  
17 think of a situation where we have had truck traffic  
18 problems with deliveries. We, I mean we have had  
19 traffic backed up during busy holidays in our parking  
20 lots or during our Grand Opening. We work very  
21 closely with the police departments to make sure that  
22 they would be ready for the influx when our stores do  
23 a Grand Opening, the first few days, and then the  
24 following weekend is very, very busy so we work with  
25 the local police to prepare for that.

1 Q Have you had any complaints from  
2 neighbors?

3 A About?

4 Q About truck traffic and truck parking,  
5 overnight trucks, anything like that?

6 A Our Bridgewater store backs up to a very  
7 residential area right behind it, very close to the  
8 back. So, noise was an issue there when we first  
9 opened. And, we had to put some best practices in  
10 place to keep the noise down back there.

11 MR. STEFANELLI: No further questions.

12 CHAIRMAN DEPINTO: Thank you.

13 Mr. Vogt.

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

15 I don't have any questions. I have a comment.

16 May I make it?

17 CHAIRMAN DEPINTO: Please.

18 MR. VOGT: I paged through the schedule  
19 you had with trucks arriving and trucks leaving. I am  
20 really impressed that very few come at the same time.  
21 Most of them leave within less than an hour, most of  
22 them. And, I'm very impressed that it works the way  
23 the schedule or those schedules show.  
24 That's my comment.

25 CHAIRMAN DEPINTO: Thank you.

1 Mr. Lintner.

2 MR. LINTNER: No questions and no  
3 comments, Mr. Chairman.

4 CHAIRMAN DEPINTO: Thank you. Mrs.  
5 Cudequest.

6 EXAMINATION BY COUNCILWOMAN CUDEQUEST:

7 Q The route that Maser has provided us, is  
8 that for just the distribution trucks or would that be  
9 the vendor trucks following that route as well?

10 A My assumption is it's for the distribution  
11 trucks because they're going to be coming down the  
12 turnpike --- down the thruway and that's the last exit  
13 they can get off at, all trucks must exit here because  
14 of the Garden State Parkway.

15 The vendor trucks would be coming from all  
16 different directions.

17 Q And, there's really no control over that.  
18 Okay.

19 MR. DEL VECCHIO: We indicated we couldn't  
20 control that route but we did indicate we would advise  
21 all vendor trucks that they needed to come in through  
22 Phillips Parkway onto Mercedes and into the site as  
23 opposed to directly into Mercedes.

24 We did agree, in a prior hearing to do that.  
25 And, we continue to stand by that agreement.

1 COUNCILWOMAN CUDEQUEST: Okay. The other  
2 question I have actually isn't for you. And, I don't  
3 know who can answer it.

4 While I was studying the vendor log over the  
5 weekend, I couldn't help but notice that many of the  
6 vendors that are listed here, I'm sure, are the same  
7 vendors that the De Pieros have used over the last  
8 several years. So, there, there are vendors that have  
9 already visited that site.

10 So, there is already that traffic coming and  
11 going from that site, maybe not so within the last  
12 couple years but certainly when they had a very  
13 thriving business I'm sure that these trucks were  
14 there.

15 Do you know if the De Pieros did keep truck logs  
16 during that time?

17 MR. DEL VECCHIO: I looked back to one of  
18 the representatives of the owners and, no, they don't  
19 keep truck logs. But, your observation is correct.  
20 It's not only the De Pieros but also the objector's  
21 stores who are serviced by the same vendors that are  
22 already in the area, they're going to be making one  
23 more stop.

24 COUNCILWOMAN CUDEQUEST: Okay. I don't  
25 have any other questions.

1 CHAIRMAN DEPINTO: Okay. Thank you.

2 EXAMINATION BY CHAIRMAN DEPINTO:

3 Q Let's go back to the testimony that you  
4 have given us this evening with regard to the delivery  
5 and, in particular, starting with the Wegman trucks.

6 So you said a certain number of these trucks  
7 will pull up or back into a bay and there will be  
8 people from within the store that will help unload the  
9 truck in an effort to get that trailer out as quickly  
10 as possible.

11 Is that correct?

12 A Yes, sir.

13 Q Okay. And, during that period of time  
14 that that's happening, will the motor to that truck be  
15 shut off or kept running?

16 A Shut off. In New Jersey it's illegal to  
17 idle a truck while it's being unloaded.

18 Q Okay. And, would these trucks that come  
19 in from the distribution center, I would presume that  
20 some of them are refrigerated trailers that ship  
21 refrigerated product from the distribution center to  
22 the stores?

23 A Yes, sir.

24 Q And, what is done with those motors, those  
25 refrigeration unit motors during that unload period?

1 A Those motors are on all the time to  
2 maintain the temperature of the, inside of the box of  
3 the trailer.

4 Q And, the law that applies towards allowing  
5 the tractors to run or not run does not apply to the  
6 refrigeration units?

7 A As far as I know, no, it doesn't.

8 Q Is there any type of equipment on the  
9 Wegman's trailers that would, would be designed or is  
10 designed to muffle that sound to any extent?

11 A In the front of the trailer is what we  
12 call the refer unit, that's the actual refrigeration  
13 unit. And, as you stated, it's a diesel engine down  
14 there, small diesel engine, runs with a tank  
15 underneath and it has a full muffler system.

16 Q A muffler system to, to abate some of the  
17 noise that, that diesel engine would generate?

18 A Yes, sir.

19 CHAIRMAN DEPINTO: Mr. Fette, a question  
20 for you. I know, in the past, that you have had a  
21 problem with the shopping center up on Chestnut Ridge  
22 Road with complaints from the residents from behind  
23 that shopping center.

24 Has that been dealt with or how has that been  
25 dealt with, that situation?

1 MR. FETTE: The complaints that we have  
2 received from the residences, which would be actually  
3 in Woodcliff Lake, none of them had to do with idling  
4 trucks. The complaints that we received have been  
5 because of the air conditioning units on top of the  
6 building and the lack of the screening.  
7 The buffer zone that backed up there, when we  
8 had the storm last year, some large trees came down  
9 which now created a more open area. Hence, the noise  
10 generated from some of the roof top units became more  
11 of a problem to those residents at that area.

12 But, none of it had to do with idling trucks.

13 If you recall, from The Fresh Market

14 application, one of our conditions was that there is  
15 no idling trucks back there anyway. So, we have had  
16 no, no complaints dealing with that.

17 Q Now, who monitors that?

18 I could understand, with the Wegman trucks, they  
19 are Wegman employees, I presume. And, I guess they  
20 are under company orders to shut their engines off.

21 But, who monitors that with the vendor trucks.

22 A I'm not sure. We don't monitor that with  
23 the vendor trucks.

24 Q So, if a vendor -- if it's not being  
25 monitored by Wegman's, and the vendor chooses to

1 ignore the law and allow his truck to remain idling,  
2 he can do so or may do so?

3 A Yeah.

4 Q Why wouldn't you want to control that in  
5 the interests of the environment?

6 A To be honest, it's never been a problem.  
7 We have never, to my knowledge, had that happen where  
8 somebody hasn't complied with the law behind any of  
9 our stores.

10 CHAIRMAN DePINTO: Okay. So, therefore,  
11 Mr. Del Vecchio, with regard to, to controls of the  
12 property with matters such as this, I understand, was  
13 it Title 39.

14 MR. REGAN: Title 39.

15 CHAIRMAN DePINTO: Explain to me how this  
16 applicant will comply with those requirements.

17 First explain what the requirements are and how  
18 this applicant intends to comply with that.

19 MR. DEL VECCHIO: Title 39 is the  
20 statutory number given to the statutes in New Jersey  
21 that provide motor vehicle regulations, restrictions,  
22 including the no idling of diesel vehicles as well as  
23 speeding, stop signs and all the traditional stuff  
24 that we are used to seeing.

