

PLANNING BOARD  
MONTVALE TOWNSHIP  
COUNTY OF BERGEN

VOLUME 11

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

Wednesday, March 26, 2014  
Council Chambers  
12 Mercedes Drive, 2nd Floor  
Montvale, New Jersey  
Commencing 7:30 p.m.

B E F O R E :

- 10 JOHN CULHANE
- 11 THERESA CUDEQUEST, COUNCIL MEMBER
- 12 JOHN DEPINTO, CHAIRMAN
- 13 WILLIAM LINTNER
- 14 KARI SOLOMON, recused
- 15 FRANK STEFANELLI
- 16 DANTE TEAGNO, absent
- 17 WOLFGANG VOGT
- 18 CHET WEBBER

- 19 ROBERT REGAN, BOARD ATTORNEY
- 20 JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL
- 21 ANDREW HIPOLIT, BOROUGH ENGINEER, absent
- 22 CRAIG HERMANN, MASER CONSULTING
- 23 LORRAINE HUTTER, BOARD SECRETARY
- 24 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

25  
24  
23  
22  
21  
20  
19  
18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1

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

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

25  
24  
23  
22  
21  
20  
19  
18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1

W I T N E S S

DIRECT BOARD CROSS

ANDREW HIPOÏIT - 13  
BY: THE BOARD - 27

MR. LINTNER  
MR. VOGT

BY: MR. SEGRETO 36

RICHARD PREISS 44

BY: THE BOARD

MR. LINTNER 67  
MR. STEFANELLI 69  
CHAIRMAN DEPINTO 77

PETER G. STECK

BY: MR. DEL VECCHIO 98

E X H I B I T S

PAGE

B-7 Id. Original Report 42  
B-8 Id. Letter, 3/26/2014 42

A-43 Id. Sheet CO-6, Revised 1/2/2014 70

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

EXHIBITS MARKED 8/6/2013

A-1 Affidavit of Notice Document, Two Volumes  
A-2 Site Plan Drawings Prepared by L2A,  
42 sheets, 6/21/2013

A-3 Architectural Plans by JP2, Consisting of  
8 sheets, 6/18/2013

A-4 Wegman's Elevation Drawings, single sheet  
7/24/2013

A-5 Floor Plans Prepared for Wegman's Building,  
5/14/2013

A-6 Roof Plan (Wegman's) Single Sheet, 6/20/2013

A-7 RTKL Master Plan Booklet

A-8 Thumb Drive Containing Two Power Point  
Presentations

A-9 Stone Sample Board

A-10 Split Base Sample

A-11 Material Board, Wegman's

BOARD EXHIBITS

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

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

EXHIBITS MARKED 09/03/2013

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

EXHIBITS MARKED 10/01/2013

A-13 Id. Site Plan Drawings, 32 sheets,  
Last Revised 9/20/2013

A-14 Id. Storm Water Management Report  
Revised 9/20/2013

A-15 Id. Storm Water Maintenance Manual  
By L2A, revised 9/20/2013

A-16 Id. Soil Movement Plan, By L2A

A-17 Id. Revision dae 9/27/2013

A-18 Id. RIS Report, by L2A, 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. I2A 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. I2A Site Plan Package/48 sheets
25	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
6	A-38 Id. Updated Storm Water Management Report, Last Revised 1/24/2014
7	A-39 Id. Updated Environmental Impact Statement, Last Revised 12/12/2013
8	By I2A
9	A-40 Id. Soil Moving Plans, 2 Sheets, By I2A, Last Revised 11/13/2013
10	EXHIBITS MARKED 3/18/2014
11	A-41 Id. TP2 Elevations, Front and Side, Buildings A and B, 3/18/2014
12	A-42 Id. Rear Elevations, Buildings A and B 3/18/2014
13	B-6 Id. Maser Technical Review
14	EXHIBITS MARKED 3/26/2014
15	B-7 Id. Original Report
16	B-8 Id. Letter, 3/26/2014
17	A-43 Id. Sheet CO-6, Revised 1/2/2014
18	
19	
20	
21	
22	
23	
24	
25	

(Open Public Meetings Act)

CHAIRMAN DEPINTO: May I have a roll call.

MS. HUTTER: Yes, Mr. Culhane.

MR. CULHANE: Here.

MS. HUTTER: Councilwoman Cudequest.

Mr. Fette.

MR. FETTE: Here.

MS. HUTTER: Mr. Lintner.

MR. LINTNER: Here.

MS. HUTTER: Mr. Stefanelli.

MR. STEFANELLI: Here.

MS. HUTTER: Mr. Teagno.

MR. TEAGNO: Here.

MS. HUTTER: Mr. Vogt.

MR. VOGT: Here.

MS. HUTTER: Mr. Webber.

MR. WEBBER: Here.

MS. HUTTER: Ms. Solomon.

Chairman Depinto.

CHAIRMAN DEPINTO: Here.

(Board Agenda)

CHAIRMAN DEPINTO: Scheduled was a

discussion with regard to the tree ordinance.

However, we are going to put that on after the

continued public hearing on the Montvale Development

1 Associates.

2 So, we're going to stop the Montvale Development  
3 at 10:30 and then, from 10:30 to 11:15, we'll deal  
4 with the tree ordinance.

5 With that said, up next is continued public

6 hearing on Block 2802, Lots 2 and 3, 300 West Grand  
7 Avenue, Block 1002, Lots 3 and 5, 159-161 Summit

8 Avenue, Montvale Development Associates, LLC, Shops at  
9 DePieros, application for preliminary and final site  
10 plan approval, preliminary and final subdivision  
11 approval, planning and development, soil movement.  
12 Good evening.

13 MR. CULHANE: Mr. Chairman.

14 CHAIRMAN DEPINTO: Yes.

15 MR. CULHANE: Before we start, I would  
16 like to ask a question.

17 CHAIRMAN DEPINTO: Sure.

18 MR. CULHANE: In review of Mr. Richard

19 Preiss's report, there's an item in there dealing with  
20 the off-site development improvements. And, as I  
21 understand, Maser was to do the design for the  
22 off-site improvements.

23 I haven't heard any comments, statements dealing  
24 with the progress or lack thereof.

25 So, anybody know where we are with the off-site

1 improvements?

2 CHAIRMAN DEPIRNO: Yeah. Well, I'm going  
3 to ask Mr. Hipolit to respond to that question.

4 And, I think probably the appropriate time would  
5 be -- we had Mr. Hermann going over Maser's technical  
6 review. And, before we continue with that, with Andy  
7 doing that continuation, we're going to ask him to  
8 answer that question.

9 MR. HIPOLIT: We had a meeting, I guess it  
10 would be two weeks ago, with the County to discuss the  
11 intersection improvements for the project.

12 The County and the Borough have agreed, at least  
13 in tentative form, conceptual form that the Borough  
14 would be the agency responsible to design and bid and  
15 build the intersection improvements.

16 When I say intersection improvements, really of  
17 large scale, Spring Valley and Grand, Spring Valley  
18 and Summit are the two big intersections.

19 There will be improvements to Grand Avenue,  
20 Phillips, Paragon. There will be improvements to  
21 Grand and Chestnut Ridge. And, there will be  
22 improvements to Summit and Chestnut Ridge though those  
23 are minor improvements.

24 And, again, the Borough would take the lead on  
25 designing, bidding and installing those improvements.

1 The County's question is, and there is a meeting  
2 next week, tentatively scheduled for next Tuesday, is  
3 to meet with the County and talk about when the money  
4 is to be posted to do the design work for that. So  
5 far, the applicant posted monies for survey work and  
6 the survey work for the intersections that have major  
7 improvements is done.

