

A P P E A R A N C E S C O N T I N U E D:

SEGRETO, SEGRETO & SEGRETO, ESQS.
BY: JOHN J. SEGRETO, ESQ.
329 Belmont Avenue
Haledon, New Jersey 07508
(973) 389-1999
Attorneys for A & P

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PLANNING BOARD
MONTVALE TOWNSHIP
COUNTY OF BERGEN

VOLUME 10

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, March 18, 2014
Council Chambers
12 Mercedes Drive, 2nd Floor
Montvale, New Jersey
Commencing 9:42 p.m.

B E F O R E:

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

ROBERT REGAN, BOARD ATTORNEY
JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL
ANDREW HIPOLIT, BOROUGH ENGINEER, absent
CRAIG HERMANN, MASER CONSULTING
LORRAINE HUTTER, BOARD SECRETARY
RICHARD PREISS, BOROUGH PLANNER

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

BEATTIE PADOVANO, P.C.
BY: ANTIMO A. DEL VECCHIO, ESQ.
50 Chestnut Ridge Road
Montvale, New Jersey 07645
(201) 573-1810
Attorneys for the Applicant

DONNA LYNN J. ARNOLD, C.C.R.
COMPUTERIZED TRANSCRIPTION SERVICES
(201) 666-3490

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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 JP2, Consisting of 8 sheets, 6/18/2013
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11	A-9 Stone Sample Board
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16	B-1 Letter, 8/5/2013, from Chief of Police, Site Plan
17	B-2 Letter, 8/5/2013, from Chief of Police, Soil Movement
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20	EXHIBITS MARKED 09/03/2013
21	A-12 Paper Version, Colored Floor Plate Of Wegman's
22	EXHIBITS MARKED 10/01/2013
23	A-13 Id. Site Plan Drawings, 32 sheets, Last Revised 9/20/2013
24	A-14 Id. Storm Water Management Report Revised 9/20/2013
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	A-16 Id. Soil Movement Plan, By I2A
	A-17 Id. Revision dae 9/27/2013
	A-18 Id. EIS Report, by I2A, 6/21/2013
	Acoustical Report, 6/26/2013

1 EXHIBITS MARKED 10/15/2013

2 A-19 Id. Section of Porous Pavement
Including the Vase

3 A-20 Id. Porous Pavement

4 A-21 Id. Traffic Impact Analysis
6/20/2013

5 A-22 Id. Traffic Impact Analysis
By Maser Consulting, 3/7/2013

6 A-23 Id. Technical Appendices
3/7/2013

7 EXHIBITS MARKED 11/06/2013

8 B-1 Id. Letter, 10/25/2013, E. Timsak

9 A-24 Id. L2A Concept Plan, SK-01, 10/29/2013

10 A-25 Id. Site Traffic Impact

11 A-26 Id. Sign Package Drawings

12 A-27 Id. Cut Sheet Booklet, 7/17/2013

13 EXHIBITS MARKED 11/25/2013

14 A-28 Id. Traffic Impact Analysis
11/14/2013

15 EXHIBITS MARKED 01/07/2014

16 A-29 Id. Princeton Logs

17 A-30 Id. Bridgewater Logs

18 A-31 Id. Tabulation, Dolan & Dean

19 B-4 Id. Letter, 1/2/2014, Maser

20 B-5 Id. Truck Study, Maser

21 EXHIBITS MARKED 02/04/2014

22 A-32 Id. Revised Sign Drawings

23 A-33 Id. RTKL Drawings, Revised 2/4/2014

24 A-34 Id. L2A Site Plan Package/48 sheets
Last Revised 1/24/2014

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

2 EXHIBITS MARKED 02/26/2014

3 A-35 Id. Updated Wegman's Architectural
Plans, Last Revised 8/4/2014

4 A-36 Id. Updated Architectural Plans
9 Sheets, 2/13/2014

5 A-37 Id. Hand-out, Reduced Version of Slides
Updated Storm Water Management
Report, Last Revised 1/24/2014

6 A-38 Id. Updated Environmental Impact
Statement, Last Revised 12/12/2013

7 A-39 Id. By I2A

8 A-40 Id. Soil Moving Plans, 2 Sheets,
By I2A, Last Revised 11/13/2013

9 EXHIBITS MARKED 3/18/2014

10 A-41 Id. JP2 Elevations, Front and Side,
Buildings A and B, 3/18/2014

11 A-42 Id. Rear Elevations, Buildings A and B
3/18/2014

12 B-6 Id. Maser Technical Review

CHAIRMAN DEPINTO: The meeting will come to order. Please note, for the record, Board Member Kari Solomon has recused herself.

Okay. Next we have a continued public hearing on Block 2802, Lot 2 and 3, 300 West Grand Avenue, Block 102, 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 and planning development and soil movement. Good evening.

MR. DEL VECCHIO: Good evening, Mr. Chairman. For the record, Andy Del Vecchio, member of the firm of Beattie, Padovano on behalf of Montvale Development Associates, LLC.

CHAIRMAN DEPINTO: Excuse me one second, Mr. Del Vecchio.

MR. DEL VECCHIO: Yes. CHAIRMAN DEPINTO: And, just for the

record, Mr. Segreto, will you enter your appearance. MR. SEGRETO: Yes. John J. Segreto from the law firm of Segreto, Segreto & Segreto for the objector A & P.

Thank you, Mr. Chairman. CHAIRMAN DEPINTO: Okay. Please continue.

MR. DEL VECCHIO: When we last appeared and provided testimony before the Board, as a result of Mr. Segreto's illness, we agreed to bring back Mr. Pett and Mr. Dipple so they could be available for any questions that Mr. Segreto had.

Before I turn over Mr. Pett to cross-examination, there was one other open item when we last left this testimony.

Mr. Preiss had asked for an opportunity to have the urban design consultant he was working with review the plans that we submit and offer comments. We did in fact receive a review letter indicating the comments on the last drawings that we had submitted.

And, at this point, Mr. Pett has produced some renderings would show what the implementation of those comments would be. We brought them with us tonight. I would like to have Mr. Pett explain them.

And, ultimately, if the Board would like to go with the comments that their consultant has offered, we will formally amend our plans to include them. If not, we'll stay with the original elevations for the buildings that we propose.

The only changes that were offered by Mr. Tegnell has to do with Buildings A and B which are the two buildings that have their backs closest to

1 Mercedes. So, those are the two buildings we were
 2 focusing on.
 3 And, Mr. Pett was previously sworn and qualified
 4 and remains under oath.
 5 First, we should probably mark the two colored
 6 drawings.
 7 MR. REGAN: A-41 next.
 8 MR. DEL VECCHIO: A-41 will be the JP2
 9 produced elevation depicting the fronts and the side
 10 of Buildings A and B. And, they are dated March 18,
 11 2014.
 12 And, the second drawing is the rear elevations
 13 of Buildings A and B which also happen to have the
 14 rear elevations of C and D on them.
 15 And, they are, also bears a date of March 18,
 16 2014.
 17 I would propose we mark that second sheet as
 18 A-42, with the Board's permission.
 19 MR. SEGRETO: Just, Mr. Del Vecchio, you
 20 said A-41 was JP2, A-42 is --
 21 MR. DEL VECCHIO: Is also JP2. That's the
 22 name of the design firm that Mr. Pett works for --
 23 MR. SEGRETO: Okay.
 24 MR. DEL VECCHIO: -- or is an owner of.
 25 And, they're both produced by his organization.

1 REDIRECT EXAMINATION BY MR. DEL VECCHIO:
 2 Q Mr. Pett, the drawings that we just marked
 3 as A-41 and A-42 were produced by you or under your
 4 supervision?
 5 A Yes, they were.
 6 Q Just starting with A-41, and I will mark
 7 that in the corner as we speak, can you review with
 8 the Board what the suggested alterations to the were
 9 to the elevation offered by Mr. Tegnell?
 10 A Yes. Both these alterations were
 11 extremely small. And, the alterations here to the
 12 front facades on A and B were a request to carry the
 13 divided light transoms, which are, if I can step up
 14 here, these, these lights above the store front line,
 15 at the top of the store front line, to carry those
 16 mullions through the arched openings in the central
 17 bays.
 18 So, previously, we didn't have mullions in these
 19 locations and there was a sense that they should carry
 20 all the way across. So, we concurred with that and we
 21 added those mullions at this location at the request
 22 of your reviewers.
 23 That's the extent of the change on those
 24 buildings.
 25 Q Now, on the side of that building, since

1 that side elevation is up as well, on the side of what
2 is essentially Building A, I believe, that has its
3 side facing the Boulevard in from Mercedes Drive,
4 there's a change to the stone treatment closest to the
5 rear loading door?