25 In many commercial settings, we have been

1 requested by municipalities we appear before that  
2 allow Title 39 to be enforced by the local police  
3 department on private property. And, there is a  
4 mechanism, within Title 39, that allows that to happen  
5 upon the consent of the property owner and the  
6 adoption of the necessary regulations by the  
7 municipality to allow the police department to enforce  
8 Title 39 including the no idling of diesel trucks.

9 As far as this applicant is concerned, we would  
10 be happy to consent to the enforceability of Title 39  
11 on this property should this application be approved  
12 by the Board. And, that would allow then the police  
13 department to put the teeth to the regulations and  
14 enforce the no idling if that in fact became a  
15 problem.

16 MR. REGAN: Mr. Chairman, I believe this  
17 Board has included that in other applications.

18 CHAIRMAN DEPINTO: Okay. Mr. Hipolit,  
19 that would be your recommendation, that that would be  
20 included?

21 Although your office has studied the other sites  
22 in the State, it would seem to me, based upon my own  
23 observations and, in particular, a supermarket close  
24 to where you live, that I visited, not a Wegman's but  
25 another major retail, food retailer and there are all

1 sorts of engines, all sorts of vehicles running.  
2 So, I guess they didn't impose 39 on that  
3 particular shopping center.

4 But, that's something I think is absolutely  
5 mandatory.

6 I think, with the amount of truck volume that  
7 we're expecting will occur at this site, unless it's  
8 controlled from Day 1, it could only be a problem.  
9 And, I think we're going to have to deal with it.

10 MR. HIPOLIT: I agree with that.

11 Q Okay. A question came up when the last  
12 Wegman's representative appeared before this Board.  
13 And, the question dealt with the closing of a portion  
14 of the store on Sundays because of Blue Laws. And,  
15 I'm sure you're familiar with that.

16 How, in fact -- well, first are you familiar  
17 with the interior layout or design of this new  
18 facility.

19 A Yes, sir, I am.

20 Q And, was it designed to accommodate the  
21 closing of certain sections of the store to meet the  
22 Blue Law requirements?

23 A Um-um, to define closing, I'm not exactly  
24 sure what you mean by that. We will certainly follow  
25 the Blue Laws and we're ready to do so to make sure

1 people can't purchase items that they're not supposed  
2 to on Sundays.

3 But, there's, there's not a wide variety of  
4 items that we're going to sell that you can't sell on  
5 Sundays. So, to close off or make a barrier in the  
6 store, inaccessible by foot traffic doesn't make sense  
7 in this situation.

8 Q So then the control is done at the  
9 register.

10 So, if, if I found an article in the store which  
11 its sale is prohibited on Sundays, and I was unaware  
12 of the fact that I could not purchase that, I, as a  
13 customer, would only learn of that prohibition when I  
14 brought the product to the register?

15 A Some items that may be very possible, on  
16 other items where a whole section is unavailable, for  
17 instance, kitchen utensils or cutlery where it's  
18 altogether in one section but it's within an aisle  
19 with a lot of other items that are sellable on a  
20 Sunday, I think it's very feasible to put a sign up in  
21 that section to inform customers so they have a good  
22 idea.

23 But, there may be other situations, let's say in  
24 the produce department, where there may be a peeler,  
25 vegetable peeler near a vegetable display, I, I

1 wouldn't want to tell the Board that we're going to  
2 have a little sign next to every single item that is  
3 not sellable on a Sunday. But, there will be a checks  
4 and balances available so they won't be able to  
5 purchase those items and it will be a bit inconvenient  
6 for a customer that's unaware of that, thinking that  
7 they could buy it.

8 CHAIRMAN DEPINTO: What are other examples  
9 of products that cannot be purchased on Sunday?

10 MR. REGAN: Clothing, appliances, home  
11 furnishings, maybe a few others but those are the  
12 principals ones that I'm aware of, construction  
13 material. There may be a few others but I covered the  
14 largest of items.

15 CHAIRMAN DEPINTO: Mr. Del Vecchio, are  
16 you aware of any other products?

17 MR. DEL VECCHIO: The ones that Mr. Regan  
18 recited are the major restrictions in the County Blue  
19 Laws and it's only the County Blue Laws that are  
20 applicable in Montvale.

21 MR. REGAN: To my experience, enforcement  
22 of this is erratic at best.

23 MR. DEL VECCHIO: It can be.

24 MR. REGAN: Local police, I don't think --  
25 they have more important things to worry about. I

1 mean, I'll be honest with you, I go in the A & P store  
2 all the time, the one in Woodcliff Lake. When I do go  
3 in, it's usually on a Sunday morning. And, there are  
4 items for sale that no one should be buying that  
5 perhaps are covered by the Blue Laws.

6 So, again, local police just don't get involved  
7 with this. Paramus is a different story.

8 MR. DEL VECCHIO: Whole different animal.

9 MR. REGAN: Totally different animal.

10 COUNCILWOMAN CUDEQUEST: Sunday, they rope  
11 everything off.

12 MR. REGAN: Paramus has had a local

13 ordinance that prohibits any type of operation or work  
14 on Sunday with the exception of pharmacies,

15 restaurants, gasoline stations, a couple other things.

16 You want to have a law office in Paramus, you can't go  
17 to your office on Sunday and do research. There's a

18 case on point exactly on that where an attorney was

19 convicted for writing a brief in his office on a  
20 Sunday. True story.

21 Q So, therefore, at this time, just out of  
22 curiosity, there is no set plan for how you are going  
23 to control what products can and can't be sold out of  
24 this facility.

25 Is that correct?

1 A There isn't a concrete plan set because  
2 this has not been, approval to put this store on-line.  
3 Once we have an approval, I have some really good  
4 ideas on how -- responsibility falls upon myself. I'm  
5 responsible for the stores in New Jersey. And, so, I  
6 have a very good plan that I'm going to put in place  
7 when that happens.

8 It's going to be some of the signage that we  
9 talked about in some of the larger sections. It's  
10 going to be employee training in the front end and we  
11 have some work to do in our I.T. department.

12 We have other examples where we prohibit the  
13 sale of certain merchandise on hours that we can't  
14 sell, particularly alcohol. And, we have some  
15 experience not being able to sell certain items at  
16 certain times and our track record is flawless. We  
17 have never had a problem with that.

18 Q Okay. While I'm speaking of signage and I  
19 know you're talking interior signage, I visited a  
20 Wegman's store only once. And, I was quite  
21 disappointed by what I had seen at that store,  
22 starting with the signage on the exterior of that  
23 store; banners, huge, huge banners pronouncing  
24 discounts on food and other products that they're  
25 selling.

1 Who is responsible for that? Is it the store  
2 manager or you as a regional representative  
3 responsible for New Jersey?

4 If and when those illegal signs go up, who is  
5 Mr. Fette going to be calling?

6 A Yeah. The store manager is accountable to  
7 me, sir, for signs that are illegal. And, I'm  
8 accountable, ultimately I'm accountable and I hold the  
9 store managers accountable.

10 Q So, we don't have to go to the store  
11 manager, we can go right to you.

12 A I have no problem with that.

13 Q Okay.

14 A I'm not -- I don't mean to be funny.

15 Q Nor do I. But, quite frankly, I was so  
16 disappointed in the image that Wegman's gave because,  
17 in preliminary meetings that we had with Wegman's,  
18 what a wonderful supermarket chain it was, and, and  
19 up-scale. And, I heard all these wonderful things  
20 about Wegman's until I got to the one that I visited  
21 and I think it was in --  
22 MR. REGAN: Woodbridge.  
23 Q -- Woodbridge. And, it was like a junk  
24 shop certainly on the outside because of that signage.  
25 And, I think one of the things that we try to do is to

1 protect the Borough from that sort of visual blight.