8 So, the next step would be to post the money to  
9 get what we call the preliminary design plans done.

10 We would get design plans to about 50 percent  
11 which that will allow us to do a number of things,  
12 find out what utilities need to be relocated or moved  
13 in some fashion and what properties it effects in  
14 doing the right of way. The County doesn't believe in  
15 the right-of-way. They believe they have other  
16 right-of-way in saying that.

17 The County, it's their road so we'll come up  
18 with conceptual designs but it will be in coordination  
19 with the County. And, that's going to take sometime.

20 You know, it will be our desire and our desire  
21 being Maser, I think the Borough's desire to have the  
22 applicant post monies to advance that portion to be 50  
23 percent. So, we know where we are and we're ready go  
24 through this process prior to anybody opening up on  
25 the site. And, that would be the focus of next

1 Tuesday's meeting.

2 MR. CULHANE: All right. A couple of  
3 comments.

4 What's the overall schedule, in your judgment,  
5 once you get the authorization to start.

6 MR. HIPOLIT: We, if we had the  
7 authorization to start at 50 percent, complete plans,  
8 including utilities and right-of-ways, it would take  
9 us about 6 months, 8 months to get to a point where  
10 the County and the Borough and the utilities agree on  
11 what's going to be done. That would just be agree on  
12 it. And, then you work, from that point, and once  
13 they agree, then advance it to 75 or 90 percent  
14 complete plans ready for bidding.

15 What that would allow is the Borough and/or the  
16 County to enter into an agreement with the utility  
17 companies to get the utilities moved well in advance  
18 of the project.

19 So, we all have the traditional New Jersey  
20 construction project where you start and stop and wait  
21 for somebody to move one electric line and that takes  
22 a year to do. We're trying to avoid that. And, the  
23 County is worried about that because there is stuff  
24 that has to be moved.

25 MR. CULHANE: One other question, Mr.

1 Chairman

2 If I recall on the Hovnanian approval from the  
3 County, they have to provide \$75,000 for the  
4 improvements at Spring Valley.

5 Is the County going to make that money available  
6 for the physical improvements at Spring Valley?

7 MR. HIPOLIT: Yes.

8 CHAIRMAN DEPINTO: Yeah. Based on a  
9 meeting that we had a few weeks ago, that Andy had  
10 referenced, they reiterated their position that they  
11 will provide the 75,000.

12 MR. CULHANE: No other questions at this  
13 time.

14 Thank you.

15 CHAIRMAN DEPINTO: Okay. With that said,  
16 Mr. Del Vecchio, why don't you just enter your  
17 appearance, please.

18 MR. DEL VECCHIO: Yes. Andy Del Vecchio,  
19 member of the firm of Beattie, Padovano on behalf of  
20 Montvale Development Associates. And, we are here on  
21 continued public hearings.

22 I have Mr. Dipple, who is seated next to me, who  
23 was previously sworn, qualified and remains under oath  
24 at this time.

25 CHAIRMAN DEPINTO: Okay. Thank you.

1 Mr. Segreto.

2 MR. SEGRETO: Mr. Chairman, yes. John

3 Segreto, from the law firm of Segreto, Segreto &  
4 Segreto for the objector, A & P.

5 CHAIRMAN DEPINTO: Okay. Thank you.

6 Mr. Del Vecchio.

7 MR. DEL VECCHIO: Yes, Mr. Chairman.

8 I think you correctly indicated, when you  
9 started, in response to Mr. Culhane's question, that  
10 where we left off was, we were in the process of going  
11 through the Board Engineer's review letter. And, we  
12 had left off, at the last meeting, midway through that  
13 letter. And, we need to complete that before I can  
14 complete the direct testimony of Mr. Dipple.

15 CHAIRMAN DEPINTO: Okay. Very good.

16 Thank you.

17 And, my records seem to indicate that we left  
18 off on Page 6 or that we would be starting off on Page  
19 6, with the heading of site plan.

20 MR. HIPOLIT: That's correct.

21 CHAIRMAN DEPINTO: So, Mr. Hippolit, why  
22 don't you pick up the review from that point to the  
23 end of the technical review.

24 MR. HIPOLIT: Okay. For the Board's  
25 probably sanity, what I did was, I went through

1 Comments 9 through 91 which goes from Page 6 to Page  
2 26.

3 As this hearing has been going on, obviously,  
4 you see my computer is open and I have taken a lot of  
5 notes. So, through testimony, the applicant has  
6 addressed a lot of these comments.

7 As the Board knows, and a lot of time Mr. Regan  
8 uses my letter as a method to attach or write his  
9 resolution so we don't necessarily remove things out  
10 of the letter when they're recreated again. So, some  
11 of them, unless the Board doesn't want me to, I'm just  
12 going to go Comment 9, applicant testified to, we're  
13 okay with. And, then we just move on.

14 If you have questions and you want to stop me,  
15 I'm okay with that. But, I don't think it's worth  
16 reading every comment.

17 CHAIRMAN DEPINTO: No. Please continue.

18 MR. HIPOLIT: Okay. All right. So, I'll

19 start with Comment 9.

20 In Comment 9, the applicant's testified to that  
21 and we're satisfied with their response on that.

22 Comment No. 10, the applicant has testified to  
23 that also. It's ordinance compliant. And, we're okay  
24 with that.  
25 Comment No. 11, the, the applicant has loading

A. Hipolit -

1 areas which they have testified to. I think we've  
 2 talked about it a lot between Wegman's and between  
 3 other locations. Loading areas have been moved  
 4 around. We are now at a point again where loading  
 5 areas, we are okay with those. So, Comment 11, they  
 6 have addressed.

7 Comment 12, the same thing. They have addressed  
 8 it.

9 MR. REGAN: And, that would be a  
 10 condition, I believe, No. 12.

11 MR. HIPOLIT: Correct. It would be a  
 12 condition.

13 Comment 13 would also be a condition. The  
 14 applicant would have to grant an easement to the  
 15 Borough.

16 The issue is, so the Board understands, there is  
 17 sidewalks along Mercedes that are on the applicant's  
 18 property. We're okay with that. That means they have  
 19 to maintain them which is fine. We just need an  
 20 easement so the Borough and the public could use it.  
 21 And, they have already testified that they would  
 22 provide that.

23 14, would also be a condition. They have agreed  
 24 to a roadway widening easement at the intersection of  
 25 Grand and Mercedes. And, it's indicated on their

A. Hipolit -

1 plans.

2 Comment 15 is probably more of a Jeff Fette  
 3 issue during construction. There are monitoring wells  
 4 on the site and the applicant will have to deal with  
 5 those as part of the construction.

6 So, it's just more of a factual point, Bob, for  
 7 the resolution.

8 Comment No. 16, the applicant has already  
 9 testified to take care of that. And, they're okay  
 10 with that. So, that's the lighting.

11 Comment No. 17, the applicant has agreed to --  
 12 MR. REGAN: That will be a condition.

13 MR. HIPOLIT: -- allow Title 39 on the  
 14 site which is condition.

15 In Comments 18 and 19 which dealt with ADA  
 16 compliance for sidewalk. The applicant has addressed  
 17 it and they have complied with both of our comments.  
 18 We have nothing further on that.

19 Comments 20, 21 and 22, emergency services,  
 20 obviously, as this, reviewed it with respect to marine  
 21 services. We had some comments. Again, the applicant  
 22 has either addressed it or provided testimony that  
 23 addressed it. So, I think we're good on those.

24 I know they do have the fire truck radius from  
 25 the Fire Department. Based on our review, the site

1 has been designed to handle a full size truck so the  
2 fire trucks will be able to get in and out of that  
3 site adequately.

4 The Board may want to talk about this or it may  
5 not. Truck routes, truck access and traffic, item,  
6 Comments 23, 24, 25, 26, 27 and 28. The applicant has  
7 provided significant testimony. We were actively  
8 involved in the truck routes, which way the truck  
9 routes would go and how trucks would get to and from  
10 the site. It needs to be a condition.