6 A Correct.

7 So, the second change that was requested from
8 your reviewers was related to the height of what I
9 could characterize as the water table, the stone water
10 table or the base of the facades. And, previously, we
11 were proposing to step that stone up and the elevation
12 showed it fairly high on that wall and that it carried
13 around on the rear of the elevation, fairly high on
14 either corner bay and then stepped down in the middle
15 and was consistent on both buildings. So, it kind of,
16 on the rear elevation, it sort of created this
17 bracket, with two higher areas on the either end and
18 the low area across the middle, the reviewers felt
19 that it would be better if that stone simply stepped
20 and followed the grade.

21 They marked up an elevation for us that they
22 felt was a little bit more appropriate in terms of
23 just keeping that stone sort of transitioning down the
24 slope of the hill. And, we did in fact make that
25 change.

1 The intent is to, is to -- again, these
2 buildings are up against a retaining wall, if you
3 will, into a slope on Mercedes. And, so, the
4 retaining wall varies in height from fairly high to
5 fairly low. So, the intent is to have the stone, as
6 it comes around the side of the building here and runs
7 back, meet that retaining wall at the height of the
8 retaining wall.

9 So, what Mr. Regnell and Mr. Preiss recommended
10 is this rear elevation. You can see here that the
11 wall is basically at grade and it steps down and stays
12 pretty close to grade. That height is consistent on
13 the sides and it steps down again, stays pretty close
14 to the grade, steps down again and stays close.

15 So, the side elevation, of this building, will
16 have a very low water table on it. At the courtyard
17 that water table will be slightly higher and then,
18 over here, it will be quite high as it turns the
19 corner.

20 So, then, when you look at the corner of the
21 building, you are actually seeing a consistent line of
22 stone following the corner and then step down.

23 So, we agreed with those comments and we made
24 those minor changes.

25 Q Mr. Pett, just one other area that I

1 thought we needed to cover this evening.

2 We talked about the Wegman's building when you
3 last appeared. And, we had talked about the, I think
4 we referred to it at the time you testified as a
5 weather vane. And, in fact, when we took a look at
6 drawings again, what actually was removed from the
7 Wegman's building was a cupola over the mid entrance
8 point of the building.

9 A That's correct.

10 Q And, that was for purposes of making sure
11 the building stayed within height limitations for
12 compliance purposes?

13 A That's correct. That portion of the roof
14 is already at the height limit without that, without
15 that cupola on it.

16 Q And, in fact, because that design element
17 was partially because that sign element was removed,
18 there are now three cupolas that were added as design
19 features to the junior anchor building as it's
20 generically referred to on the plan.

21 A There are -- I have to apologize. I
22 didn't --

23 Q Building F. I was looking for the
24 building designation. I'm sorry.

25 A I didn't bring an enlarged version of that

1 but you all received this handout at the last meeting.
2 These are the same elevations that I showed on the
3 Power Point show.

4 This building does have a series of cupolas very
5 similar to, really almost identical to the one we
6 removed from the Wegman's building.

7 So, we are trying to maintain that spirit of
8 this agricultural and equestrian elements throughout
9 the architecture.

10 MR. DEL VECCHIO: Thank you, Mr. Pett.

11 I don't have any additional questions of Mr.
12 Pett and make him available to the Board for any
13 additional questions and Mr. Segreto should he have
14 questions.

15 CHAIRMAN DEFINTO: Okay. Thank you.

16 First I'm going to start with Mr. Preiss.
17 Mr. Preiss, your comments with respect to the
18 changes that were made and as indicated by Mr. Del
19 Vecchio, to be consistent with your team of people.

20 Now, do you agree with those changes?

21 MR. PREISS: I do agree. I think the
22 buildings look a lot better. Carrying the transom
23 windows all the way through, I think, is the way to
24 go. And, I think that, despite the fact that there
25 are, I think the transom windows are an attractive

1 addition in the center bays of Buildings A and B.
 2 And, then, the water table, in order for, in
 3 the, in the prior renderings and prior elevations, it
 4 stepped up on the corner and encompassed the door.
 5 And, really the intention of that stone base is
 6 really to be at the base, not to, you know, step up
 7 and be any higher than a few feet off of grade.
 8 So, I think the changes now are consistent with
 9 what we had originally intended and I think the proof
 10 is in the pudding. I think it looks better than it
 11 did before.
 12 So, we are satisfied.
 13 CHAIRMAN DEPINTO: Okay. Now, I think, as
 14 expressed by some of the Board Members at the last
 15 meeting, Mr. Del Vecchio, Board Members shared with
 16 you their concerns about changes being made to the
 17 plan and not seeing a final plan.
 18 And, I believe you had discussions with Mr.
 19 Preiss with respect to that.
 20 And, could you share with the Board what your
 21 intentions are at this time?
 22 MR. DEL VECCHIO: Obviously, because
 23 tonight we only brought the rendering, we want to be
 24 very certain that the Board is signing off on any
 25 changes that are going to be made to the plans.

1 If The Board finds what the review professionals
 2 have designated or indicated would be preferable is in
 3 fact preferable to the Board, what we will do is, we
 4 will incorporate all of these changes into a final
 5 compliance set of drawings for final submission to the
 6 Board.
 7 It will merely pick up what Mr. Pett has already
 8 testified to and it will be subject to verification by
 9 the board professionals that in fact the final set
 10 matches the exhibits we have produced tonight.
 11 CHAIRMAN DEPINTO: Mr. Preiss.
 12 MR. PREISS: Yeah. Actually, that's
 13 something we worked out. We felt that the changes
 14 were so minor, for them to resubmit the entire
 15 architectural set would just be cumbersome for the
 16 Board to have to search through it to find those
 17 particular changes being that they were minor.
 18 So, we thought the best thing to do was have
 19 them do the changes, bring them to the Board. If the
 20 Board agreed, they would be incorporated into the
 21 final set. Because, everything else is, it has been
 22 well-accepted by the Board and by ourselves.
 23 CHAIRMAN DEPINTO: Okay. And, then,
 24 before I open it up to Board Members for questions,
 25 Mr. Del Vecchio, when we heard the testimony two weeks

1 ago from Mr. Pett, we did have discussions with
 2 regards to the goose-neck lighting which had originally
 3 appeared on a prior submission. And, then, at the
 4 last submission, it did not appear.

5 How has that been resolved?
 6 And, set it aside from illumination of signage.
 7 I'm not necessarily referring to that.

8 MR. DEL VECCHIO: Originally, the original
 9 architectural drawings that were submitted had
 10 goose-neck lights placed with some assumptions as to
 11 where signs might or might not go.

12 They were there merely for purposes of hoping to
 13 illuminate signs. But, because we don't have tenants
 14 and we can't identify exactly where those goose-necks
 15 may ultimately be or not be, they have been removed
 16 from the drawings so that we don't mislead anybody as
 17 to where the goose-necks will be on any sort of final
 18 compliance review.

19 Obviously, to the extent a tenant does place a
 20 sign up that they elect to use goose-necks on, they
 21 will have to place those goose-necks in the appropriate
 22 locations.

23 So, that is the reason behind why they were
 24 removed. They have continued to be removed.
 25 There are certain light fixtures that continue

1 to be shown but they're unrelated to the signage that
 2 are store front illumination. They're not truly
 3 goose-necks but they look very similar to goose-necks.
 4 And, those remain on the drawings because they are
 5 site type illumination not signage illumination.

6 And, those we intend to install as indicated on
 7 the drawings.

8 CHAIRMAN DePINTO: Okay. I believe, Mr.
 9 Lintner, that you made a comment. I'm not quite
 10 certain if it was at the last meeting or the meeting
 11 prior to with regard to your opinion as to the
 12 goose-necks.

13 Could you repeat that comment or concern?

14 MR. LINTNER: It was, it wasn't the last
 15 meeting. It was the previous meeting when we were
 16 discussing illumination of signs.

17 My comment was, since we are looking for an old
 18 time look or a, a farm look that perhaps we would want
 19 all the signs to be illuminated with goose-necks and
 20 eliminate any back lit signs or aluminum signs or
 21 whatever but make all the signs illuminated via a
 22 goose-neck consistently throughout the entire site
 23 plan.

24 And, that was a comment I had because, at the
 25 time, you were going back and forth as to what sign

1 would we want and what design would be another. And,
2 that was the suggestion I had, to be consistent
3 throughout the site using gooseneck for all of the
4 sign illumination.

5 CHAIRMAN DEPINTO: Exclusively and no
6 internally illuminated or other method of
7 illumination.

8 MR. LINTNER: If a tenant wants to come in
9 and put an internal illuminated, they would have to
10 come before us and it would not be part of what we
11 agreed to on the site plan. So, we have to vary from
12 what our agreement was.

13 CHAIRMAN DEPINTO: Okay. I think we're
14 going to have to discuss that because we do have to
15 discuss signage in general.