2 And, and when you are dealing with larger  
3 companies, I'm never quite sure who is responsible.  
4 You know, I don't know, who do we talk to, Vice  
5 President of door knobs or something? I don't know.

6 But, if you are the person that is responsible  
7 for it or at least the person who has the position  
8 that you hold right now responsible for it, I think it  
9 should be so noted on the record and you should be so  
10 advised so that you can convey to your company that  
11 this Borough will not tolerate that type of signage  
12 that I saw at WoodBridge.

13 Have they ever taken down any of those terrible  
14 signs or does Woodbridge condone that?

15 A It's not a problem in Woodbridge.

16 Q It's not a problem?

17 A No.

18 Q They like blight? Incredible. I think  
19 I'll call somebody down in Woodbridge and tell them  
20 there's a better way of life. Incredible.

21 All right. So you are the person responsible  
22 for that. That's important.

23 And, with responsibility with regard to the  
24 truck traffic, I think that's important. And, I think  
25 we've explored that.

1 The employees in a typical New Jersey store, and  
2 we've heard testimony to this effect before, how many  
3 employees -- I guess a, a prime time, peak time for  
4 shopping is what, Saturday?

5 A Yes, sir, Saturday, Sunday, believe it or  
6 not, more people are shopping during the week. It's  
7 spread out more than ever before.

8 Mondays used to be slow. They're busy now.  
9 We're as busy as a Thursday or Friday.

10 Q Well, if you take that peak period of  
11 time, what would be the maximum number of employees  
12 that would be working during the highest peak shift,  
13 whatever that might be?

14 A I would be taking a very educated guess at  
15 this.

16 Our average store in New Jersey has about 550 to  
17 600 employees total. During the busiest times, my  
18 best guess would be, we have over 30 cashiers --  
19 probably a hundred employees up to even 150 possibly.

20 Q And, are you familiar with the site design  
21 that has been proposed in connection with this  
22 development?

23 A I've been shown the blue print of the  
24 store from the top end elevations. I haven't been  
25 shown the actual site design.

1 Q Will there be an area or not, to your  
2 knowledge, designated for these 100 or 150 employees  
3 to park?

4 A Yes. And, I'll speak to my seven other  
5 stores. We have employee parking in those stores.  
6 So, in each of the Wegman stores, if it gets approved,  
7 won't be any different. We want our employees parking  
8 in a certain area so that they're not inconveniencing  
9 customers and parking really close. So, we will  
10 designate an employee parking area.

11 And, like I said, I haven't seen the site map  
12 yet so I couldn't tell you what that's going to be.

13 But, from my previous experience in the other seven  
14 stores, it's an area furthest away from the store or  
15 maybe to the side, an obscure area where most  
16 customers wouldn't want to park.

17 Q And, with, with regard to that total  
18 number of employees -- I'm sorry, the hours of  
19 operation in the other seven stores, what do you  
20 typically keep the store open for?

21 A We open at 6:00 a.m. and we close at  
22 midnight.

23 Q And, would that be the intent at this  
24 particular location?

25 A Yes, sir.

1 CHAIRMAN DePINTO: And, I think, for now  
2 those are the questions that I have. And, I want to  
3 give the public an opportunity to be heard as well as  
4 our professionals, starting with Mr. Hipolit.

5 Do you have any questions of this witness  
6 relative to the testimony you have heard this evening,  
7 in particular truck routes, loading, unloading of both  
8 the Wegman's vehicles as well as the vendor vehicles?

9 MR. HIPOLIT: I don't have any questions.  
10 What I would say is that the intent of our  
11 letter on Comment 32, with respect to truck routes,  
12 was geared towards the tractor-trailers.

13 As far as the smaller trucks, the box trucks and  
14 the vans, it was always the intention to have them not  
15 really approach the site scattered with the intent  
16 that, once they got into the site, they use Phillips  
17 Parkway to Mercedes, not Mercedes/Grand to Mercedes  
18 from there. So, that's just my comment on that.

19 Just to clarify on the truck evaluation we did  
20 on Bridgewater, one of the things that my two guys  
21 did, we did it over a two day period, on December 11th  
22 and December 12th, completely unannounced to Wegman's  
23 or the applicant because we didn't want it to be  
24 announced so they didn't do anything special. And, we  
25 just picked by random, we picked for the intent and

1 purpose.

2 Two observations was, one, the orientation and  
3 the way the trucks got to the site and the way they  
4 were staggered is quite impressive. They did not back  
5 trucks up at all so they have very good scheduling  
6 which is impressive. And, with respect to the idling  
7 of vehicles, we did check idling of the vehicles, they  
8 would pull up, once they got set, they would shut off.

9 My guys didn't notice any excessive sound from  
10 the refrigeration trucks or did not know it was a  
11 refrigeration truck so I can't speak on that. And, we  
12 didn't see any armored cars. They didn't know it was  
13 armored cars. But, I get it that armored cars  
14 wouldn't be back there so we weren't looking for  
15 armored cars.

16 THE WITNESS: If I could just make two  
17 comments with, regarding truck traffic. The armored  
18 cars, people are using less and less cash so the  
19 deliveries are more and more less frequent.

20 And, also, the studies that were done at  
21 Bridgewater and Princeton, I saw one other study that  
22 was done where it said that maybe there would be 12  
23 percent more truck traffic in this Montvale store if  
24 it gets approved. And, I'm not sure if they're basing  
25 that on the square footage of the store. That's

1 Incorrect.

2 The Bridgewater store is currently doing about  
3 45 percent more business weekly than what we're  
4 projecting at the Montvale store to do as a first year  
5 average. I'm sorry, the Princeton store is doing 45  
6 percent less and the Bridgewater store is doing 35  
7 percent less.

8 So, we're going to see significantly less truck  
9 traffic here. Just because if you're a Frito Lay  
10 delivery or maybe delivering four times a week, it may  
11 be only two or three, at least until business starts  
12 to get better.

13 CHAIRMAN DEPINTO: Okay. Anything else,

14 Mr. Hipolitt?

15 MR. HIPOLITT: I don't have anything else.

16 MR. REGAN: Could I just clarify something  
17 with Mr. Del Vecchio?

18 CHAIRMAN DEPINTO: Sure.

19 MR. REGAN: We marked, as B-4, the Maser  
20 letter of January 2nd.

21 Was that the technical review letter or truck?

22 MR. HIPOLITT: That should be technical

23 review.

24 MR. REGAN: Because comment 32 was a  
25 route.

1 MR. HIPOLITT: That's what I was trying to  
2 tell you.

3 MR. DEL VECCHIO: B-4 is the technical  
4 review letter. I think because it's now been  
5 referenced both --

6 MR. REGAN: That should be B-5.

7 MR. DEL VECCHIO: That should be B-5.

8 We'll call it the truck study by Maser.

9 MR. REGAN: That's fine. Thank you.

10 MR. STEFANELLI: I have one question.

11 Andy, did you notice any signage in the back of  
12 the building for trucks idling?

13 MR. HIPOLITT: They did not.

14 MR. STEFANELLI: Okay.

15 MR. HIPOLITT: You could put a no idling  
16 sign up.

17 I could tell you right now, at least in our  
18 little world of municipal engineering, no idling is a  
19 pretty big thing. Most police officers enforce it for  
20 diesel trucks.

21 In my opinion, maybe especially if the Chief has  
22 that letter, the Chief understands that Title 39 is  
23 going to be available on this side. I think he's  
24 requested it anyway, from my understanding, and that  
25 his guys in their normal routine patrol would issue a

1 ticket. And, it's a pretty heavy fine.

2 MR. STEFANELLI: The applicant should have  
3 signage in the back for the trucks. Actually, it is a  
4 common practice in most places.