11 MR. REGAN: As well as the Woodcliff Lake  
12 issue.

13 MR. HIPOLITT: Absolutely.

14 CHAIRMAN DEPINTO: I'm sorry. What is the  
15 Woodcliff Lake issue?

16 MR. REGAN: Trucks not exiting the Parkway  
17 at 171. I think their attorney was here the first or  
18 the second --

19 MR. HIPOLITT: It was the first meeting,  
20 actually -- actually, no, it was the first meeting  
21 here. So, the second meeting.

22 CHAIRMAN DEPINTO: Okay. Please continue.

23 MR. HIPOLITT: The next title would be  
24 garbage and trash which is Comments 29, 30, 31 and 32.  
25 The applicant has addressed all of those or has agreed

1 to all of them.

2 Comments under off-track improvement. Starting  
3 with Comments 33 and 34, these comments really are  
4 geared more towards the County. As I think we started  
5 to talk about, we have had a number of meetings with  
6 the County. I have had probably a dozen conversations  
7 or meetings with the County myself, with Eric Timsak  
8 and his, the engineering staff in the County. The  
9 design for the accel/deceals, widenings is all  
10 finalized. The plans reflect it. So, it just needs  
11 to meet conditions of approval which reflect all those  
12 comments in 36, 37, 38, 39 or, excuse me. 37 and 38  
13 are really some grading issues which we believe the  
14 applicant can address and will address as part of a  
15 building and construction permit. They have to get a  
16 retaining wall permit and grading permits from the  
17 Engineering Department as far as construction. So, no  
18 more work needs to be done on that so it would be just  
19 a condition. The same with 39.

20 And, then 40 would be a condition of approval.  
21 It's, again, grading on neighboring properties.

22 Under solid moving, that covers Comments 41, 42  
23 and 43. The applicant's addressed 41 and 42.

24 43 will be condition of approval as it is with  
25 any application in front of this Board.

1 MR. REGAN: Standard.

2 MR. HIPOLIT: Standard boiler plate.

3 The next section retaining wall/structural, the  
4 applicant addressed Comments 44 and 45 and 46.

5 47 will be a condition of approval. And, it  
6 would be based on final drawings being provided to  
7 Jeff Fette and myself.

8 And, 48 should also be a condition of approval,  
9 geotechnical report. The walls are of size that,  
10 unlike some other applications we have, these walls  
11 are 15 feet high and are made of significant size  
12 material as blocks. A geotechnical report will be  
13 required to build these walls. You can't just put up  
14 a wall that size without that.

15 The next heading, storm water management. So,  
16 the Board Members understand, the applicant, myself  
17 and Mr. Hermann, from my office -- Mr. Hermann's  
18 really a storm water guru from my office.

19 Both Mr. Dipple and Mr. Hermann, with me in  
20 those calls, have agreed to taking care of all the  
21 storm water management issues.

22 So, we don't need to dissect them now. The only  
23 thing I think we might want some discussion from the  
24 applicant is on the detention pond and what the, you  
25 know, the recommendation from our office. And, I

1 think Councilwoman Cudequest was at that, that lower  
2 basin should be a wet basin.

3 Maybe we should take five minutes and let the  
4 applicant testify on that.

5 CHAIRMAN DePINTO: I think we did have  
6 some discussions with regard to that. I think, when  
7 you're done with the technical, your technical review,  
8 we'll ask Mr. Del Vecchio to have his witness address  
9 that again.

10 MR. HIPOLIT: Okay. So then items, Items  
11 49 through 61 are really engineering issues which are  
12 going to be addressed or have been addressed by the  
13 applicant. Some will be addressed as conditions of  
14 approval, some will be addressed as part of  
15 construction permits.

16 We're on to utilities. The basis of the  
17 utility, Comments 62 through 70, deal with everything  
18 from the sanitary sewer and we'll serve letters to  
19 minor details for elevations and, and/or electric  
20 usage and other items. They have addressed most of  
21 them or have to address them as part of the condition  
22 of approval.

23 I think the condition is that they need to  
24 coordinate the installation of all utilities, whether  
25 it be Borough utilities, storm water and sanitary

1 sewer to public utilities, water, gas, electric, three  
2 utility companies, through Mr. Fette's office, through  
3 our office. That's really where we're at at this  
4 point.

5 Water supply and fire protection, that's Comment  
6 71 through 75. The applicant will be required to, and  
7 they have agreed to provide a water report for their  
8 fire protection systems on-site, whether it be  
9 sprinklers or, or the fire hydrants.

10 As this Board knows, our Fire Department reviews  
11 that. Their standard comments to my letter, which  
12 should all be conditions of approval, but it would  
13 have to be addressed prior to the issuance of any  
14 building permits for that site.

15 Next section, soil and sediment control. The  
16 applicant addressed all three comments, 76, 77, 78.

17 The next section, staging and phasing, the  
18 applicant's addressed phasing or staging for Phase 1.

19 As far as Phase 2, right now Phase 2 is only  
20 preliminary. So, they don't need a staging plan yet.  
21 But, when we come back for final, there would be a  
22 staging plan so that should be listed.

23 MR. REGAN: That's at Phase 2.

24 MR. HIPOLIT: That's at Phase 2. So,  
25 Phase 2, which is the lower portion, when they come

1 back for final, they will need a staging plan.

2 Environmental Impact Statement or EIS. That  
3 goes through Comment 80, 81, 82, 83, 84. Those  
4 comments are, are dealing with a number of issues.

5 What I could tell the Board, the issue of the  
6 Mill Brook is really a non issue at this point. We  
7 have investigated with the applicant both  
8 independently and with them. And, we don't see it as  
9 an issue on this site. So that, that comment, Comment  
10 82, is out, is out at this point.

11 Everything else, the applicant has addressed.

12 Next section, acoustical report. The applicant  
13 has addressed our Comment 85.

14 The next section details 86. The applicant has  
15 addressed that.

16 And, then, the last section, which is permit and  
17 other requirements, I think, as the Board knows, these  
18 comments, 87 through 91, are standard letters. And,  
19 for resolution, Bob, they would be a condition of  
20 approval.

21 Anything else they need to get, they need to  
22 get, myself and Mr. Fette will review that as part of  
23 the permits for building.

24 And, that's what I would consider a quick  
25 summary of it.

CHAIRMAN DEPINTO: Very good. Thank you.  
And, Mr. Del Vecchio, with regards to the detention basins, could you have Mr. Dipple advise the Board what his findings were of what he had proposed for these basins.

MR. DEL VECCHIO: Yes. I believe Mr. Dipple had testified last meeting when Mr. Hipolit's associate was here.

And, I'm going to summarize that testimony and ask Mr. Dipple if I -- if he agrees or disagrees with it at the end of my summary.

The applicant has agreed with the Board's request as it pertains to the lower detention pond, not the forebay, to dig that out approximately 4 feet deeper than is currently proposed. We originally had proposed 3 feet.

And, I think it was Mr. Hermann's suggestion that we go an additional foot to provide some additional, what I'll call, evaporation room in that area.

The bottom will be now mixed with clay and a liner so as to allow that to, that basin to retain water.

We agreed that we would install an aerator within that pond so that the water will continue to

move and we don't get algae and mosquitos.

We agreed that, for the months of November 1st through April 1st, the pond would fill or not fill based upon what Mother Nature provides by way of rainfall since all of the detention basins lead to that point.

And, for the months of April through October 31st, to the extent Mother Nature doesn't supply enough water and assuming that we don't have a water or other governmental restriction that precludes us, we would agree to fill that basin once a month to supplement Mother Nature's filling of the basin so that we end up with a wet basin during those months.