16 But, at this point, I'm going to open it up to
17 questions from the Board Members with respect to the
18 changes that are proposed in the architecture as shown
19 on this exhibit to both Buildings A and B and
20 comments.

21 I guess I'm starting with Mr. Webber.

22 I'm sorry. One other thing. And, the issue
23 with the weather vanes and the placement of the
24 cupolas.

25 MR. WEBBER: Yeah. I think it's a nice

1 change. I don't have any problems with it.

2 I would like the true divided lights even in the
3 arches. I think it works well.

4 CHAIRMAN DEPINTO: Okay. And, with regard
5 to the transoms, is that what you're referring to?

6 MR. WEBBER: Yeah. The transoms across
7 the entry of the arches.

8 CHAIRMAN DEPINTO: So you are supportive
9 of that?

10 MR. WEBBER: Yes.

11 CHAIRMAN DEPINTO: And, Mr. Lintner.

12 MR. LINTNER: I'm supportive of everything
13 Mr. Pett provided and the transoms, arches, the
14 location of the cupolas and the modification to that
15 water table stone, I agree with it all.

16 CHAIRMAN DEPINTO: Thank you.

17 Mrs. Cudequest.

18 COUNCILWOMAN CUDEQUEST: I agree with
19 what's been stated.

20 CHAIRMAN DEPINTO: Mr. Culhane.

21 MR. CULHANE: I agree. But, I have
22 another question that I would like to ask Mr. Pett
23 because he made reference to the fact that the rear
24 wall is going to be a retaining wall.

25 EXAMINATION BY MR. CULHANE:

1 Q Is it your professional opinion that the
 2 wall at the rear was, in essence, going to be two
 3 walls, a retaining wall and a separate wall for the
 4 building?
 5 A No, sir.
 6 The rear wall of the building, from grade down,
 7 will be built much like, like a basement wall for a
 8 house that is holding back the grade. And, so that
 9 portion of the wall will likely be built out of
 10 engineered block or poured concrete and would be below
 11 your line of sight and would be into the earth.
 12 Q It would have a braced wall?
 13 A It will be, effectively, a cantilevered
 14 wall off the foundation.
 15 Q But, it's part of the building structure?
 16 A Yes, it is.
 17 MR. CULHANE: No other comments.
 18 CHAIRMAN DePINTO: Thank you.
 19 And, you are supportive of the changes?
 20 MR. CULHANE: Yes. I started off my
 21 comment with that, yes.
 22 CHAIRMAN DePINTO: Okay. Thank you.
 23 And, Mr. Fette.
 24 MR. FETTE: I think they look good. I
 25 support the change.

1 CHAIRMAN DePINTO: Okay. Thank you.
 2 Mr. Stefanelli.
 3 MR. STEFANELLI: I'm supportive.
 4 CHAIRMAN DePINTO: Thank you.
 5 And, Mr. Vogt.
 6 MR. VOGT: I'm in agreement with all the
 7 changes.
 8 CHAIRMAN DePINTO: Okay. And I, too, find
 9 them acceptable.
 10 Why don't we open up the meeting -- I'm sorry.
 11 Bob, do you have anything?
 12 MR. REGAN: No.
 13 CHAIRMAN DePINTO: And, Mr. Hermann, do
 14 you have anything?
 15 MR. HERMANN: No.
 16 CHAIRMAN DePINTO: And, Mr. Preiss,
 17 anything?
 18 MR. PREISS: I'm happy with the changes,
 19 yes.
 20 CHAIRMAN DePINTO: Okay. Thank you.
 21 With that said, the Chair will entertain a
 22 motion to open the meeting to the public.
 23 MR. VOGT: So move.
 24 CHAIRMAN DePINTO: Mrs. Cudequest,
 25 seconded Mr. Vogt.

1 All in favor.

2 (Aye)

3 Anyone from the public wish to be heard? No.

4 Mr. Segreto.

5 MR. SEGRETO: Okay. Thank you.

6 CROSS-EXAMINATION BY MR. SEGRETO:

7 Q Mr. Pett, I just have a few questions.

8 And, primarily I'm interested in the increase in size
9 of the building.

10 Now, my understanding is that Building A has
11 been elongated as well as deepened.

12 Is that correct?

13 A Yes, it is.

14 Q All right. Do you know what the square
15 footage was then and what it is presently?

16 A Off the top of my head, I don't.

17 I could probably look that up for you, if you
18 give me just a moment.

19 Now, I don't have the former square footages in
20 front of me. So, I apologize. I would have to get

21 back to you with those square footages.

22 Q All right. What about -- my plan is so
23 small, I really can't see what the now the existing
24 size of Building A is.

25 A It appears, on my plan, to be 127 feet in

1 length now. And, I believe the order of magnitude,
2 the elongation is something like, like a bay.

3 Q And, the purpose of increasing these
4 buildings was to enclose the service area for loading.

5 Is that correct?

6 A The principal purpose was, yes, to enclose
7 the service areas. It was also a compositional
8 decision, as we enclosed those service corridors, to
9 elongate that building and make it match symmetrically
10 with the building adjacent to it so that you can see
11 that A and B are, basically like book ends now.

12 Buildings C and D are also like book ends.

13 And, they align with one another across the site
14 very directly. So, that, that really was the
15 compositional effect.

16 Q And, was there any consideration given to
17 keeping the buildings the same size that they were and
18 bringing in the service areas into the existing
19 buildings as they were depicted on the plan?

20 A No, there wasn't.

21 Q Now, Building B, again, is also elongated
22 and deepened.

23 Is that correct?

24 A No. I believe Building B was only
25 deepened.

1 Q Deepened not elongated?

2 A Correct.

3 Q Do you know how much additional square
4 footage for that building?

5 A Off the top of my head, I do not. But, it
6 appears on the civil plans that the buildings are
7 square footages of 9,655 square feet right now.

8 Q Is the increase less than a thousand
9 square feet?

10 A I believe it was, it was less than a
11 thousand square feet.

12 Q Both for Building A and B?

13 A Yes.

14 Q Now, I also understand that Building F has
15 been increased.

16 Is that correct?

17 A Also in-depth.

18 Q And, can you tell us how, how large the
19 addition is for Building F?

20 A The building got approximately 6 feet
21 deeper.

22 All of these changes were made in response to a
23 comment from your Police Department regarding the
24 safety and control of those open alleyways, if you
25 will, passages behind the buildings. So, we basically

1 pulled them into the fold of the building so that they
2 would be internal interior spaces with doors that
3 could be locked at either end and controlled by the
4 landlord so that you wouldn't have some, someone with
5 the opportunity to sort of lurk in those spaces.

6 So, this was in response to comments from the,
7 from the Montvale Police Department.

8 Q Right. And, again, with regard to
9 Building F, was there any consideration given to
10 keeping Building F the same size that it was and just
11 bringing in the service area inside of that building?

12 A No because effectively that would make the
13 building smaller from a commercial use point of view.

14 You would be converting useable floor area for a
15 retailer into a service corridor. So, we simply
16 enclosed the passage that was behind it that was
17 formerly open air.

18 Q All right. Was Building C or D touched at
19 all?

20 Were they increased at all?

21 A No, they were not.

22 Q All right. What about --

23 A There were no other changes.

24 Q No other changes. That's correct.

25 The Wegman's was not touched?

1 A Correct.
2 Q In terms of square footage?
3 A It was not.
4 MR. SEGRETO: I have no further questions.
5 CHAIRMAN DEPINTO: Thank you. The Chair
6 will entertain a motion to close the meeting to the
7 public.
8 MR. CULHANE: So moved.
9 MR. FETTE: Second.
10 CHAIRMAN DEPINTO: Mr. Culhane, seconded
11 Mr. Fette.
12 All in favor.
13 (Aye)
14 Okay. Mr. Del Vecchio.
15 MR. DEL VECCHIO: Yes. At this point,
16 I'll recall Mr. Dipple.
17 MR. STEFANELLI: Mr. Chairman, I just have
18 one question.
19 CHAIRMAN DEPINTO: Sure.
20 EXAMINATION BY MR. STEFANELLI:
21 Q Looking at Building F, how do you plan on
22 fire exits?
23 I have a concern about, now that we have closed
24 off that whole back wall, I'm concerned about, you
25 know, how are you going to design if that, if you

1 split that space up for exit ways.
2 A What we did was, there was a walkway
3 behind the building with a stair --
4 Q I see you closed it in.
5 A And a door out toward the loading area at
6 the other end.
7 Effectively what we did is close it in. So, if
8 you subdivide the space that --
9 Q You are going to be putting doors in the
10 back of that corridors?
11 A That's correct. Right. So those tenants
12 will typically exit into that corridor and then they
13 can go out at either direction. And, there is a
14 staircase at the end of it to take them up toward
15 Grand Avenue and there is an exit on the Mercedes end
16 side.
17 MR. STEFANELLI: I have no further
18 questions.
19 CHAIRMAN DEPINTO: Okay. Thank you.
20 Mr. Del Vecchio.
21 MR. DEL VECCHIO: Yes. Mr. Dipple --
22 MR. REGAN: Mr. Dipple was previously
23 sworn on October 1st and he remains under oath.
24 CHAIRMAN DEPINTO: Okay. Thank you.
25 MR. DEL VECCHIO: Okay. While Mr. Dipple

1 sets up, I'm going to kind of just set the stage and
2 jump in for a moment as to where we left off and what
3 we had left to do with Mr. Dipple.