5 That would be my recommendation.

6 MR. FETTE: They did do that at Fresh  
7 Market.

8 MR. HIPOUIT: Right.

9 CHAIRMAN DEPINTO: Mr. Preiss.

10 MR. PREISS: I don't really have any  
11 questions. I happen to be in, in Woodbridge on a  
12 number of occasions.

13 I do work with a law office there right next to  
14 the Wegman's store. So, I've been to visit the site,  
15 both inside and outside, several times. And,  
16 generally, I am very impressed.

17 I, I do share some of the Chairman's concerns  
18 about some of the paper signage and banners put up but  
19 that is Woodbridge's kind of issue.

20 The one thing I did notice was that the,  
21 contrary to what Mr. Hipolit said with regard to the  
22 Bridgewater and the Princeton stores, the loading area  
23 and operations in the Woodbridge store were not done  
24 according, in the couple times I visited there,  
25 particularly the last time I visited in July or August

1 of 2013, in accordance with the way it was designed.

2 For example, there's, I believe, behind the  
3 loading area, behind the store, there is a row of  
4 parking spaces which is probably designated for  
5 employee parking. There was no employee parking there  
6 but there was one vendor truck that was parked  
7 parallel and, you know, to the curb within that  
8 employee parking area and there was also an empty  
9 tractor-trailer parked in that same location which,  
10 obviously, was in violation of the way it should have  
11 been operating.

12 And, the other thing is, there was a row of  
13 parking spaces to the side of the store and which was  
14 also devoid of any cars. But, there was a vendor  
15 truck which had backed up and was actually hand  
16 loading their vendor goods through, I think, an  
17 emergency door into the back of the Wegman's store.

18 So, I'm just hoping that, in this particular  
19 situation, the operation will be according to the  
20 design and none of those things will occur.

21 THE WITNESS: Understood.

22 CHAIRMAN DEPINTO: Okay. Anything else?

23 MR. PREISS: That's all. Thank you.

24 CHAIRMAN DEPINTO: Okay. Thank you.

25 Okay. Any other comments or questions before we

1 open to the public? No.

2 The Chair will entertain a motion to open the  
3 meeting to the public.

4 MR. VOGT: So move.

5 COUNCILWOMAN CUDEQUEST: So move.

6 CHAIRMAN DEPINTO: Mrs. Cudequest,

7 seconded Mr. Vogt.

8 All in favor.

9 (Aye)

10 Members of the public, I'm going to start with

11 Mr. Segreto.

12 Mr. Segreto, questions of this witness?

13 MR. SEGRETO: Yes, I have a few.

14 Thank you, Mr. Chairman.

15 CROSS-EXAMINATION BY MR. SEGRETO:

16 Q Mr. Sofia, are you familiar with the

17 exhibit we have just marked, B-5, and that would be

18 the Maser Consulting report concerning truck traffic

19 volumes from the Bridgewater store?

20 A Yes, sir.

21 Q And, I'm looking at Table 1 of that Maser

22 report. And, during the 7:00 a.m. to 7:00 to 8:00

23 a.m. hour on December 11, 2013, Maser is showing three

24 box trucks/step vans and three cargo vans and that

25 would be six vendors trucks, six vendor trucks within

1 the same hour being on location.

2 Is the vendor dock that you have indicated would  
3 be in the middle section of the store, near the

4 loading docks, is that sufficient to have six vendor

5 trucks parked there for purposes of unloading?

6 A Yes, it is.

7 Q How big is that vendor dock?

8 A I don't know the actual linear footage of

9 that dock.

10 Q It's your testimony that it will

11 accommodate six vendor trucks?

12 A Yes, sir.

13 Q Now, Maser is showing 11 semi trailer

14 deliveries to the Bridgewater site in that 24 hour

15 period.

16 Is that typical for a store of that size?

17 A Yes, sir.

18 Q So, you would expect 11 deliveries, 11

19 semi tractor-trailer deliveries to this Wegman's store

20 in a 24 hour period?

21 A Not necessarily, sir, because I stated

22 that projected first year average volume of this store

23 is significantly less than the store that was used for

24 this study.

25 Q How much less?

1 A Between 35 and 45 percent.  
2 Q And, that's on what, gross sales?  
3 A Yes, sir.  
4 Q So you're going to expect eight semi  
5 tractor-trailer deliveries in the 24 hour period?  
6 A I think that's a fair estimate.  
7 Q And, what about vendor, vendor trucks?  
8 The Maser report shows approximately let's say  
9 16 in that 24 hour period. And, you're going to have  
10 the same 35 percent less deliveries from vendor  
11 trucks?  
12 A I think that's a good estimate. It makes  
13 sense, sales volume of that much or less.  
14 Q Are you also familiar with Table 2 of the  
15 Maser report which is, reports the Dolan counts from  
16 the Bridgewater Wegman's. They seem to be, to me  
17 anyway, very different than what Maser found in that  
18 24 hour period.  
19 So, there is a great discrepancy according to  
20 the day and the time and the year in terms of the  
21 amount of semis as well as vendor truck deliveries?  
22 A I'm sorry, sir, but Table 2 doesn't  
23 designate what type of truck. Total deliveries there  
24 say 27 and Table 1 -- they say, yeah, 27.9. Table 1  
25 says 27 total.

1 Q I'm looking at Table 2. And, this is for  
2 July 1 through 8, 2013. And, it's showing both  
3 Wegman's truck as well as vendor trucks, 23, 36, 33,  
4 seven on July 4th though it's a holiday, July 5th only  
5 three and then it goes up to 29 and then, on Sunday,  
6 two semis and seven vendor trucks.  
7 So, you're going to have deliveries on Sundays,  
8 is that correct, both semis as well as vendors?  
9 A Going back to your first question, I think  
10 these two tables are consistent in the data, sir.  
11 Table 1 doesn't -- I'm sorry, Table 2 doesn't  
12 designate what type of truck is being delivered. We  
13 do not accept vendor deliveries on Sunday. Our  
14 standard receiving is closed.  
15 But, we do receive truck deliveries from  
16 Wegman's from our distribution centers on Sunday.  
17 Q Well, I'm looking at Table 2 and Mrs.  
18 Dolan, which is the applicant's traffic engineer, and  
19 they're showing that on Sunday, July 7, there were  
20 seven vendor trucks delivered to the, went to the  
21 Bridgewater Wegman's.  
22 You're saying that's incorrect?  
23 A It would seem so.  
24 Q Does Wegman's have, in any of its data,  
25 how many tractor-trailer deliveries they expect in a

1 week for a store?  
 2 A I'm sorry. Could you repeat the question,  
 3 please.  
 4 Q Yes.  
 5 Do you have, in any data that Wegman's keeps, I  
 6 know they keep truck, truck logs, that would give us  
 7 an idea, on the average, how many tractor-trailer  
 8 deliveries for one store there will be in a week?  
 9 A I think we have that data in the truck  
 10 logs that we provided. I think that's pretty standard  
 11 to what our normal stores receive.  
 12 Q Has anyone calculated what those truck  
 13 logs show in terms of how many semi tractor-trailers,  
 14 deliveries there are in a week to various stores as  
 15 well as how many various vendor trucks that are  
 16 delivered?  
 17 A Did someone tabulate that to give us a number on  
 18 a weekly basis?  
 19 A If you look at Table 1, it's broken up by  
 20 type of truck.  
 21 Q Are you talking about Exhibit B-5, the  
 22 Maser report?  
 23 A Yes, sir.  
 24 Q That's in a 24 hour period at the  
 25 Bridgewater. I'm talking about, is there any data

1 that Wegman's keeps that would tell us, for a 125,000  
 2 square foot store, on the average how many semi  
 3 tractor-trailer deliveries there will be in a week?  
 4 A I think it's safe to say that this one day  
 5 is a very standard day. And, if you want to take this  
 6 times six --  
 7 Q So you would expect approximately 66 semi  
 8 tractor-trailer deliveries.  
 9 Correct?  
 10 A Yes, sir.  
 11 Q And, would that same be true for the  
 12 vendor trucks, either box, step or cargo van?  
 13 So, we would take that 16 and then multiple by  
 14 it by six?  
 15 A Yes, sir.  
 16 Q And, has that been your experience, in  
 17 your various positions in Wegman's, that that's the  
 18 type of truck traffic that will be generated by each  
 19 of these stores?  
 20 A Yes, sir.  
 21 Q Now, Maser indicated that, not included in  
 22 their count, in their table were three trailers stored  
 23 on-site.  
 24 Is that typical that, at any one time, three  
 25 trailers will be stored at a store such as the one in

1 Bridgewater?

2 A It's possible. I'm assuming that they  
3 were referring to the salvage trailers.

4 Q It says Wegman has three trailers stored  
5 on-site which were excluded from their counts.

6 A I can only make that assumption, sir.  
7 But, approximately, my prior testimony was about  
8 30 percent are left there and 70 percent are unload.  
9 That would make sense to the total number.