So, Mike, I think that was our summary.  
Did I miss anything in it?

MR. DIPPLE: No.

MR. DEL VECCHIO: Was it accurately stated?

MR. DIPPLE: Yes, it is.

MR. DEL VECCHIO: Hopefully, that answers Mr. Hipolit's questions.

If there are more, obviously, Mr. Hipolit is free to ask Mr. Dipple and he's free to answer.

MR. HIPOLIT: I just have one question.

It's really more of a Board discussion than applicant.

1 A wet basin of this type, which is being one  
2 that we're creating, that's not natural. What I would  
3 recommend is that, from the months of November 1st  
4 through April 1st is dry. You don't want the frost,  
5 you don't want it freezing, you don't want people  
6 trying to skate on it. It's just not safe for that.  
7 It would be better to have it dry, secure, leave  
8 it dry. And, as long as the weather holds -- this  
9 year would be one year it may have been shaky.  
10 And, April 1st they fill it unless Mother Nature  
11 fills it. And, then they fill it once a month until  
12 Halloween basically. And, you empty it out and clean  
13 it so it's clean and leave it dry for the four month  
14 period.  
15 CHAIRMAN DEPINTO: So you're saying, in  
16 the resolution, it should incorporate draining of that  
17 lower basin?  
18 MR. HIPOLITE: I think so.  
19 CHAIRMAN DEPINTO: For that time period?  
20 MR. HIPOLITE: Other than nature. Yeah.  
21 If nature decides to fill it up --  
22 MR. REGAN: I think he said the same.  
23 CHAIRMAN DEPINTO: I think so.  
24 MR. REGAN: Mr. Del Vecchio, I think you  
25 basically said that from 11/1 to 4/1, it will fill or

1 not fill based on the weather.  
2 MR. DEL VECCHIO: Correct.  
3 MR. PREISS: But, I think --  
4 MR. HIPOLITE: What I'm saying --  
5 CHAIRMAN DEPINTO: Keep it dry.  
6 MR. PREISS: Actually, drain it.  
7 MR. HIPOLITE: Once you get to November  
8 1st, they drain it and allow the low flow to be opened  
9 up so it doesn't fill -- it will drain out to nothing  
10 during the four months.  
11 MR. DEL VECCHIO: I think the difference  
12 of what Mr. Hipolite is suggesting, and I want to  
13 supplement, is essentially during November through  
14 April we would have to pull the weir plate to allow  
15 the water to actually drain should Mother Nature  
16 provide enough to fill it.  
17 If that's the Board's desire, we're amenable  
18 doing that.  
19 The one thing I did leave out of our comments or  
20 summary of our testimony, we also agreed to put stone  
21 in the bottom of the basin. So, when it was dry, it  
22 would have a neat and clean appearance.  
23 So, we did agree to do that and we remain  
24 committed to that.  
25 CHAIRMAN DEPINTO: Okay. The opinions

1 from Board Members with respect to the basin.

2 Starting with Mr. Stefanelli.

3 MR. STEFANELLI: Why can't we have ice  
4 skating?

5 MR. HIPOLIT: It wouldn't be safe.

6 MR. FETTE: There's always one.

7 MR. STEFANELLI: I have no problem with  
8 it.

9 CHAIRMAN DePINTO: Thank you.

10 Mr. Vogt.

11 MR. VOGT: Yeah. You talk about lining of  
12 your clay.

13 Is there anything else you can use?

14 MR. DEL VECCHIO: We also said plastic  
15 liner.

16 MR. VOGT: Oh, plastic liner on top of it.  
17 Okay.

18 That's all I got.

19 Thank you.

20 CHAIRMAN DePINTO: Thank you.

21 Mr. Webber.

22 MR. WEBBER: One question for you guys.

23 The aerator, is it one, two, three?

24 MR. DEL VECCHIO: I think Mr. Hipolit will  
25 have to, Mr. Hipolit and Mr. Dipple will have to agree

1 on the sizing.

2 I know they're rated for certain surface areas.  
3 So, whatever is necessary to properly aerate it.

4 MR. WEBBER: I don't know, do we want one  
5 big one? Are they sized accordingly?

6 MR. HIPOLIT: Aerators are sized based on  
7 the surface area.

8 MR. WEBBER: But, can you get one giant  
9 one or two or three smaller ones?

10 I don't know if there's a design that we can do  
11 for it. I'm not talking Bellagio with fountains and a  
12 lake and orchestrated patterns but just maybe one or  
13 two.

14 MR. HIPOLIT: My limited knowledge of  
15 aerators, because I know they use them in lakes where  
16 I live. There's two ways to do it. They use  
17 bubblers. They use like a bubbler that they put a lot  
18 of them around. It keeps oxygen in the water.

19 Or, I happen to be a golfer, if you guys didn't  
20 know that. On golf courses they use fountains. They  
21 shoot it up in the air and it creates a lot of churn  
22 so...

23 So, I think Councilwoman Cudequest had said she  
24 expected a fountain. So, we just have the right size  
25 fountain for the 4 feet of water.

1 MR. WEBBER: Right. That's what I'm  
2 curious, is it one or is it two?  
3 Are they fixed? Do they move around?  
4 MR. HIPOLITT: I think it would be fixed,  
5 one in the center.  
6 MR. WEBBER: Okay.  
7 MR. DEL VECCHIO: I was whispering to Mr.  
8 Dipple. He indicated, at the last meeting, he  
9 envisioned two based on the size of the surface area.  
10 MR. WEBBER: All right. Very good.  
11 That's it. Thank you.  
12 CHAIRMAN DEPINTO: Thank you.  
13 Mr. Lintner.  
14 MR. LINTNER: I'm fine. If Mr. Hipolitt  
15 thinks we should drain it, I agree, that's fine.  
16 CHAIRMAN DEPINTO: Okay. Thank you.  
17 And, Mr. Teagno.  
18 MR. TEAGNO: Yes. I'm okay.  
19 MR. CUIHANE: I'm okay, too, Mr. Chairman.  
20 CHAIRMAN DEPINTO: Thank you.  
21 And, Mr. Fette.  
22 MR. FETTE: Likewise.  
23 CHAIRMAN DEPINTO: I find it acceptable as  
24 well.  
25 MR. VOGT: Mr. Chairman, I have one quick

1 question.  
2 CHAIRMAN DEPINTO: Sure.  
3 MR. VOGT: Is there an automatic fill or  
4 do you have to put hoses in there to fill?  
5 MR. DIPPLE: No. We would propose that it  
6 would be automatically filled and there would be some  
7 type of device with a float that would tell us when.  
8 MR. VOGT: It's automatic.  
9 MR. DIPPLE: That it would need to be  
10 filled.  
11 But, then, as Mr. Del Vecchio has indicated, it  
12 would be at a rate of once a month.  
13 MR. VOGT: Okay.  
14 MR. HIPOLITT: Which probably, which will  
15 be fine.  
16 MR. DIPPLE: I honestly haven't done the  
17 formal water budget analysis but I think it would be  
18 more than adequate.  
19 MR. HIPOLITT: Yeah. Great.  
20 MR. VOGT: Thank you, Mr. Chairman.  
21 CHAIRMAN DEPINTO: Very good. Thank you.  
22 Mr. Del Vecchio.  
23 Well, I'm sorry, before we go back to Mr. Del  
24 Vecchio, does anyone have any questions of Mr. Hipolitt  
25 with regards to his testimony on his technical review

1 dated February 24th?

2 MR. LINTNER: I do, Mr. Chairman.

3 CHAIRMAN DEPINTO: Yes.

4 MR. LINTNER: Just one thing. Andy, Item  
5 Number 35, when you talk about the intersection

6 improvements, your last paragraph indicates that you  
7 understand that, one, the applicant will be paying for  
8 them and, two, that it's agreed that no Certificate of  
9 Occupancy would be issued until all of these  
10 intersection improvements are completed.