4 Mr. Dipple had previously testified pretty much
5 on all aspects of his plans. The plans were modified,
6 updated, corrected in order to address many of the
7 Maser generated comments based on a peer review of his
8 drawings.

9 So, Mr. Dipple had come back to touch upon the
10 changes to his drawings that were significant as
11 opposed to being technical corrections of drainage
12 calculations and the like.

13 When Mr. Dipple was here last meeting, a
14 question arose concerning the detention basin or
15 retention basin and forebay that existed behind the
16 building. And, there was some concern on behalf of
17 members of the Board that they were under the
18 impression or belief that that lower basin would in
19 fact be a wet basin as opposed to a dry basin. And,
20 we had been -- we were asked to investigate whether or
21 not we could allow the water to remain in that, in any
22 portion of that basin as part of this project.

23 Mr. Dipple was charged, since the last meeting,
24 to investigate that. I'll allow him to provide the
25 details of his review in the, in his testimony.

1 But, the short story is that we would have to
2 dig the basin out a little deeper. We can't feed the
3 basin with groundwater because the groundwater in the
4 area is contaminated, as many of you know, from the
5 off site location of Handy Harman.

6 We need to determine whether or not the basin
7 can stay wet on its own through the storm water runoff
8 generated from the site which we're not sure that the
9 basin can do that. So, we may have to supplement
10 filling the basin on a periodic basis.

11 What our suggestion would be to the Board,
12 again, we will revise the drawings accordingly for the
13 compliance set. If the Board agrees with the
14 suggestion, we will in fact go ahead and dig the basin
15 approximately 3 to 4 feet deeper. We will then have
16 to line the basin with some stone as well as provide
17 an impermeable bottom of clay and a liner. And, that
18 will allow the water to stay in that basin.

19 We will have to fill the basin periodically due
20 to evaporation or the lack of rain. There's going to
21 be certain restrictions on when and how we can do
22 that.

23 Our suggestion to the Board is that, during the
24 winter months of November through April, we allow
25 mother nature to run its course. If it's wet, the

1 basin will be wet. If it isn't, we, obviously, don't
2 want to be putting water that will freeze out of a
3 pipe into the basin.

4 So, we will allow the basin to either be wet or
5 dry depending how mother nature provides snow or rain.

6 But, during the months of April through the end
7 of October, to the extent necessary, we would agree to

8 supplement the water in the basin at least, you
9 know -- we would agree to supplement it at least as

10 we're permitted to do. If there's a drought emergency
11 or water restriction, we're not going to be able to

12 fill the basin. But, if we're allowed to and there
13 isn't that type of situation, we would fill it once a

14 month in an attempt to keep water in the basin if
15 mother nature didn't provide enough rain during that

16 time to do it.
17 And, obviously, as a wet basin, we would have to

18 put a couple of aerators in it which essentially are a
19 fancy word for fountains, to keep the water moving, so

20 we don't have mosquitoes and allergy growing in the
21 basin.

22 So, that's kind of the additional testimony I
23 need to elicit from Mr. Dipple this evening.

24 We also have to cover the Maser review letter in
25 part. And, then he's available for cross-examination

1 to the extent Mr. Segreto has additional questions
2 and, obviously, to answer any of the Board's
3 questions.

4 CHAIRMAN DEPINTO: Okay. Before we do
5 that, Mrs. Cudequest, you were the one, as I recall,
6 who raised the question with respect to the basins.

7 COUNCIWOMAN CUDEQUEST: Yes.
8 CHAIRMAN DEPINTO: And, your questions

9 were based upon your recollection of presentation that
10 had been made to the governing body.

11 Is that correct?
12 COUNCIWOMAN CUDEQUEST: That's correct.

13 CHAIRMAN DEPINTO: And, I understand that
14 you have discussed that with members of the Mayor and

15 Council following the last meeting. And, I'd like you
16 to share with the applicant and the Board what your

17 discussions were with them.
18 And, I think further, if, if before we get --

19 well, I think we should hear, Mr. Del Vecchio, from
20 Mr. Dipple, exactly how the basins would be redesigned

21 to function and what purpose they would serve.
22 So, Theresa, why don't you ask?

23 COUNCIWOMAN CUDEQUEST: Yes. After the
24 last meeting, as Chairman Depinto said, I did go back

25 to the Mayor and Council and spoke about the revision

1 in the plans that we had seen more recently. And,
2 there was -- the majority did feel that they had
3 heard, through the original presentation that was made
4 to the Mayor and Council, that there would be water
5 whether it be fountain or some type of water.
6 I was doing some cleaning over the weekend.
7 And, I found the original picture book that was
8 presented to the Mayor and Council. And, there are
9 pictures that are present here that do depict water.
10 They're blue. They show the areas in the parking lot
11 that would be -- what's the term, pervious. Thank
12 you.
13 And, there's also a key, actually, that went
14 with this book that shows the blue and shows water
15 with ducks in it.

16 So, you know, I -- I'm sorry, no geese, ducks.

17 MR. WEBBER: No geese.

18 MR. VOGT: Swans.

19 COUNCILWOMAN CUDEQUEST: So, I was, I was
20 actually happy that I wasn't imagining things and that
21 I did have a recollection on that.

22 So, I would be curious to see how we would go
23 forward with those changes to bring back the original
24 picture that was presented to the Mayor and Council.

25 REDIRECT EXAMINATION BY MR. DEL VECCHIO:

1 Q Mike, you were previously sworn, were
2 qualified and remain under oath this evening.

3 You were asked, after the last meeting, to
4 investigate the possibility of keeping some water in
5 the lower pond that was designed by you for the site?

6 A Yes. I was.

7 Q And, with regard to what is called the
8 forebay or the upper detention basin, that is not
9 permitted to be kept in a wet state because it acts as
10 your water quality mechanism under the Best Practices
11 Manual?

12 A Yes. That's correct.

13 Q So, you were left with only looking at the
14 lower basin as the possibility of retaining water?

15 A That's correct.

16 Q So, did you in fact undertake that
17 investigation?

18 And, what is your thought as to how that could
19 be accomplished?

20 A Yes, I did.

21 I, I looked at it like the BMP or the Best
22 Management Practices Manual of New Jersey looks at wet
23 ponds. And, that is, that if, if the, if you're
24 desirous to store water in the bottom of the basin,
25 that the top part of the basin still acts like a

1 detention basin the way this basin was originally
2 designed.

3 So, effectively, the bottom remains wet and as
4 if the top of the water surface would mimic the bottom
5 of the basin so as a storm event occurs, water would
6 come off the site and fill the top and would still be
7 allowed to flow out.

8 So, as Mr. Del Vecchio pointed out, groundwater
9 is not only a problem because of any kind of potential
10 contamination but it's also an issue because of the
11 physical groundwater that feeds that basin is not high
12 enough to feed the basin like you see at the Mack-Cali
13 building, like Mr. Hipolit identified down on Route 1,
14 where you see these wet basins in these low lying
15 areas. So, we have that issue.

16 So, when I discussed it last time, I was unsure
17 exactly how we were going to feed water into this
18 basin to keep it wet.

19 The Best Management Practices Manual tells you
20 that you need 20 acres of drainage in order to keep a
21 basin wet. That's where you should start.

22 Well, we have about 9 acres of the site that
23 actually drains to that basin. So, so we are a little
24 shy there.

25 It is very impervious. So, we think that we

1 will get a fair amount of runoff from the site through
2 the forebay and then into the bottom bays to feed this
3 basin. So, we feel confident that water will get
4 there.

5 So, we looked at this and said, well, if we
6 excavate, you know, four more feet down below the
7 bottom of the basin as it stands now and then that
8 would be the standing water and the BMP manual says
9 that you should have between, you should have a
10 minimum, I'm sorry, of 3 feet of standing water. And,
11 that's so, when you do get evaporation, you don't end
12 up with a little puddle and you get a small, ugly
13 water feature.

14 So, given that, we are proposing that we will
15 actually have a depth of 4 feet of standing water in
16 the basin.

17 So, we allow for about a foot of fluctuation
18 before we would have to supply water to the basin.

19 It's also a good thing because we can capture
20 some of the storm water runoff. So, if we do see some
21 evaporation or infiltration through the soil although
22 we have a means in order to really slow that down,
23 pretty much stop that, you know, we could capture some
24 of that storm water runoff and hold that and that
25 could fill the basin.