10 Q I think you indicated that you did see a  
11 blue print of the building but you have not seen an  
12 actual site plan for the Wegman's store that's  
13 proposed here in Montvale.

14 Is that correct?

15 A Yes, sir.

16 Q Typically, when you designate the employee  
17 parking, where, where is that employee parking  
18 located?

19 A We try to designate it far away from the  
20 building in an area that's least convenient for the  
21 customers. And, it depends from store to store  
22 depending how the parking lot is set up.

23 The whole idea behind that is to leave the most  
24 convenient spots for our customers.

25 Q I think you indicated that, at any one

1 time, there would be 100 to 150 employees at this  
2 store at any one time?

3 A Through our busiest time, that's my best,  
4 best estimate. It may be a little bit more or less.

5 Q All right. So, I think you indicated that  
6 there are a number of these semi tractor-trailer  
7 either deliveries or pickups, take out, take recycled  
8 materials that you get from your customers.

9 Is that correct?

10 A The salvage trucks contain pallets, bales,  
11 recyclables from customers.

12 Q Do you have actual bins in your stores for  
13 purposes of customers bringing in what, newspapers and  
14 plastic recyclables to the store?

15 A Yes, sir. We do.

16 Q And, where, where are these, in the front  
17 of the store?

18 A When you walk in the doors, the store's  
19 vestibule area where the shopping carts are stored and  
20 along the front wall, generally as scene in all of our  
21 other stores.

22 Q So, typically, you have people coming to  
23 Wegman's to unload recyclables.

24 Is that correct?

25 A We encourage that, yes, sir.

1 Q Do you typically see people just coming to  
2 the store just to drop off their newspapers and  
3 recyclables and glass containers as opposed to  
4 shopping?

5 A No, sir, I have never seen that.

6 Q Now you were talking about the Princeton  
7 store and the Bridgewater store and the expectation  
8 about how much business this store is going to do  
9 compared to those. And, I wasn't too clear.

10 Did you indicate that you believe that the  
11 Bridgewater store would do 35 percent more business  
12 than this Wegman's store in the first year?

13 A The Bridgewater store does approximately  
14 45 percent more business currently than what our first  
15 year projected average would be of the Montvale store  
16 if it's approved, sir.

17 Q What's your first year projected average  
18 for the Montvale stores?

19 A We're a privately held company and wish  
20 not to disclose actual sales.

21 MR. SEGRETO: I know. But, he's making a  
22 comparison.

23 I ask that the Board order him to answer the  
24 question.

25 MR. DEL VECCHIO: I'm going to object.

1 The percentages are all that's relevant, not the  
2 actual amount.

3 And, that's the only thing that he has testified  
4 to on a consistent basis.

5 MR. REGAN: I question the relevancy of  
6 the entire line of cross-examination.

7 MR. SEGRETO: The entire line of  
8 cross-examination?

9 MR. REGAN: On this issue. On this issue.

10 MR. SEGRETO: On the issue of what, how  
11 much business the store is going to do?

12 MR. REGAN: Percentage.

13 MR. SEGRETO: And how much traffic it's  
14 going to generate, that's irrelevant?

15 MR. REGAN: You weren't talking about

16 traffic. You were talking about business. I, I --

17 MR. SEGRETO: Well, I'm sure gross  
18 sales --

19 MR. REGAN: In terms of economic --

20 MR. SEGRETO: -- and traffic generation  
21 have a great deal to do with one another.

22 MR. REGAN: He's not a traffic expert.

23 MR. SEGRETO: Yeah. I understand that.

24 MR. REGAN: You had your chance with Miss

25 Dolan. But, in the interests of liberality, Mr.

1 Segreto, go ahead.

2 MR. SEGRETO: Is he going to have to

3 answer the question?

4 MR. REGAN: He does not have to.

5 MR. SEGRETO: He does not?

6 MR. REGAN: He can answer it, if he knows.

7 MR. DEL VECCHIO: The witness is declining

8 to answer the actual dollar amounts.

9 MR. REGAN: There it is.

10 Why don't you go onto your next question?

11 MR. SEGRETO: No. Is the Board satisfied

12 with that answer?

13 Does the Board want to hear it?

14 MR. REGAN: I don't see how dollars

15 matter. This is a Planning Board.

16 CHAIRMAN DEPINTO: Mr. Segreto, restate

17 the question, please.

18 Q You indicated that the Bridgewater store

19 will be doing 45 percent more gross sales than

20 projected for this Wegman's store the first year.

21 Correct?

22 A Yes, sir.

23 Q And, what is the Bridgewater store do

24 gross sales so that we can tell what the gross sales

25 would be for this Wegman's store?

1 MR. REGAN: Why is that relevant to this

2 application?

3 MR. SEGRETO: Because it's relevant for

4 how much traffic generation --

5 MR. REGAN: Number of vehicles is relevant

6 but dollar amounts, that's a first, Mr. Segreto. I

7 don't see the relevance.

8 MR. SEGRETO: No, that's not a first, sir.

9 MR. DEL VECCHIO: For purposes of brevity

10 and succinctness, this witness is not going to provide

11 nor will I allow him to provide dollar amounts in

12 these proceedings.

13 If the Board chooses to demand that requirement,

14 we will make a motion in the courts to squash any

15 subpoena in that regard.

16 MR. SEGRETO: What about the, what about

17 the --

18 CHAIRMAN DEPINTO: Hold on one second, Mr.

19 Segreto.

20 MR. HIPOLLIT: Dollars of revenue sales for

21 a store doesn't equate to traffic. Those two are not

22 related in the traffic world.

23 A person could walk in and buy one pack of gun

24 or 4,000 people come by and buy a pack of gum. The

25 traffic doesn't work that way.

1 The ITE manual is based on studies of stores of  
2 this size. So, one does not relate to the other.

3 CHAIRMAN DEPINTO: Mr. Segreto. Please  
4 continue.

5 MR. SEGRETO: Yes.

6 Q And the Princeton store is going to do how  
7 much more business than the proposed business for the  
8 Wegman's?

9 A The Princeton store's yearly average is  
10 approximately 35 percent more than our first year  
11 estimated average of the Montvale store if it's  
12 approved.

13 Q Does Wegman's do estimates for the second  
14 and third year?  
15 A Yes, sir.

16 Q Of their stores?

17 And, how does that compare to the Bridgewater  
18 and Princeton stores in terms of how much more  
19 business they will be doing in the second and third  
20 year?

21 A I'm sorry, sir. I've only been privy to  
22 what we estimate in our first year average.

23 What we do in the subsequent years, I do not  
24 know what those numbers are.

25 Q Now, in Table 2 of the Maser report and

1 it's B-5, Dolan & Dean is reporting that the vendor  
2 trucks were on the Bridgewater site during those  
3 weekly periods approximately 74 minutes at a time and  
4 Maser is reporting in their report for the Bridgewater  
5 store for December 2013 that the average trucks spend  
6 approximately 45 minutes on that site.