11 I'm just checking. Is that the case?

12 MR. HIPOLIT: That's -- that is our

13 desire, yes. You would -- the Board would obviously  
14 vote on that.

15 MR. LINTNER: Okay.

16 MR. DEL VECCHIO: If I may. It's the  
17 applicant's intention, at this point, that we envision  
18 electing the option on the ordinance to allow the  
19 Borough to complete the improvements in a timely  
20 fashion.

21 We believe that, between the amount of time it  
22 would actually take us to get through the litigation  
23 by the objector, as well as any site preparation work,  
24 because there is a large amount of site preparation  
25 work in connection with this project, that there will

1 be sufficient time for the Borough to complete the  
2 improvements that are outlined in the Maser review  
3 letter.

4 However, the ordinance doesn't link our ability  
5 to get a CO to the Borough's completion of that work.  
6 What it links is, the ordinance says we're  
7 required to either fund it or pay our pro rata share  
8 as a condition of the issuance of the building permit  
9 which we, you know, which is what we our intention is  
10 to do at this point.

11 So, I don't want to misstate the applicant's  
12 position that our CO is somehow conditioned on the  
13 Borough getting that work done. But, we envision that  
14 it's very, very comfortably feasible for the Borough  
15 to do that work if we pay our money as required by the  
16 ordinance as a condition of the building permit.

17 MR. LINTNER: Can that be a condition?

18 MR. REGAN: Yes. It's consistent with the  
19 ordinance. That's what the ordinance requires.

20 MR. LINTNER: The ordinance doesn't  
21 require timing, though. The ordinance just requires  
22 payment.

23 MR. REGAN: The ordinance requires

24 payment.

25 MR. DEL VECCHIO: The ordinance does have

1 a timing provision. It says as a condition of  
2 building permit. I'll get the section if you give me  
3 one moment.

4 MR. REGAN: There's no requirement that  
5 the improvement be complete before they get a CO.

6 MR. LINTNER: Yeah. I think we would be  
7 in a very tough position if the buildings are up and  
8 they're ready to open their doors and we don't have  
9 improvements.

10 MR. REGAN: You're absolutely right.

11 MR. HIPOLITT: The County is --

12 MR. LINTNER: I was just -- I hate to be  
13 here for that night.

14 MR. REGAN: That's why I thought Mr.

15 Culhane's questions or the question at the outset was  
16 very appropriate.

17 MR. HIPOLITT: The County, the County is  
18 concerned about that. And, we have a meeting next  
19 Tuesday to discuss that exact, of when monies start  
20 getting posted to advance the design.

21 MR. LINTNER: Yeah. I just think of  
22 Chestnut Ridge Road, to finish that extra lane up at  
23 Chestnut Ridge Road. There's always a reason why it  
24 never happens.

25 MR. HIPOLITT: We're working on it.

1 MR. LINTNER: I don't want to be telling  
2 the public we're working on it on their way to  
3 Wegman's.

4 MR. REGAN: You'll never get there.

5 MR. LINTNER: I don't want to be there.

6 Yeah.

7 MR. HIPOLITT: Yeah. On the desire, our,  
8 our desire, Messer's, I think the County's desire is  
9 the same thing, is not to have the applicant advance  
10 all the money but advance some smaller portion of it  
11 to get the design work done. If the design work is  
12 done, the improvements will get done way ahead of them  
13 opening.

14 Because, to get the design work done, a lot of  
15 people have to agree to it. The town, County and the  
16 State. So, there is some time it's going to take to  
17 do that.

18 CHAIRMAN DEPINTO: Okay. Thank you.

19 MR. LINTNER: All right. Thank you.

20 CHAIRMAN DEPINTO: Wolfgang.

21 MR. VOGT: This is, Mr. Chairman, this is  
22 either Mr. Dipple or Andy.

23 In the beginning of this application, there was  
24 talk about some six electric filling stations. Some  
25 of the parking --

1 MR. HIPOLIT: Charging stations.

2 MR. VOGT: Charging stations.

3 Some of the parking areas would be reserved for  
4 that.

5 I don't see anything on the plan.

6 MR. DEL VECCHIO: They're on the drawings.

7 MR. VOGT: They're on the drawings?

8 MR. DEL VECCHIO: Yes. The detailed  
9 charging station plan.

10 MR. VOGT: Thank you.

11 MR. PREISS: In my review letter, it  
12 indicates where they are.

13 CHAIRMAN DEFINTO: Okay. Thank you.

14 Anyone else have any questions of Mr. Hipolit?

15 With that said, before I turn it back to Mr. Del  
16 Vecchio, I'm going to going to allow Mr. Segreto to  
17 ask questions of Mr. Hipolit.

18 But, first let's open it to the public.  
19 A motion for that.

20 MR. VOGT: So move.

21 MR. FETTE: Second.

22 CHAIRMAN DEFINTO: Mr. Vogt, second Mr.  
23 Fette.

24 All in favor?

25 (Aye)

1 Mr. Segreto.

2 MR. SEGRETO: Yes, Thank you. I just  
3 have a few questions of Mr. Hipolit.

4 EXAMINATION BY MR. SEGRETO:

5 Q Mr. Hipolit, I have reviewed your review  
6 letter from February 24th, 2014 marked at the last  
7 meeting as B-6.

8 Now, I was under the impression that this was  
9 your final review letter.

10 Is that correct?

11 A Yes.

12 Q And, prior to doing this review letter,  
13 you reviewed all of the revised plans. Those were  
14 revised in January.

15 Is that correct?

16 A Correct.

17 Q Now, tonight you went through about, I  
18 guess, 12 pages of the report. And, in response to a  
19 lot of these issues that you set forth there, you  
20 indicated that the applicant has addressed it.

21 And, my question to you is, when did the  
22 applicant address that, in their subsequent testimony,  
23 after they submitted the January 20, 2014 report on  
24 the admitted plans?

25 A They, they addressed it, as I said before,

1 on their plans they submitted in January.

2 We carry the comments more for condition of  
3 approval as we do historically on this Board or they  
4 addressed it via testimony from both Mr. Dipple or  
5 anybody else on their side.

6 Q Just as an example, Number 68, on Page 15,  
7 say the applicant shall provide testimony on the  
8 electric charging station.

9 The question is, are you of the opinion that  
10 subsequent to them submitting the January revised  
11 plans, that someone testified as to those details?

12 A Yes.

13 Q So, if, if someone testified after the  
14 January plans were submitted, why does it say in the  
15 review letter that the applicant should provide  
16 testimony concerning these issues?

17 That's where I'm confused?

18 A Right. We carry -- it's a little bit of  
19 Board procedures that you don't know. In Montvale,  
20 under the engineering, we carry a lot of comments  
21 right to the end. We're kind of like the overall  
22 keeper of the engineering comments because we're  
23 engineers.

24 And, until the application closes, we don't take  
25 the comments out. We just keep carrying or adding to

1 it.

2 So, if they have provided, they have provided,  
3 Mr. Regan, when he does his resolution, either for or  
4 against it, will have these questions. The Board can  
5 discuss them. We have a reference to go back on.  
6 When we look at the resolution and review it, and  
7 based on the record being taped or what was done here  
8 or on my notes, he testified to it and we're good or  
9 not good with it.

10 And, that's, all the comments are like that.

11 Q All right. I understand that. Let's take  
12 a look again.

13 Just, for example, Item No. 70, the applicant  
14 shall provide detail for the underground detention  
15 system proposed for Phase 2.