1 If, as Mr. Del Vecchio pointed out, we really
2 get a long drought where we're just not experiencing
3 the kind of runoff and we're not in a, I don't know
4 what, the exact term United Water uses for it but, at
5 some point, they stop irrigation because of drought
6 conditions.

7 So, if we're not under any kind of mandate to
8 stop that irrigation, then we will fill the basin once
9 a month to bring it back up to its level.

10 So, we don't see evaporation occurring to this
11 level in one month's time, that it would drop, you
12 know, one foot.

13 So, I think that's how it would work. And, it
14 would be a public water supply system.

15 When I came here last, I, one thing I was unsure
16 of, is this something that United Water permits, will
17 they permit us to bring a water supply system in to
18 feed a retention basin. It seems a little counter
19 intuitive to some of the green ideas that have been
20 thrown around. But, we did talk to them. They
21 honestly said they honestly never had this request.

22 But, I led them toward irrigation, that there
23 would be a fair amount of irrigation that's going on
24 the site. And, they saw no rule or regulation that
25 would prevent this type of use as long as it's

1 metered, which it would be, and there's the proper
2 back flow prevention.

3 And, then the BMP manual discusses exactly how
4 you do the aeration and things like that.

5 We do need fall protection which is something
6 that, when you have a wet pond, the BMP manual tells
7 you you have to have a, like a ledge so that if
8 someone were to fall into the basin, they wouldn't go
9 down into the wet surface. They would fall down the
10 slope and they would land on some kind of ledge before
11 they got wet. So, that would be incorporated into the
12 design.

13 Above that level, that water level, there really
14 would be very little change, if any, to the outlet
15 structure. So, all these numbers that I have
16 discussed on how we would achieve these storm water
17 management reductions that are required still apply.
18 It would just be below that water surface elevation.

19 So, that's, effectively, how it would work.

20 CHAIRMAN DEPINTO: Ms. Cudequest, do you
21 have any questions relative to that explanation?
22 EXAMINATION BY COUNCILWOMAN CUDEQUEST:

23 Q Just the aerating system or the fountain,
24 whatever is put into that. How would that -- of
25 course, that would probably be on at the times we

1 would be filling, like spring through fall?
2 You wouldn't have that on in the wintertime?
3 A Right. It would be on -- during those
4 months, it would be on all the time. You know, it
5 would always run.
6 I haven't really figured out how many there
7 would be. I'm sure there's a calculation of the
8 surface area of the water and how many aerators are
9 adequate. I, I think it's two.
10 After looking at some literature on exactly how
11 to do it, it could be up to three but I think it's
12 going to be two.
13 So, so, yeah, those aerators would be like
14 floating aerators to stay on the top of the surface
15 and then fill the water up for esthetic reasons and
16 for, you know, environmental reasons.
17 Q So, would there actually be a fountain
18 where water is squirting into the air?
19 A Yeah.
20 Q There would be?
21 A Yeah.
22 MR. DEL VECCHIO: Technically speaking an
23 aerator, what it does -- and, Mike, maybe you can
24 explain exactly what an aerator does. We're using the
25 term fountain for a common term. But, it's not truly

1 a fountain. It, it basically squirts water upwards.
2 But, Mike, if you can explain what an aerator
3 is.
4 THE WITNESS: You see these at golf
5 courses. It sprays it out into.
6 COUNCILWOMAN CUDEQUEST: Almost like a
7 mushroom.
8 THE WITNESS: Right. It sprays it up and
9 out. I think it's attractive. It brings a feature to
10 the pond.
11 It's there to keep that ripple effect on it so
12 we don't get mosquito breeding. But, it also brings
13 oxygen, an aerator brings oxygen into the water to
14 stave off some of the algae growth. And, then there
15 could be some, you know, other plant and animal life
16 in the pond that would benefit from the oxygen from
17 the aerator.
18 COUNCILWOMAN CUDEQUEST: Okay. All right.
19 Thank you.
20 CHAIRMAN DEFINRO: Thank you.
21 Mr. Hermann, do you have any comments with
22 respect to testimony you just heard?
23 MR. HERMANN: No. Mr. Dipple covered,
24 covered everything.
25 Basically, the upper detention system or the

1 forebay, as we've been talking about, is basically a
 2 water quality feature. Water from the contributing
 3 area will flow into it and allow it to sit for a
 4 little while, for the sediment to sink down to the
 5 bottom and allow cleaner water to enter the wet basin.
 6 So, to keep that full.

7 It would keep a lot of the sediment out of the
 8 wet basin in the forebay where it can be cleaned which
 9 would be part of the maintenance manual that will be
 10 -- it will be outlined in the maintenance manual which
 11 is part of the requirements for the application.

12 And, I agree with Mr. Dipple where I think, most
 13 of the time, under normal precipitation, you will have
 14 enough water to fill it from all the storms that
 15 happen in the area. And, then they can supplement
 16 that with water from United Water to keep it between
 17 that 3 and 4 foot level which I know we, what previous
 18 discussions were. I was concerned if it was just 3
 19 foot because, if it goes below that 3 foot, now you're
 20 below the requirements of the DEP manual just from
 21 evaporation.

22 But, if we get it between that, the 3 and 4
 23 feet, gives that one foot of leeway that the water
 24 level can rise and fall just from evaporation.

25 So -- and, essentially what Mr. Dipple was

1 saying was, is the proposed water surface level of the
 2 wet basin is essentially the bottom of our, of the dry
 3 detention basin that was previously presented and any
 4 water that flows in that's above that 4, that 4 foot
 5 mark would be controlled by that outlet structure as
 6 we have seen throughout the rest of the application.

7 So, if the water level drops a half a foot, when
 8 it rains, the rain would fill up the half a foot and
 9 then it would be controlled by the outlet structure as
 10 we had previously seen.

11 CHAIRMAN DePINTO: Okay. Good.

12 Mr. Del Vecchio, do you have additional
 13 testimony that you are expecting Mr. Dipple to present
 14 this evening?

15 MR. DEL VECCHIO: The only additional
 16 testimony was that we had left off, besides addressing
 17 that item, was to go through the Maser review letter.
 18 And, we had stopped there at that point because we
 19 were -- I wasn't sure which procedure the Board was
 20 going to invoke in terms of allowing Maser to present
 21 it first or we were going to comment on it. So...

22 CHAIRMAN DePINTO: Well, as is normally
 23 the case, we ask the Board Engineer to summarize the
 24 technical review letter and then ask the applicant's
 25 witness to respond to any comments that are made by

1 the Board Engineer.

2 However, before we do that, I guess starting
3 with Mr. Lintner, with respect to the proposed
4 redesign of the basins, consistent with the request
5 that at least one of the basins be wet with this
6 esthetic feature and this practical feature of the
7 aerators, your comments and opinions on that.

8 MR. LINTNER: Thank you, Mr. Chairman.

9 I agree with Councilwoman Cudequest that I had
10 all along thought that the lower basin was going to be
11 a wet basin.

12 And, I am in agreement with what they have
13 proposed this evening to make the lower basin a wet
14 basin. I would like to see that. I have always
15 assumed all along that it would be.

16 CHAIRMAN DEPINTO: Okay. Very good.

17 Thank you.

18 Mrs. Cudequest, anything further?

19 COUNCILWOMAN CUDEQUEST: No. Just I

20 appreciate the effort that they're taking to bring
21 that back.

22 CHAIRMAN DEPINTO: Okay. Good.

23 Mr. Culhane.

24 MR. CULHANE: Yeah. I would agree with
25 the wet basin.

1 And, the other comment is, obviously, they have
2 to redo the calculation on the amount of excavation
3 required for the site.

4 No other comments.

5 CHAIRMAN DEPINTO: Okay. Thank you.

6 Mr. Fette.

7 MR. FETTE: I'm okay with the wet basin.

8 That's fine.

9 CHAIRMAN DEPINTO: Okay. Good. Thank

10 you.

11 Mr. Stefanelli.

12 MR. STEFANELLI: I'm okay with the wet
13 basin.

14 I guess my question is, if it drops a foot, how
15 much water are we talking about to refill the basin?

16 MR. HERMANN: I don't know the answer to
17 that question.

18 Mr. Dipple, do you?

19 THE WITNESS: It's about 15,000 cubic feet
20 which would be, I'll do my math real quick, 105,000
21 gallons, roughly.

22 MR. STEFANELLI: That's an awful lot of
23 water based on a wet fountain. I just think that it's
24 something that I think we're trying to be
25 environmentally friendly. To, to pump water into a

1 basin really makes no sense.