7 Now, Maser doesn't break it down in terms of  
8 tractor-trailers and vendor trucks. They just give it  
9 as a combined figure.

10 But, is it your experience vendor trucks spend  
11 approximately 74 minutes on-site when they're making  
12 their deliveries to Wegman's?

13 A I believe I testified earlier my best  
14 guess was 45 minutes to 60 minutes, sir.

15 Q All right. So you think that the report  
16 by Dolan with regard to July 1 through 8 and August 5  
17 through August 16 is atypical for the amount of time  
18 that vendors stay there on the Wegman's site?

19 A Are you speaking about the 74 minutes?

20 Q Yes.

21 A 14 minute difference to my estimate, I'm  
22 estimating.

23 Q 45 minutes to 74 minutes.

24 A I said 45 minutes to 60 minutes. This

25 says 74. So, my estimate of 60, it's 14 minutes

1 longer.

2 I think it's within reason, sir.

3 Q What about the semi tractor-trailers, how  
4 long do they spend?

5 A I think my best guess was 25 minutes to  
6 maybe 40 minutes, if it's a live unload. If it's not  
7 a live unload, so long as it takes for the driver to  
8 switch from one trailer to the other.

9 Q How often do you have pick up of  
10 recyclables?

11 Is that done in one semi tractor-trailer at a  
12 time?

13 A I'm not sure.

14 No. Let me try to answer your question to the  
15 best of my ability.

16 If there's more than one trailer blocked in  
17 there for recyclables, there very well could be one on  
18 either side of the store. We wouldn't hold, we  
19 wouldn't take recyclables from one side all the way to  
20 the other side to unload that one trailer. We would  
21 load whichever trailer is closest.

22 If another truck comes and it's a drop and it's  
23 a salvage, he takes it whether it's full or not. It  
24 goes back at that time.

25 Q I'm asking typically is there only one

1 salvage semi on the site?

2 A No. I wouldn't testify to that. There  
3 could be as few as one. It could be as many as three.

4 Q Just for salvage I'm talking about.

5 A Yes, sir.

6 Q Could that be the three trailers that are  
7 stored on-site there at the Bridgewater Wegman's that  
8 is salvage trailers?

9 Are you familiar with that operation?

10 A I'm familiar with that operation. I  
11 wasn't there on that day to walk on those trailers to  
12 testify to that. But, that's, that would be my  
13 assumption, sir.

14 Q Do you know how many loading bays you're  
15 going to have for semis at this Wegman's in Montvale?

16 A Six.

17 Q Would that typically have three semis in  
18 three of those bays and then three empties?

19 Is that typical of the Wegman's operation?

20 A No, I don't think that's typical.

21 Typically we have a store that's going to, that's a  
22 fairly new store.

23 Q What would be typical then? What are you  
24 expecting for this store?

25 A I would say it could be up to three but

1 that's not typical; more often than not, less than  
2 three.

3 Q Now you said you disagreed that the  
4 Montvale location will have 12 percent higher truck  
5 deliveries than Bridgewater and that's based upon your  
6 marketing studies.

7 Is that correct?

8 A It's based upon the fact that the store's  
9 first year projected sales are considerably less than  
10 the stores that the study was done on. So, I'm not  
11 sure how we come up with 12 percent more truck traffic  
12 since there will be less groceries delivered, sir.

13 Q This Wegman store is going to be bigger  
14 than the Bridgewater store.

15 Isn't that true?

16 A Yes.

17 Q By 15,000 square feet.

18 Is that right?

19 A Yes, sir.

20 Q And, you still expect less truck traffic?

21 A Yes, I do.

22 Q And, you have less shelves in that 140,000  
23 square foot store than they do in the Bridgewater  
24 125,000 square foot store?

25 A I'm not sure, sir.

1 MR. SEGREGO: No further questions.

2 CHAIRMAN DEPINTO: Thank you.

3 MR. REGAN: Question.

4 CHAIRMAN DEPINTO: Yes, please.

5 EXAMINATION BY MR. REGAN:

6 Q Mr. Sofia, do any of the New Jersey stores  
7 that you are responsible for have a liquor license?

8 A Yes, sir. The Bridgewater store has a  
9 liquor license. The Princeton store has a liquor  
10 license.

11 Q Just those two?

12 A Yes, sir.

13 As I'm sure aware, you are allowed only two  
14 licenses.

15 Q I understand that.

16 Is there any correlation between your  
17 guesstimate as to what the sales will be, projected  
18 sales would be for Montvale store versus these other  
19 stores?

20 Is there any correlation, liquor license versus  
21 no liquor license?

22 A Yes, sir. The liquor sales for Princeton  
23 and Bridgewater are co-mingled into the grocery sales  
24 so it's part of their average weekly volume which  
25 wouldn't be the case here, sir.

1 Q What is your estimate of the percentage,  
2 percentages for the stores that have liquor licenses  
3 in terms of overall sales?

4 CHAIRMAN DePINTO: You're asking what  
5 percent of the total store sales are liquor?

6 MR. REGAN: Are related to liquor sales.

7 A Let me just do the math in my head really  
8 quick.

9 Almost 10 percent, sir, between 6 and 10  
10 percent. It varies greatly because of time of the  
11 year, holidays, occasions, the liquor sales are  
12 sporadic, go up and down quite a bit.

13 Q Is there any intent, on the part of  
14 Wegman's, to seek to acquire a liquor license for the  
15 Montvale store?

16 A Not that I'm aware of, sir. We own two  
17 liquor licenses currently.

18 MR. REGAN: Thank you.

19 THE WITNESS: You're welcome.

20 CHAIRMAN DePINTO: Okay. Anyone else from  
21 the public have any questions of this witness?

22 Kari.

23 MS. SOLOMON: Kari Solomon, 16 Pine

24 Street.

25 EXAMINATION BY MS. SOLOMON:

1 Q Mr. Sofia, how many stores do you oversee  
2 again?

3 A Seven.

4 Q They're all in New Jersey?

5 A Yes, ma'am.

6 Q And, how do the roads there compare to  
7 Grand Avenue?

8 A I've been up here quite a bit having  
9 visited this site seven or eight times. And, Grand  
10 Avenue seems to have a bit less traffic than, than the  
11 majority of the other main roads that our other stores  
12 are on.

13 I'll give you a reference, Route 70 in Cherry  
14 Hill much busier than Grand Avenue; Route 1 in  
15 Princeton, much busier; Route 202 in Bridgewater, much  
16 busier.

17 Q Do they all have jug handles on the  
18 streets?

19 Are they large enough, typically the size?

20 A Cherry Hill, if you're coming from the  
21 Philly area from the west, has a left hand turn.

22 Q Okay.

23 A Bridgewater, if you're coming from south  
24 to north has a left-hand turn.

25 Princeton isn't, isn't accessible from Route 1

1 as you're coming from north to south. It's a just a  
2 direct right hand turn.

3 Woodbridge is a left-hand turn off of Woodbridge  
4 Center Drive. There's no jug handle there.

5 Q Thank you.

6 A You're welcome.

7 Q Now, if the Montvale Wegman's store is  
8 bigger by about 15,000 feet and the Bridgewater store,  
9 is projected to be doing more business than Montvale  
10 at a less square footage, wouldn't that mean that at  
11 least 15,000 square feet of the proposed Montvale  
12 store is kind of superfluous to the income that is  
13 brought in?

14 A Well, the Bridgewater store is about 13  
15 years old. So, the volume that we do there has grown  
16 over 13 years, year over year. So, we actually  
17 started out doing quite a bit less than we're going to  
18 be doing here in our first year in Montvale.