16 The question to you is, was that in the January  
17 20th revised plans?

18 A The Phase, the Phase 2 improvements, the  
19 actual final design for that will be done as part of  
20 their Phase 2 final.

21 So, they have the preliminary information they  
22 need. But, they're going to have to come back for  
23 final and provide that.

24 So, the reason the comment like that stays in  
25 the letter is so when they do get to Phase 2, we can

1 go back and have a record of it saying you need to.  
2 provide the actual details for the design for that.

3 Because, I don't know and they haven't really  
4 said when, whether they're going to put the building  
5 in the configuration they have or some other  
6 configuration. So, if they give me a detail now, it  
7 could be preliminary but somewhat useless. It could  
8 change. A lot of things can change.

9 Q Essentially, under 70, they should say, do  
10 that at final, at their application for final site  
11 plan. That's when you're looking for them.

12 A That's when we actually look at it, yes.  
13 MR. SEGRETO: All right. I have no  
14 further questions.

15 CHAIRMAN DEPINTO: Okay. Thank you.

16 Anyone else from the public have any questions?  
17 None.

18 The Chair will entertain a motion to close the  
19 meeting to the public.

20 MR. TEAGNO: So move.

21 MR. CULHANE: Second.

22 CHAIRMAN DEPINTO: Mr. Teagno, seconded  
23 Mr. Culhane.

24 All in favor?

25 (Aye)

1 CHAIRMAN DEPINTO: Okay. Mr. Del Vecchio.  
2 MR. DEL VECCHIO: Mr. Chairman, we've  
3 essentially concluded with the testimony of Mr.  
4 Dipple.

5 I think he was made available to the Board for  
6 any questions that they had at the last meeting. And,  
7 I don't want to foreclose the Board an opportunity of  
8 any others before I excuse him. But, otherwise, we  
9 have completed Mr. Dipple's testimony and are prepared  
10 to move forward with our next witness.

11 CHAIRMAN DEPINTO: I will start with Mr.  
12 Vogt.

13 Do you have any questions for Mr. Dipple?

14 MR. VOGT: No.

15 CHAIRMAN DEPINTO: Mr. Webber?

16 MR. WEBBER: No. I'm good.  
17 Thank you.

18 CHAIRMAN DEPINTO: Thank you.  
19 Mr. Lintner.

20 MR. LINTNER: No questions, Mr. Chairman.

21 CHAIRMAN DEPINTO: Mr. Teagno.

22 MR. TEAGNO: No questions, Mr. Chairman.

23 CHAIRMAN DEPINTO: Thank you.

24 Mr. Culhane.

25 MR. CULHANE: No questions, Mr. Chairman.

1 CHAIRMAN DEPINTO: Thank you.  
 2 Mr. Fette.  
 3 MR. FETTE: No questions.  
 4 CHAIRMAN DEPINTO: Thank you.  
 5 Mr. Stefanelli.  
 6 MR. STEFANELLI: No questions.  
 7 CHAIRMAN DEPINTO: Thank you.  
 8 I have no questions at this time.  
 9 Hold on one second.  
 10 Again, Mr. Segreto.  
 11 MR. SEGRETO: No, no questions.  
 12 MR. PREISS: I just have one thing.  
 13 CHAIRMAN DEPINTO: Mr. Preiss.  
 14 MR. PREISS: The Board is in receipt of a  
 15 compliance review update table that I provided to the  
 16 Planning Board today.  
 17 And, in that, I updated all the areas where  
 18 testimony is provided for or plans have been provided  
 19 in change so that I could update to the extent to  
 20 which the application is compliant with the relevant  
 21 sections of the LDO. And, I just wanted to give the  
 22 applicant an opportunity, if Mr. Dipple has to address  
 23 any of the issues or the places where I've indicated  
 24 testimony has to be provided, to actually provide that  
 25 testimony before he's excused.

1 MR. DEL VECCHIO: I don't know if you want  
 2 to mark Mr. Preiss's review letter at this point.  
 3 MR. REGAN: B-7 is the next.  
 4 MR. PREISS: I just want to make sure. I  
 5 don't know that my initial report was.  
 6 MR. DEL VECCHIO: It was not.  
 7 MR. HIPOLIT: I don't think it was either.  
 8 MR. PREISS: So that maybe should be B-7  
 9 and this one B-8.  
 10 MR. REGAN: Original report is July 25th.  
 11 MR. PREISS: Yes.  
 12 MR. REGAN: That would be B-7.  
 13 MR. DEL VECCHIO: That would be July 25th,  
 14 2013.  
 15 MR. REGAN: Yes. So, B-8 will be the 26th  
 16 letter.  
 17 CHAIRMAN DEPINTO: Mr. Segreto, do you  
 18 have a copy of Mr. Preiss's report of July 25 and  
 19 March 26?  
 20 MR. SEGRETO: I don't believe I have the  
 21 July 25th. But, I think, based upon my review of the  
 22 tables, I think Mr. Preiss's essentially given us what  
 23 he has had in that prior report and what he has on  
 24 this.  
 25 So, I don't think I necessarily need it unless

1 you have an extra copy.

2 CHAIRMAN DePINTO: We do have an extra  
3 copy.

4 MR. SEGRETO: Thank you very much. I  
5 appreciate it.

6 CHAIRMAN DePINTO: I'm sorry. Do you have  
7 the March 26th.

8 MR. SEGRETO: Yes, I do. I have that.  
9 Thank you.

10 CHAIRMAN DePINTO: Well, Mr. Preiss,  
11 before we move on to discuss your review letter, which  
12 has been marked into evidence as B-8, this probably  
13 would be an appropriate time for you to do a summary  
14 review of your letter of July 25th.

15 Would you prefer to do that or wait to hear  
16 testimony from the applicant's planner first?

17 MR. PREISS: I leave that up to the  
18 applicant as to what order they want to take.

19 MR. BEL VECCHIO: I have no objection to  
20 allowing Mr. Preiss to do his review letter since  
21 we're talking about it. It may implicate Mr. Dipple's  
22 testimony for a moment.

23 CHAIRMAN DePINTO: I tend to think that  
24 that's probably the proper way to do it.

25 So, Richard, why don't we first discuss your

R. Preiss -

1 technical review letter addressed to me, dated July  
2 25, 2013.

3 MR. PREISS: I'll just go through it  
4 briefly because there's -- obviously, I have done a  
5 second review letter and that's in response to a lot  
6 of the questions and information that were sought in  
7 the July 25th letter.

8 I'll just go through it very briefly.

9 The first few sections, site description,  
10 proposed development basically was a description that  
11 the Board is well-familiar with.

12 And, then the focus really on the, on the  
13 remainder of the review letter was on issues related  
14 to compliance.

15 And, in that respect, I provided a table which  
16 is appended to the text of that, of that review  
17 letter, in which I cited the, in the first column, I  
18 cited the section in either the AH PUD Ordinance or in  
19 that portion of the LDO which related to or which was  
20 referenced.

21 And then, in the center column, I actually  
22 recited what that requirement was.

23 And, then, the last column, I indicated the  
24 extent to which, based on my review, I found the  
25 applicant's plans to be compliant or non compliant.

1 Or, there was a question as to -- there was missing  
2 information where testimony or other changes to the  
3 plans had to be made so that the compliance could be  
4 determined.

5 Therefore, starting on Page C-4, essentially  
6 through to Page 9 of the July 25th memo, it's just a  
7 recitation and, and greater detail provided as to what  
8 the particular issue was that is cited in that table  
9 and a request for additional information or some, some  
10 finding where I said, you know, that the Environmental  
11 Commission or Maser would have to determine  
12 compliance.

13 Then there was, starting on Page 10 through Page  
14 12, there were additional comments on the application  
15 just mostly to bring the Board's attention to, to  
16 certain things that might have been confusing or to  
17 provide clarification on the application.