2 But, I'm okay with the water feature if it was
3 groundwater going to it. But, since it's
4 contaminated, then that's a problem. I guess.

5 But, my only question is, can't we do something
6 else, if we're going to do a fountain or something,
7 why don't we put a fountain in the center where people
8 could actually see it instead of behind, behind
9 Wegman's.

10 So, I'm just wondering, who is really going to
11 benefit.

12 I would rather see something at the square or in
13 the square.

14 That's my only comment.

15 CHAIRMAN DePINTO: Thank you.

16 Mr. Vogt.

17 MR. VOGT: Well, I'm certainly in favor of
18 the pond. I have one myself at home.

19 And, to answer Ms. Cudequest's concern about
20 having it standing around all year long. I have an
21 aerator on, even in the winter when it was nearly
22 below zero. And, it was, it was bubbling and spraying
23 because I got fish in it and to keep the gases from
24 building up in the pond. That didn't work really,
25 really well.

1 And, it will not freeze as long as the thing is
2 running at a good rate.

3 However, we do have a pond across the street
4 from here with a fountain in it. And, I was there
5 some years ago. They have actually an automatic feed.
6 So, when the, when the -- it works like a toilet bowl
7 in a way, where it reaches a certain level, it shuts
8 off. And, when it drops down to a certain level, it
9 goes back on. So, it could easily be automatically
10 controlled without anybody keeping an eye.

11 Does it go lower than 3 feet, does it go higher
12 than 3 feet, when do we shut it off? All this can be
13 easily done without big expense on an automatic basis
14 just like they did across the street.

15 But, there are other ways to -- I, I could go
16 either way as far as ponds go.

17 For example, the Reserve at Montvale is building
18 a huge detention basin that's totally planted with
19 wild flowers. There's no water in it. There is
20 probably no mosquito problem at all, even though there
21 won't be no mosquito problem as long as the water is
22 moving.

23 But, in that case, at the Reserve at Montvale,
24 the pond is planted with wild flowers. So, that, by
25 itself, is also a visual enhancement to the area,

1 without the flowers. So, it can be done here.
 2 That's all I have.
 3 CHAIRMAN DEPINTO: Okay. Thank you.
 4 Mr. Webber.
 5 MR. WEBBER: I agree. I would like to see
 6 the water feature. I think that would be a nice touch
 7 on the site.
 8 CHAIRMAN DEPINTO: Okay. Good.
 9 And I, too, agree.
 10 All right. With that, the Messer technical
 11 review, has that been marked into evidence?
 12 MR. REGAN: No. We're talking about the
 13 February 24th?
 14 CHAIRMAN DEPINTO: This is the report
 15 dated February 24th.
 16 MR. REGAN: That will be B-6.
 17 CHAIRMAN DEPINTO: And, you are marking it
 18 as Board Exhibit 6.
 19 MR. DEL VECCHIO: My records concur that
 20 we're up to B-6.
 21 CHAIRMAN DEPINTO: Mr. Segreto, do you
 22 have a copy of that?
 23 MR. SEGRETO: No, I don't, Mr. Chairman.
 24 CHAIRMAN DEPINTO: Okay. And, Mr.
 25 Hermann, are you prepared to go through this technical

1 review letter and summarize the concern or
 2 requirements that your office has with respect to this
 3 development?
 4 MR. HERMANN: Yes, I am.
 5 CHAIRMAN DEPINTO: Okay. So please do.
 6 MR. HERMANN: Okay. The first part of the
 7 report is basically some general information. And,
 8 then the second part is the variance and waivers
 9 listing. So, I, I would think that that would be
 10 addressed by the applicant during planning testimony
 11 with Mr. Preiss and the attorney.
 12 As far as --
 13 CHAIRMAN DEPINTO: Hold on one second, Mr.
 14 Hermann.
 15 In the interests of time, Mr. Preiss, with
 16 regard to the variance waiver section, you are most
 17 familiar with those requirements.
 18 Can you comment on each one as we go through
 19 them?
 20 MR. PREISS: Sure.
 21 CHAIRMAN DEPINTO: Okay. Let's start with
 22 plan sheet size.
 23 MR. PREISS: Yeah. The applicant is
 24 requesting a waiver. That's just a submission
 25 requirement.

1 So, I don't have a problem with that.

2 CHAIRMAN DEPINTO: Okay. B.

3 MR. HERMANN: Existing utilities, requires
4 location of all the uses, of all usage structures to
5 be drawn in scale 100, within 100 feet of the
6 property. I think there's some outlying information
7 that may not be exactly shown.

8 CHAIRMAN DEPINTO: Mr. Del Vecchio, do you
9 intend to amend your plans to meet that requirement?

10 MR. DEL VECCHIO: We believe that the
11 plans already do meet that requirement. To the extent
12 we may have missed one, we will add it to the drawing
13 at Maser's direction.

14 CHAIRMAN DEPINTO: Okay. C.

15 MR. HERMANN: Drop off areas would be
16 identified by sidewalk bulb out projections with
17 pavement markings. We didn't see any of these drop
18 off areas, contextual pavement or pavement markings.

19 MR. DEL VECCHIO: They are in fact on the
20 drawing. They were testified to by Ms. Bedat on her
21 set of drawings. Those were the drawings prepared now
22 by AECOM.

23 There is extensive use of the circular bulb
24 projections as well as the differing textured
25 materials varying from pavers to textured concrete to

1 standard concrete walkways.

2 MR. HERMANN: Okay.

3 MR. PREISS: And, I would agree. I think
4 those have been provided. I don't believe a waiver
5 would be required.

6 CHAIRMAN DEPINTO: Okay. Moving on, D.

7 MR. HERMANN: Requires sidewalks,
8 crossings, peak grade, to incorporate switch backs to
9 maintain walkable grade, incorporate use of any switch
10 backs to traverse steep sidewalks grade crossing.

11 Only steps proposed to accommodate the grade changes.

12 MR. DEL VECCHIO: Again, those are on the
13 plan. The only area where we have the steep grades is
14 to the rear of the Phase 1 development as you head
15 down to the ponds, that the, the forebay, now pond
16 that we're now discussing. In fact, the sidewalk does
17 switch back and forth to that area to accommodate the
18 grade.

19 We believe those are on the drawings and are
20 being complied with.

21 MR. PREISS: I agree. The only place
22 where a switch back was required is when we drafted
23 the standards, was to require the switch back where
24 you have the forebay and the second pond so that a
25 pedestrian could walk down the grade from Phase 1 to

1 Phase 2 of the retail.

2 So, I believe that has been complied with.

3 CHAIRMAN DEPINTO: Okay. E.

4 MR. HERMANN: E requires decorative

5 markers, sign posts, where sections of sidewalks

6 branch off or join up. I didn't see any sidewalk

7 markers or sign post kind of thing.

8 MR. DEL VECCHIO: Again, those were shown

9 on the RTKL drawings. They were testified to by Mr.

10 Christian. There was a detail that, I believe, is a

11 wood type sign post providing directories at various

12 points.

13 So, again, we believe those were complied with.

14 MR. PREISS: I would agree. And, also,

15 there are sidewalk markers in various locations where

16 the sidewalks meet.

17 For example, in the Phase 2 retail, there's a

18 circular area and that, for example, has a marker in

19 the center of it.

20 So, I believe that requirement is complied with.

21 CHAIRMAN DEPINTO: F.

22 MR. HERMANN: F deals with the same thing,

23 the textured pavement as in C but specifically at

24 crosswalks.

25 MR. DEL VECCHIO: Again, all the

1 crosswalks are either stamped concrete or the textured

2 pavers that were detailed on Ms. Bedat's plans.

3 We believe we have complied with that standard.

4 MR. PREISS: I agree. Ms. Bedat did

5 testify to that.

6 CHAIRMAN DEPINTO: G.

7 MR. HERMANN: G requires sidewalks in

8 front of all retail store fronts, high traffic areas,

9 minimum clear paved walking width, I believe, 7 feet.

10 It looks like, in front of, the sides of the

11 supermarket and lifestyle retail buildings where the

12 applicant is proposing 6 foot wide sidewalks.

13 MR. DEL VECCHIO: And, I believe we have

14 complied with the 7 foot requirement in all areas that

15 require it, that being the front and high pedestrian

16 areas.

17 The area where the sidewalk, I believe, goes

18 down to 6 feet is to the rear of the Wegman's building

19 where we don't expect, not only don't we expect high

20 pedestrian, we don't expect pedestrian traffic back

21 there.

22 MR. PREISS: Yeah. I would agree with

23 that.

24 I think that, in front of the Wegman's, is one

25 very small area where it goes down to 6 foot. But,

1 that's not a very substantial distance.