19 And, what we're learning over time is, one of  
20 the reasons we like a bigger footprint is because it's  
21 hard to push a cart down the aisle. People prefer  
22 wider aisles, to spread our displays out to make it  
23 easier for shoppers.

24 So, while the store square footage is bigger  
25 isn't necessarily that much more product.

1 Q All right. And, just out of curiosity,  
2 you referred to some best practices for noise  
3 reduction in one of your stores?

4 A Yes.

5 Q What were some of those?

6 A Basically being very cautious as to the  
7 fact that we have a residential area directly behind  
8 that store. So, speaking quietly, not banging the  
9 jacks around. When you're inside one of our trailers,  
10 it's actually butted up against the building. It's  
11 sealed off very well but being careful not to hit the  
12 sides of the trailer with the jack. It would make a  
13 large sound. It's pretty insulated. We try our very  
14 best to be polite.

15 One of the things we pride ourselves on, our value  
16 is, one of the values is making a difference in the  
17 communities that we serve and we want to be a good  
18 neighbor, we don't want people to be unhappy that  
19 we're there. We want people to be glad we're there  
20 and we have mostly accomplished that in the  
21 communities we served.

22 MS. SOLOMON: Thank you.

23 CHAIRMAN DEPINTO: Thank you.

24 Okay. Anyone else? Mr. Roe.

25 MR. ROE: Kevin Roe. Good evening, ladies

1 and gentlemen.

2 CROSS-EXAMINATION BY MR. ROE:

3 Q Mr. Sofia, I just have a couple questions  
4 for you concerning again the traffic.

5 And, as far as this location, are you familiar  
6 with the figures based on what you testified and your  
7 familiarity with trafficking, of the number of trucks  
8 that are the tractors that are expected in and out of  
9 Montvale with regard to this Wegman's?

10 A Yes, sir.

11 Q What is the number?

12 A My best estimate is between seven and 10  
13 per day.

14 Q And, the stores you talked about down in,  
15 I think you talked about Princeton and Bridgewater.

16 The Bridgewater store, did I understand you just  
17 recently somebody said is 15 percent smaller or that  
18 the Montvale store would be 15 percent larger than the  
19 Bridgewater store.

20 Is that correct?

21 A The Bridgewater store is approximately  
22 120,000 square feet. The proposed store for Montvale  
23 is 145,000 square feet, sir -- 140, sir, I would be  
24 corrected.

25 Q What about the Princeton store, what's the

1 square footage on that?

2 A It's, it's about between 125 and 130.

3 Q And, how many tractors come in and out of  
4 the Princeton store a day?

5 A Tractor-trailers, sir?

6 Q Yes, sir.

7 A Between five and 10 on a daily basis.

8 Q And, what about the Bridgewater store?

9 A Pretty similar, the study showed, the day  
10 the study that was done on December 11th.

11 Q So, are you projecting more trucks,  
12 therefore, for the Montvale store to be going in and  
13 out on a daily basis as compared to the other two?

14 A No, sir, I'm not projecting that.

15 Q With respect to the vendor trucks, are you  
16 familiar with the vendor docks that are, you've  
17 described at the proposed location in Montvale?

18 A Yes, sir. I'm very familiar with those  
19 docks.

20 Q What are the dimensions of those docks?

21 A I don't know the exact dimensions.

22 Q Can you approximate?

23 A Do you want the linear footage of the dock  
24 from one side to the other?

25 Q We could start there.

1 A Well, I would be taking a guess, sir.  
2 We have seven other locations that could be  
3 measured if that's the information you would like but  
4 I don't want to guess at that.

5 Q What about the access to the docks, are  
6 they controlled, are they discreet separate doors?  
7 Is there one big opening for all the various  
8 vendor trucks?

9 How is that set up?

10 A It's one big dock and it has rubber  
11 bumpers going across so when the trucks back up to the  
12 concrete, there is a cushion there but there's no  
13 particular spots. It's wide open.

14 Q And, that accesses the rear of the store  
15 to a receiving area?

16 A Yes, sir.

17 Q And, how is the receiving area manned back  
18 there?

19 A We have a receiving, we have a receiving  
20 team, sir.

21 Q Okay. There are separate stations?  
22 How many stations are set up?

23 A We have a receiving office, sir, so, at  
24 the end of the open dock, which I explained is a door  
25 and, as you go through that door, immediately right

1 there, there would be a receiving office and all  
2 product that comes in is checked against the invoice  
3 to verify the product.

4 Q Do you know how many trucks can pull up  
5 against the dock at one time?

6 A My best guess is probably six or seven  
7 there are completely full.

8 I have never seen it completely full, sir.

9 Q And, did you estimate the number of trucks  
10 you anticipated coming into Montvale on a daily basis?

11 A I didn't estimate, sir. I looked at the  
12 studies that were done for our other stores.

13 Q Let's talk about, first of all, the number  
14 of trucks.

15 Is there a projected number of trucks based on  
16 the studies that you're describing estimating how many  
17 trucks this store can expect to receive on a daily  
18 basis?

19 MR. DEL VECCHIO: I'm going to object to  
20 the question because the witness just testified there  
21 were no projections done and all he looked at were the  
22 counts taken at other stores.

23 So, I just want to note for the record that he  
24 answered the question that there were no projections.  
25 If you want him to make some calculation off the

1 counts that were taken at other stores, that's a  
2 different question.

3 But, I just wanted to make sure the record  
4 stayed clear.

5 Q Have any such calculations been made?

6 A I'm just here tonight, sir, on a prior  
7 question.

8 I took the counts from these two stores and we  
9 took 35 and 45 percent less. And, we put the numbers  
10 to that on a prior line of questioning.

11 Q And, do you remember your answer?

12 A I don't remember exactly what my answer  
13 was, sir, no.

14 Q Would 40 trucks sound about right per day?

15 A That, that would be a little high, sir.

16 Q How high?

17 A Well, the study on Bridgewater shows about  
18 27 vendor trucks and about 10 semi trucks so there's  
19 37 and that store does 45 percent more volume than  
20 we're projecting here, so...

21 Q Wouldn't you, when you're projecting  
22 volumes -- what is this projection -- I asked you for  
23 figures now, how is it --

24 Who made that projection?

25 How is that projection arrived at to estimate

1 these percentages which nevertheless are very quick to  
2 site 45 and 35?

3 On what basis are those calculations made?

4 A Well, sir --

5 Q In what manner are they projected?

6 A Sure. I would be happy to explain that to  
7 you.

8 I know for a fact how much weekly volume  
9 Bridgewater and Princeton do on a yearly average, I  
10 have that. The projection that was given to me for  
11 dollar figures for the estimated yearly average sales  
12 for Montvale was given. I saw that from our real  
13 estate department which was experiencing opening two  
14 to three stores every single year.

15 So, we have an experienced bunch of folks that  
16 did a good job.

17 Q So, I guess the question is, how many  
18 trucks would you project coming to Montvale?

19 MR. DEL VECCHIO: The witness has  
20 indicated he has not made a projection.

21 Q You did state that there was no  
22 controlling when those trucks would arrive, didn't  
23 you?

24 A Which trucks, sir?

25 Q The vendor trucks.

1 A Correct. The vendor trucks, we don't have  
 2 an appointment schedule for the vendor. But, if you  
 3 look at the studies that were done, they were spaced  
 4 out very evenly across the day.  
 5 Just us working with them, on a very informal  
 6 basis. We don't have an appointment book per se.  
 7 Q All right. But, the point is, there's no  
 8 controlling on that basis that several vendors  
 9 wouldn't arrive at the same time.  
 10 Isn't it?  
 11 A Sir, There was control in that.  
 12 Q How would you control that?  
 13 A We simply ask some of them to come at a  
 14 different time.  
 15 Q And, if it didn't fit their route or  
 16 schedule?  
 17 A We ask someone else. We find someone who  
 18 that worked for. That's not uncommon.  
 19 Q There's no system in place to do that at  
 20 present.  
 21 Is that correct?  
 22 A That's correct.  
 23 Q And, is there a system to do that at other  
 24 stores?  
 25 A A system to do what?