18 And then, on Page 12, the very last page of the  
19 text, I remind, I am just reminding the Planning Board  
20 that one of the requirements is that the Planning  
21 Board is required to make findings related to planned  
22 developments consistent with the Municipal Land Use  
23 Law at section 40:55D-45.

24 Since this is a planned development, in addition  
25 to approving, doing the site plan approval, PUD

1 approval, et cetera, the Board would have to find that  
2 Provisions A through F have been met.

3 And, it's my understanding that Mr. Steck, the  
4 applicant's planner, is here this evening and he's  
5 going to be addressing those.

6 So, I haven't seen any reports or testimony  
7 which address that.

8 So, that is, that is basically what the July  
9 25th review letter is.

10 And, I think the more pertinent review letter,  
11 since it's been, and a substantial number of hearings  
12 and revised plans, is my letter of today's date with  
13 the, an updated compliance table.

14 And, I can go through just some of the issues --

15 CHAIRMAN DEPINTO: Please do.

16 MR. PREISS: -- related to that.

17 What I'll do is, I'll go immediately to the  
18 table and I'm just going to where the applicant's  
19 plans were indicated as being compliant in the  
20 previous iteration, I am not going to comment on  
21 those, where I made comments compliance to be  
22 determined and so forth. I'll just indicate why the  
23 status of that has changed or not changed.

24 So, with regard to Page 1, under 1283.1, there  
25 was a question as to whether the types of goods sold

1 and, and the area devoted within Wegman's would not  
 2 exceed 20 percent of the gross floor area. There was  
 3 that provision in the definition of the anchor retail  
 4 store.

5 And, we -- I hadn't been provided any testimony  
 6 at that point.

7 We did have testimony from the applicant and we  
 8 had floor plan, color coded floor plans provided which  
 9 indicated that, in fact, that condition was met, that  
 10 the area devoted for a certain number of goods did not  
 11 exceed 20 percent of the floor area and so that now, I  
 12 have determined that to be compliant.

13 Going to Page 2 of 38, in the right hand column,  
 14 the second one down, I had asked for the applicant to  
 15 provide specific numbers as to whether the anchor  
 16 retail parking, loading, setback and buffer occupancy  
 17 was between 50 and 60 percent as required in the  
 18 ordinance. And, they have provided the numbers which  
 19 is equal to 53.9 percent.

20 So, I found that to, to be compliant with the  
 21 ordinance.

22 Similarly, the anchor retail building, as a  
 23 proportion of the total floor area had, was required  
 24 to be between 50 and 70 percent. And, it's 60.9  
 25 percent. So, that is compliant as well.

1 The next comment down is related to the off-site  
 2 improvements. And, we've, we've -- Mr. Culhane raised  
 3 that question and Andy Hipolit has addressed that.

4 I will just note, in certain instances,  
 5 compliance can't be determined at this point in time.

6 So, for example, we know that the anchor retail  
 7 store, because it's been identified as Wegman's, is  
 8 compliant with the requirements in terms of the use,  
 9 the requirements in the AH PUD zone. But, the tenants  
 10 of the lifestyle shopping center have not been  
 11 identified at this point nor could they be. And,  
 12 recognizing that, we have recommended, and I think the  
 13 applicant has agreed, that each time a tenant is  
 14 identified, they will come and seek a use permit  
 15 before this Board and the determination as to  
 16 compliance can be indicated at that time. And, to the  
 17 extent it's not compliant, they may have to seek a, a  
 18 use variance to allow that tenant to be there.

19 So, a lot of the -- in regard to the, both the  
 20 permitted uses and the permitted accessory uses, going  
 21 through Page 3 and Page 4, it's, it's compliant as to  
 22 use.

23 Other requirements, for example, fences and  
 24 walls, landscaping, storm water detention facilities,  
 25 there are other requirements related to that which are

1 addressed further on.

2 But, this section basically indicates that  
3 insofar as those accessory uses that have been  
4 proposed are all compliant with the use requirements  
5 of the ordinance.

6 The same with regard to the prohibited uses.

7 None of the uses are accessory uses that are proposed  
8 are ones that are listed in the uses that are  
9 prohibited.

10 With regard to Page 5, the bulk area and other  
11 dimensional standards for the affordable residential  
12 component, if the Board remembers, a conceptual plan  
13 was provided to the Board. I had found those all to  
14 be compliant. And, nothing has changed.

15 So, that remains the same.

16 With respect to the bulk area and other  
17 dimensional standards for the retail components, there  
18 were one or two questions and some things have  
19 changed.

20 So, looking at the last column on Page 6, for  
21 example, the amount of open space that is provided on  
22 the site has changed. I have noted the numbers both  
23 at Phase 1, Phase 2 and the total and even though they  
24 have changed, they're still compliant with the  
25 requirements.

1 In other words, the requirement is 25 percent  
2 minimum on the overall and 27 percent has been  
3 provided.

4 With regard to height, there's been no change  
5 with regard to the number of stories.

6 One of the things that we had raised was the  
7 issue of whether the height measurement actually  
8 complied with the ordinance requirements which is 40  
9 feet for the main building and then maximum of 80 feet  
10 for any kind of accessory structure on top of that.

11 And, the applicant has, has indicated the main  
12 building is maximum of 40 feet and the clock tower,  
13 they had removed a portion of the clock tower so it is  
14 now 80 feet. So, that also is compliant.

15 With regard to the floor area ratio building  
16 coverage, lot coverage and lot coverage including  
17 impervious surfaces, those have changed. I indicated  
18 what the changes are. And, those all, all of those  
19 were compliant and they remain compliant.

20 With regard to the responsibilities for the  
21 affordable housing, that's Section 1285.14(g). It's  
22 the intention of the applicant to transfer that  
23 property to the Borough and for the Borough to  
24 undertake that development.

25 In, in as far as the conceptual plans are

1 concerned, it's compliant to date. But, the actual  
 2 compliance of that and other provisions related to the  
 3 AH PUD, that, that related to the residential portion  
 4 of the AH PUD will have to be determined when  
 5 preliminary site plan application is sought at that  
 6 particular time.

7 So, that takes us essentially through Pages 7.  
 8 Then there are general sections of the ordinance  
 9 to which the AH PUD Ordinance refers. And, in regard  
 10 to that, on Page 8, most of those are either not  
 11 applicable or compliant, compliant to date.

12 The one area that we deferred to Maser and the  
 13 Environmental Commission is in regard to berms. I  
 14 don't believe there are any berms proposed. So, I  
 15 don't think it's applicable. But, I just wanted to  
 16 note that.

17 MR. HIPOLIT: No.

18 MR. PREISS: So -- and, that would also be  
 19 determined to be compliant.

20 The next is, there are a substantial number of  
 21 standards, as the Board knows, with respect to the  
 22 design standards for the residential development.  
 23 And, I would say the same thing, conceptually the  
 24 information that's been provided, either shows  
 25 compliance or compliance to date.

1 And, once again, all of those will have to be  
 2 determined when preliminary site plan approval is  
 3 sought in connection with the residential development.  
 4 That's essentially Pages 9, 10, 11 and 12.

5 Then we get to the page starting on Page 13 of  
 6 the design standards for the retail development in the  
 7 AH PUD District. The first page, those were all  
 8 compliant and remain.

9 On Page 14, under, under Item E it says, in  
 10 addition, sidewalks or walkways shall link all  
 11 buildings of all portions of the Lifestyle Retail  
 12 Center and anchor retail store to the permitted  
 13 sidewalks of adjoining streets.

14 And, what we had indicated is, there seems to be  
 15 a linkage missing in the Phase 2 retail buildings and  
 16 specifically between the garden, what's labeled on the  
 17 Phase 2 retail as the garden center which is 8,000  
 18 square foot to the sidewalk on Grand Avenue. It's  
 19 just a short strip of sidewalk that's missing.