2 So, I think generally the 7 foot has been
3 provided.

4 CHAIRMAN DePINTO: Okay. Please continue.

5 MR. HERMANN: Recommendation of planting
6 shade trees to provide shade for proposed benches.

7 MR. DEL VECCHIO: The ordinance standard
8 encourages shade trees to be planted by the benches.

9 If you recall Ms. Bedat's testimony, she
10 provided shade trees at some of the benches and shade
11 trees at, and not providing shade trees at others
12 predominantly because we're not in Florida. We don't
13 always need shade in the winter months. It would be
14 nice to have the warmth of the sun to provide some,
15 some warmth if you decided to sit on a bench.

16 We provided a variety. So, I believe we have
17 complied.

18 MR. PREISS: I agree. I think the
19 variation is what is called for in this plan.

20 CHAIRMAN DePINTO: And, Wolfgang, the
21 Environmental Commission has investigated the trees
22 with respect to that?

23 MR. VOGT: I'm absolutely in favor of
24 having both, not shade trees everywhere.

25 There are some people out there, sun worshipers,

1 they don't want to sit in the shade, they want to sit
2 in the sun.

3 CHAIRMAN DePINTO: Please continue.

4 MR. HERMANN: Section requires shade trees
5 planted at 40 feet on center.

6 MR. DEL VECCHIO: Again, that provision of
7 the ordinance is not repeated verbatim there.

8 What it requires is that the shade trees be
9 planted on average 40 feet on center.

10 Ms. Bedat testified that most instances they are
11 40 feet on center and a few instances, to avoid site
12 features, they are slightly longer. But, they clearly
13 meet the 40 feet on average requirement contained in
14 the ordinance.

15 MR. PREISS: I don't recall that testimony
16 exactly. But, basically you're saying that, when you
17 take the distance and you count the number of shade
18 trees, it would be less than 40 feet on average for
19 the entire distance where shade trees are planted.

20 Is that correct?

21 MR. DEL VECCHIO: Correct.

22 MR. PREISS: Okay.

23 MR. HERMANN: The next one is the
24 requirement of bike racks provided in clear view of
25 the store front entrances.

1 MR. DEL VECCHIO: Yes. We provided the
2 required number of bike racks. They are located on
3 the AECOM drawings that Ms. Bedat testified to. And,
4 in fact, she did testify that, in her opinion, they
5 were within clear visibility of all store fronts.
6 MR. PREISS: And, I would agree with that.
7 I think they're in the appropriate location.

8 CHAIRMAN DEPINTO: Okay.

9 MR. HERMANN: Requires off-street bike
10 paths within or at the perimeter of the site to be at
11 least 7 feet wide.

12 MR. DEL VECCHIO: I'm just confirming with
13 Mr. Dipple and he has confirmed for me that the bike
14 path, where they do exist, are in fact 7 feet wide as
15 called for by the ordinance.

16 MR. PREISS: Could you just have Mr.
17 Dipple indicate where the, where those link to the
18 surrounding road network, if we could just have that
19 testimony again.

20 MR. DIPPLE: I have put up on the Board
21 Sheet CO-4. And, it's the overall site plan.

22 And, unfortunately, it is the other sheets that
23 have all the dimensions. So, I think Ms. Bedat is
24 actually probably best to testify to this because the
25 bike design is hers. But, we just widened out the

1 sidewalks where we were directed to do so.
2 But, I'm going to do it justice. And, Andy,
3 jump in if I miss one.

4 But, the bike path runs along the back of
5 Buildings A and B. It runs up near the Grand Avenue
6 Mercedes intersection. It runs down along Grand
7 Avenue. And, then it actually -- I'm sorry -- it
8 follows Grand Avenue all the way down to the Phase 2
9 development.

10 It also starts up here. I'm at the main
11 entrance off of Mercedes, about midway down north to
12 south on the site. And, it also goes to the south, it
13 goes toward Borough Hall, makes a left, follows the
14 path down along the south side of the Wegman's and
15 then looks back up to the bike path. And, I believe
16 that's 7 feet which runs along the east side of the
17 detention basin.

18 I believe it's 6 feet through the forebay and
19 detention basin.

20 So, you get a bike path which circulates around
21 the site and, and also continues down to the Paragon
22 -- I'm sorry, the Phillips and Grand intersection.

23 MR. PREISS: The one question I had is,
24 let's, let's assume somebody is intent on visiting the
25 Wegman's or one of the retail stores, when they're on

1 the bike path, how do they get to the bike racks?
2 Do they have to dismount or do they go into the
3 driveways?

4 Or, what are the direct routes into the site.
5 That's my question, where it was.

6 MR. DIPPLE: Yes. That's correct. The
7 bike path goes around the perimeter.

8 There are a number of walking paths that go
9 through the site that lead you to some of the open
10 spaces.

11 There are bike racks proposed at this location
12 near the Wegman's, I believe.

13 And, I apologize, Ms. Bedat has changed things a
14 bit recently and they're on her plans. There are also
15 bike paths near the open space.

16 So, yes, if you come in here, you would, you
17 would traverse through the site via the driveways to
18 get to the bike, to get to the bike racks and then,
19 you know, shop or whatever you do and then come back
20 out and you would still be able to go, you know,
21 around the property and circulate around.

22 So, those are the 7 feet sidewalks.

23 MR. PREISS: Okay. Thank you.

24 MR. DEL VECCHIO: And, again, just so
25 we're clear. I don't want to split hairs but the

1 provision of the ordinance isn't specifically
2 recounted in the review letter.

3 The ordinance doesn't require bike paths. It
4 just says where they exist, they should be 7 feet.

5 MR. PREISS: Right.

6 MR. DEL VECCHIO: We provided them where
7 we could. We provided 7 feet. So, we believe we
8 comply with the ordinance.

9 MR. PREISS: Yeah. I just want the Board
10 to understand if somebody is arriving by bike, how
11 they get from those bike paths to where the bike racks
12 are.

13 CHAIRMAN DePINTO: Mr. Hermann.

14 MR. HERMANN: The next one deals with
15 signature open space areas. Can you just testify to
16 basically where they are and if you provide tables and
17 chairs for outdoor dining.

18 MR. DEL VECCHIO: We had indicated, I
19 guess, through Ms. Bedat's testimony, that there are
20 essentially three signature open spaces, one at the
21 corner of Mercedes and Grand, the second just to the
22 south of the roundabout and behind Buildings C and D
23 and then a third located just along the westerly edge
24 of the proposed parking area for Phase 2 development
25 adjacent to the detention basin.

1 And, as it pertains to the signature open space
2 behind the roundabout, we had shown a barn feature on
3 her drawings which we agreed we would mimic for
4 construction purposes.

5 And, the pavillion incorporated some benches and
6 chairs underneath for dining.

7 And, then the actual perimeter benches for the
8 path were also detailed on the AECOM drawings.

9 MR. HERMANN: A number of the next

10 comments dealt with landscaping. So, I'm not sure if
11 specifically testified to.

12 But, the next one talks about evergreen trees
13 and shrubs and how they screen the views between
14 loading areas, refuse areas, stuff like that.

15 MR. DEL VECCHIO: I believe that our
16 landscape drawings have incorporated the necessary
17 landscaping to provide that screening. And, we will
18 continue to make whatever changes might be requested
19 by the Environmental Commission or this Board.

20 But, we believe we have accomplished the
21 ordinance compliance.

22 MR. PREISS: I defer to Wolfgang and the
23 Environmental Commission on all of the landscaping
24 comments.
25

CHAIRMAN DEPINTO: Wolfgang, has the

1 Environmental Commission examined that aspect of the
2 plan.

3 MR. VOGT: We have looked actually at
4 everything. Last night, however, we concentrated
5 mostly on the revisions which need to be made.

6 And, so, once we get the revised plans, we go
7 over them again making sure that what is proposed is
8 what we want.

9 CHAIRMAN DEPINTO: And, I think, more
10 specifically, it should draw the attention of the
11 committee to these design standards as shown on the
12 Maser report to make certain that those are addressed.

13 Okay?

14 MR. VOGT: Sure.

15 CHAIRMAN DEPINTO: Okay. Please continue.
16 MR. HERMANN: If you don't mind, I'll just
17 summarize the next few that the Environmental
18 Commission can look at.

19 CHAIRMAN DEPINTO: Sure.

20 MR. HERMANN: N deals with the landscaping
21 sight, visual enhanced the buildings.

22 O deals with, actually this could be for Mr.
23 Dipple, too, encourages the use of rain gardens.

24 Now, I know you have the water quality feature
25 proposed. Can you just testify to --

1 I don't think you have any rain gardens.

2 Correct?

3 MR. DEL VECCHIO: Well, I -- Mr. Dipple
4 can address it. But, I think we just dealt with the
5 rain garden by agreeing to make the pond wet.

6 If something more than that is required for
7 compliance, then you are free to ask Mr. Dipple any
8 additional questions.