1 Q Schedule which vendors arrive at what  
 2 time.  
 3 A Yes, sir. There's an informal system of  
 4 us working with the vendors. The vendors don't want  
 5 to wait while other vendors are being checked in so  
 6 they work pretty readily with us on that.  
 7 Q And, the vendor deliveries occur what  
 8 hours?  
 9 A Our receiving hours are open 6:00 to 3:00  
 10 everyday except for Sunday.  
 11 Q And, the routes with which the vendors  
 12 would arrive, by which they would arrive are not  
 13 anticipated to be regularly controlled by you in any  
 14 way.  
 15 Is that right?  
 16 A That's correct.  
 17 Q Vendor trucks themselves are fairly  
 18 sizable.  
 19 Is that correct?  
 20 A It depends, sir. There's a wide range  
 21 anywhere from a tractor-trailer truck anywhere down to  
 22 a regular type passenger van without the seats in  
 23 them.  
 24 Q Is there a breakdown between the number of  
 25 tractor-trailers for vendors and box trucks, for

1 example?

2 A No, sir. It varies on the order.

3 So a company like Keebler or Coca Cola, Pepsi,  
4 Frito Lay, those larger companies could have a  
5 tractor-trailer, they could have something as small as  
6 a box truck.

7 Q Now those tractor-trailers would be  
8 competing for the same loading docks as the suppliers  
9 from the distribution centers, wouldn't they?

10 A Yes. The tractor-trailers have two  
11 choices. They can back into the open dock which we  
12 already talked about or they can back into any one of  
13 the bays if they choose. And, we instruct them where  
14 we would like them to be.

15 We prefer that they back into the bays. But, if  
16 we know we have a Wegman's truck coming, we are going  
17 to need that bay, we have a good idea when the  
18 Wegman's trucks are coming, we keep that open dock.

19 Q So, the estimation of the seven to 10  
20 trailers you expect a day, does that include the  
21 vendors or is that just the Wegman's suppliers?

22 A That includes the vendors, sir.

23 Q And, how many would come from Wegman's?

24 A Anywhere from two to five.

25 Q And the vendors?

1 A Anywhere from six to, anywhere from two to  
2 six.

3 MR. ROE: I have no further questions.  
4 CHAIRMAN DePINTO: Thank you, Mr. Roe.

5 Anyone else have any questions?  
6 Yes, ma'am.

7 MS. CHARKEY: Lara Charkey, C H A R K E Y.  
8 I'm with the organization Bergen Swan, 162 Westwood  
9 Avenue, Westwood.

10 EXAMINATION BY MS. CHARKEY:

11 Q Question for you, Mr. Sofia.

12 So, is it conceivable that, at full build out,  
13 there will be additional truck traffic for other  
14 occupants of this complex?

15 A I don't know what the rest ---

16 CHAIRMAN DePINTO: Ma'am, I don't know if  
17 this witness is qualified to answer that question.

18 That question should be posed to the traffic expert.

19 This gentleman can only testify with any  
20 authority relative to Wegman's.

21 MS. CHARKEY: Okay. It just occurred to  
22 me that we're talking about more trucks than just  
23 those going to Wegman's.

24 CHAIRMAN DePINTO: It's not fair to this  
25 witness, that particular question.

1 MS. CHARKEY: Okay. And, I have another  
2 question that may not be appropriate for him but I  
3 feel I have to ask it.

4 CHAIRMAN DEPINTO: Give it a shot.

5 MS. CHARKEY: Okay.

6 Q So you pointed out, and I applaud you for  
7 it, that you want to support the anti idling  
8 regulations.

9 But, I wonder how often do the Montvale police  
10 currently patrol existing supermarkets?

11 And, I wonder at their ability to do so in this  
12 case with budgetary constraints being what they are.

13 CHAIRMAN DEPINTO: Well, I don't think  
14 anyone here can, can answer that question.

15 I don't know what enforcement actions the  
16 Montvale Police Department does take with regards to  
17 that but we could make and inquiry of them.

18 And, with respect to the application that's  
19 before us right now, as was indicated before, the  
20 Chief of Police had indicated, during his testimony,  
21 his concern about enforcement of the Title 39.

22 So, I tend to think that, at least with the new  
23 proposed development, that we could expect that in  
24 this case.

25 MS. CHARKEY: And, there's no

1 responsibility on the part of Wegman's to help support  
2 that effort?

3 CHAIRMAN DEPINTO: I think the testimony  
4 that we heard was that they intend to comply with all  
5 of the laws. And, that being a State law, that they  
6 would make every effort to comply.

7 Is that correct, sir?

8 THE WITNESS: Yes, sir.

9 MR. REGAN: I think they also, Mr.  
10 Chairman, indicated that they would consent to  
11 enforcement of the Title 39 regulation.

12 CHAIRMAN DEPINTO: They don't have the  
13 authority to, to go out and write a summons to someone  
14 who doesn't shut off their truck. But, if they are  
15 cooperating with the Borough, which I believe they  
16 indicated they would, they certainly would have that  
17 opportunity to call the police department and, and  
18 report a violation which I'm sure that you are willing  
19 to do so.

20 Is that correct, sir?

21 THE WITNESS: Yes, sir.

22 MR. SEGREGO: Okay. Thank you.

23 CHAIRMAN DEPINTO: Thank you.

24 Okay. Anyone else have any questions?  
25 Okay. Hearing none, the Chair will entertain a

1 motion to close the meeting to the public.

2 MR. VOGT: So moved.

3 MR. CULHANE: Second.

4 CHAIRMAN DePINTO: Mr. Vogt, seconded Mr.  
5 Culhane.

6 All in favor.

7 (Aye)

8 Obviously the hour is late and we're not going  
9 to be hearing any more testimony this evening.

10 No. 1, I would like to thank you very much for  
11 attending. I think the testimony that you offered to  
12 this Board and to the public was quite good. I found  
13 it to be very informative and very helpful.

14 THE WITNESS: Thank you, sir.

15 CHAIRMAN DePINTO: And, we do thank you  
16 for coming all the way up from Monmouth County.

17 Is it colder or warmer down there?

18 THE WITNESS: About the same.

19 CHAIRMAN DePINTO: Okay. Thank you and  
20 have a good evening.

21 Now, with respect to our next meeting is when?

22 MS. HUTTER: Our next meeting is January  
23 13th, this being carried to January 15th at 8:30.

24 MR. DEL VECCHIO: 8:30.

25 CHAIRMAN DePINTO: Members of the public

1 that are here, that may have an interest in this  
2 application, please be advised that the meeting is  
3 being carried to January 15th at 8:30 and no further  
4 notice will be provided to you other than this  
5 announcement.

6 Thank you for coming. I look forward to seeing  
7 you.

8 MR. PREISS: Before I bring in two stacks  
9 of files, what witnesses do you anticipate bringing to  
10 the next meeting?

11 MR. DEL VECCHIO: I hope to have Mr.  
12 Christian, who has been here the last several times,  
13 we haven't reached him, to complete his signage  
14 testimony.

15 And, I'll have to decide whether or not Mr. Pett  
16 will be available to be here as well.

17 MR. PREISS: Or not.

18 MR. REGAN: Let us know.

19 MR. DEL VECCHIO: Absolutely. I would be  
20 happy to.

21 CHAIRMAN DePINTO: Okay. Very good.

22 MR. PREISS: I appreciate that. Thank  
23 you.

24 (The hearing concludes at 11:28 p.m..)

25

C E R T I F I C A T E

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

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

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DONNA LYNN J. ARNOLD, C.C.R.  
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