9 CHAIRMAN DEPINTO: Well, with respect to
10 the wet basin, Mr. Preiss, do you believe that that
11 would meet the requirements under the design standards
12 as outlined in the paragraph?

13 MR. PREISS: Yes. And, this was not a
14 mandatory requirement. This is just something we
15 thought, if the opportunity arose, that the applicant
16 should make use of. And, in fact, they agreed to do
17 it.

18 So, we believe it complies with the spirit of
19 that law, of that requirement.

20 CHAIRMAN DEPINTO: Okay. Why don't we
21 move on from that, Mr. Hermann.

22 MR. HERMANN: The next one talks about a
23 requirement for anything, landscape areas 150 square
24 feet should be irrigated. And, we didn't get any
25 specific designs for irrigation but...

1 MR. DEL VECCHIO: Our plan does have a
2 note indicating all such areas will be irrigated.
3 And, typically, any design requirements for irrigation
4 system are handled as a construction items which we
5 would propose and accept as a condition of approval.

6 MR. VOGT: I believe Ms. Bedat said, last
7 night, that she was using a drip irrigation rather
8 than open air sprinklers. And, that would be
9 acceptable.

10 CHAIRMAN DEPINTO: Okay. Please continue.

11 MR. HERMANN: The next one talks about
12 trees, having uniform pallet and provide contrasting
13 flowering, varying leaf colors.

14 I think we can, the Environmental Commission can
15 address that.

16 MR. VOGT: If, if you leave this plan to
17 10 different landscape architects, you will get 10
18 different plans.

19 We are not really questioning a uniformity.

20 What Ms. Bedat actually wants to bring out with
21 the way she planned it, and she does that very well,
22 is like an orchard planting where you have, because
23 the theme is a farm theme, so this is slightly
24 different than, than we normally would.

25 If this would be a normal site, we would

1 probably ask for different type of trees.

2 But, since this, she was requested to go design
3 this thing with a farm theme in mind, that's what she
4 wanted to bring out and she did that very well.

5 So, I have no problems with the selection of
6 trees. No. 1, they there, many of them are, some of
7 them are London plane trees which are very sturdy,
8 lend themselves to an alleyway of planting. The
9 others are some gingkos and sekoba trees. The gingkos
10 especially are somewhat, the type she's using and that
11 also will somewhat assure that, in a strong wind, they
12 are not being blown over when they are in the mature
13 state.

14 So, there are reasons why, why she selected
15 plants the way she did.

16 MR. HERMANN: Okay. And, then the last
17 one would be just for the Board to be, to look at
18 specific design details for proposed fences and
19 retaining walls.

20 And, I believe the testimony was provided
21 regarding that.

22 MR. DEL VECCHIO: Yes. Ms. Bedat had
23 detailed the use of timber creek fencing in the three
24 rail type as specified by the ordinance.

25 And, I believe that Mr. Petr's drawings

1 included, a very handsome, I must say, enclosure for
2 the dumpster areas.

3 MR. PETR: Exceptional.

4 MR. DEL VECCHIO: That are shown also on
5 Mr. Dipple's drawings, that they are fully enclosed
6 and screened.

7 MR. PREISS: I would agree.

8 CHAIRMAN DEPINTO: Okay.

9 MR. HERMANN: Okay.

10 CHAIRMAN DEPINTO: Mr. Hermann.

11 MR. HERMANN: So, the next portion, we
12 just have some site plan issues that we would like,
13 that we need to see some testimony on.

14 The first one is --

15 CHAIRMAN DEPINTO: Let me interrupt you,

16 Mr. Hermann.

17 We have about another 20 pages or so to go which
18 can't be done this evening.

19 MR. HERMANN: Not 20 but...

20 CHAIRMAN DEPINTO: Is it 14 pages?

21 So, I think what we're going to do is stop at
22 this point.

23 MR. HERMANN: Okay.

24 CHAIRMAN DEPINTO: And pick up at the next
25 meeting with the Maser report starting, what is this,

1 Page 6.

2 MR. HERMANN: Page 6 of 26.

3 CHAIRMAN DePINTO: Paragraph 9, starting

4 with site plan.

5 And, we're going to open up again to the public.

6 But, first, Board Members, questions of the

7 testimony that you have heard thus far this evening

8 from Mr. Dipple.

9 Mrs. Cudequest.

10 COUNCILWOMAN CUDEQUEST: I have no

11 comments.

12 Thank you.

13 CHAIRMAN DePINTO: Thank you.

14 Mr. Culhane.

15 MR. CULHANE: No comments, Mr. Chairman.

16 CHAIRMAN DePINTO: Okay. Thank you.

17 Mr. Fette.

18 MR. FETTE: No comments, Mr. Chairman.

19 CHAIRMAN DePINTO: Thank you.

20 Mr. Stefanelli.

21 MR. STEFANELLI: No comments.

22 CHAIRMAN DePINTO: Thank you.

23 Mr. Vogt.

24 MR. VOGT: No comments, Mr. Chairman.

25 CHAIRMAN DePINTO: Thank you.

1 Mr. Webber.

2 MR. WEBBER: I'm good. Thank you.

3 CHAIRMAN DePINTO: Thank you.

4 And, Mr. Lintner.

5 MR. LINTNER: No comments.

6 CHAIRMAN DePINTO: Thank you.

7 The Chair will entertain a motion to open the

8 meeting to the public.

9 COUNCILWOMAN CUDEQUEST: So move.

10 CHAIRMAN DePINTO: All in favor.

11 (Aye)

12 Anyone from the public wish to be heard?

13 Mr. Segreto.

14 MR. SEGRETO: No, I don't have any

15 questions.

16 CHAIRMAN DePINTO: Okay. With that said,

17 the Chair will entertain a motion to close the meeting

18 to the public.

19 MR. STEFANELLI: So move.

20 MR. CULHANE: Second.

21 CHAIRMAN DePINTO: Mr. Stefanelli,

22 seconded Mr. Culhane.

23 All in favor.

24 (Aye)

25 Okay. We will continue next when --

1 MR. DEL VECCHIO: Yes, Mr. Chairman.
 2 I had requested, at the last meeting, if the
 3 Board would consider arranging a special meeting.
 4 I understand, from conversations with the Board
 5 Secretary, that the Board has a possible date next
 6 week where they can accommodate a special meeting.
 7 And, we would ask for the Board to favorably consider
 8 that availability and grant our request for a special.
 9 CHAIRMAN DEPTNTO: Okay. I believe we
 10 have polled the Board Members and the Board Members
 11 are available for March 26th.
 12 COUNCILWOMAN CUDEQUEST: I'm not.
 13 CHAIRMAN DEPTNTO: Theresa, you're not
 14 available.
 15 John.
 16 MR. CUIHANE: I'm available.
 17 CHAIRMAN DEPTNTO: Okay. Jeff.
 18 MR. FETTER: Yeah. I'm good.
 19 CHAIRMAN DEPTNTO: Frank. Okay.
 20 Wolfgang.
 21 MR. VOGT: I'm good.
 22 CHAIRMAN DEPTNTO: Chet.
 23 MR. WEBBER: Yes.
 24 MR. LINTNER: Yes.
 25 CHAIRMAN DEPTNTO: Members of the public

1 that are here, that have an interest in this
 2 application, please be advised that this meeting will
 3 be carried to March.
 4 MS. HUTTER: March 26th at 7:30.
 5 CHAIRMAN DEPTNTO: At 7:30 p.m.. And, we
 6 will continue at that time.
 7 MR. DEL VECCHIO: Just one other item, Mr.
 8 Chairman.
 9 As we are hearing the completion of Mr. Dipple's
 10 and, I guess, the Maser review letter portion, I only
 11 have one other witness, that being our planner whose
 12 direct testimony will be very short.
 13 I just make the Board aware of that.
 14 I make Mr. Segreto aware of that so that, to the
 15 extent Mr. Segreto may have witnesses he chooses to
 16 call, that he is prepared to do so at next meeting as
 17 we are hearing that time where we're getting very
 18 close to concluding the applicant's direct case.
 19 CHAIRMAN DEPTNTO: Mr. Segreto.
 20 MR. SEGRETO: Yes. It's, obviously, short
 21 notice.
 22 I didn't know there was going to be a special
 23 meeting next week. But, I will try my best to the
 24 extent that we are going to call witnesses, to have
 25 them available next week. And, if they're not, then

Mr. Hermann -

I'll necessarily try to get them for the April 1st regular meeting.

CHAIRMAN DePINTO: Okay. Very good.

Thank you.

Have a good evening.

MR. DEL VECCHIO: Thank you.

(The hearing adjourns at 10:57 p.m..)

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C E R T I F I C A T E

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

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

DONNA LYNN J. ARNOLD, C.C.R.
LICENSE NO. XI00991
MY COMMISSION EXPIRES 08/04/14

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