20 So, the plans are currently not compliant. And,  
 21 if the applicant could agree to extend that sidewalk  
 22 to meet with the sidewalk on Grand Avenue, it would be  
 23 compliant.

24 So, we just noted that.

25 With regard to the, a number of benches, we

1 asked the applicant to provide information to  
2 demonstrate compliance. And, they did. So, that is  
3 now compliant.

4 With respect to Item J, which is essentially the  
5 landscape strip in, adjacent to the sidewalks, as well  
6 as the planting of the shade trees, testimony is  
7 provided to that. But, I would defer to the  
8 Environmental Commission. That's really more of their  
9 balliwick in terms of compliance with that  
10 requirement.

11 With regard to the bike racks, testimony was  
12 provided in the, and the plans did indicate the number  
13 of bike racks. We did a calculation. The requirement  
14 is one bike rack for each 10,000 square feet of gross  
15 floor area.

16 In Phase 1, it's 206,500 which, if you round it  
17 up, would be 21 bike racks. The plans indicated 20  
18 have been provided. So, an additional bike rack  
19 should be added as a condition of approval.

20 And, then we noted, when Phase 2 retail is  
21 added, the total square footage would go up to  
22 slightly over 230,000 which would require 23 bike  
23 racks.

24 And that, obviously, will be reviewed at the  
25 time that the final site plan approval for Phase 2 is

1 sought. And, in which case, two bike racks should be  
2 added at that point.

3 And, with regard to the bicycle paths being 7  
4 foot in width, if you recall, I raised that issue at  
5 the last hearing and Mr. Dipple provided that,  
6 provided testimony that indicated that the plans have  
7 been changed and they now do comply with that  
8 requirement.

9 With regard to, on Page 16, with regard to the,  
10 all off-street parking areas, that's really under Item  
11 A and Item C which is both the grading and with regard  
12 to the lighting. Those are technical issues. And,  
13 we, obviously, defer to Maser for determination of  
14 compliance.

15 Andy can comment on that. That may have been  
16 included in his review letter already.

17 With regard to, turning now to Page 17, in terms  
18 of the height of the sidewalks, above the adjacent  
19 landscaped area, information has been provided to  
20 demonstrate compliance.

21 With regard to Item J, which is the requirement  
22 to provide curbs, sidewalks and shade trees within the  
23 street right-of-way, again we defer to Maser for  
24 determination of compliance with that. That would be  
25 on Grand Avenue, Mercedes and Phillips.

1 Down at the bottom of, of the table, on the  
 2 bottom of Page 17, this was the number of parking  
 3 spaces. That has changed slightly as indicated in the  
 4 table. So, now the total of 1,162 spaces are provided  
 5 but that is compliant with the requirements of the  
 6 ordinance.

7 The last thing, the last item in, under  
 8 off-street parking, related to the adequacy of the  
 9 off-street parking area being safe and providing  
 10 adequate circulation. Again, we defer to Maser for  
 11 that particular compliance item.

12 Moving onto Page 19, Section 1288-20, that is,  
 13 are the parking ratios for the various uses. And, we  
 14 have indicated that, even though there have been some  
 15 changes, the overall, the individual ratio as well as  
 16 the overall ratio is compliant with the requirements  
 17 of the ordinance.

18 With regard to Page 20, with the, the provision  
 19 of signature, open spaces A, B and C, open space C is  
 20 part of the Phase 2 retail. And, so, a determination  
 21 of compliance with certain requirements such as  
 22 details on seating, shade, structure, outdoor  
 23 displays, et cetera, that will be determined when  
 24 final site plan approval is sought for Phase 2.

25 So, it's compliant to date.

1 One of the things that we indicated is to be  
 2 determined was the requirement under signature open  
 3 spaces A and B to have structures, accessory  
 4 structures which were at least 20 feet in height. The  
 5 applicant has testified to that. And, that's  
 6 indicated in, in that column on the top of Page 21.

7 And, that provision of the ordinance has now  
 8 been complied with.

9 Under Item C, in the middle of the page, the  
 10 requirement is that the signature open space shall  
 11 support periodic events associated with the retail  
 12 uses. And, we have provided the kinds of events.

13 The applicant has testified that they will have  
 14 events but not provided any detail with regard to  
 15 that. And, I would just like to get some kind of  
 16 testimony or commitment that one or more of the, of  
 17 those kinds of events will be conducted in, in, I  
 18 think open, signature open space C, is the space  
 19 that's been designated for those events.

20 I would like to get some testimony on the record  
 21 about that.

22 Moving down to the building sizes, we noted that  
 23 there have been changes in the Buildings A, B and F  
 24 because they have built into the wall and have been  
 25 slightly increased.

1 I just wanted to note that Building F is now  
2 23,400 square foot plus or minus. And, that is in  
3 excess, it's no more than 25,000 square foot so that  
4 remains compliant with that requirement.

5 With regard to the, the height and the building  
6 width, for Phase 1 retail, those are all compliant.

7 Phase 2 retail, the determination of compliance  
8 would be made when the Phase 2 retail final site plan  
9 application is made.

10 The next one is in regard to the, the building  
11 mass and articulation standards. Again, it's  
12 compliant with regard to Phase 1 retail. Phase 2 will  
13 have to be determined at final site plan application.  
14 Then, on Page 24, under Item E, with regard to  
15 the anchor retail store, the, one of the things that  
16 we asked testimony to be provided on was regarding  
17 compliance of the base materials and the projection of  
18 3 inches or more to be provided.

19 That testimony was provided and material samples  
20 have been provided. So, that now is compliant.

21 With regard to the anchor retail store, there,  
22 starting on Page 26, there were comments made relating  
23 to certain parts of the building which we felt were  
24 generally compliant but needed some revision. And, in  
25 all those instances and those have been noted on Page

1 26 in the far column, that the elevations, front  
2 elevations in all of the elevations have been revised  
3 to be compliant with the standards that were  
4 enumerated. And, that's regarding things like the  
5 fenestration and the bays to break up the building.

6 So, those are all now compliant all the way on  
7 Page 26 to the end.

8 With regard to the Lifestyle Retail Building,  
9 starting on Page 27, you'll note in the right hand  
10 column, we had some comments regarding the flat  
11 portions of Buildings A and B and their compliance  
12 with the requirement. Those elevations have been  
13 ostensibly revised and they're now in compliance with  
14 those requirements. And, also, Building F is also in  
15 compliance with that, that standard, remains compliant  
16 with that standard even though Building F has changed.

17 And, obviously, as these requirements apply to  
18 the retail buildings in Phase 2, that would be  
19 determined at final site plan application.

20 We asked for, under Item Q, roof slope  
21 information had not been provided. Now that  
22 information has now been provided for Buildings C, D  
23 and F. And, those, those were all in compliance with  
24 the standards in the ordinance.  
25 With regard to, at the bottom of Page 27,

1 continuing on 28, there are certain buildings and site  
2 detailing requirements which have to be compliant with  
3 the vernacular design themes. We have reviewed the  
4 plans that have been provided. I think, at that time,  
5 it was still RTKL and now it's AECOM.  
6 Things like trash receptacles, bike racks and so  
7 forth, which we indicated were not in compliance.  
8 Those have all been revised and reviewed by our office  
9 and we feel that they are all now compatible and  
10 consistent with the overall design theme.

11 So, that is now compliant.

12 With regard to the building material pallet,  
13 that has been provided and has been marked as an  
14 exhibit. And, we would just recommend that the, that  
15 those materials and the color that is proposed, both  
16 on the material pallet and as indicated in the plans,  
17 should be included in the resolution of approval so  
18 that, when it's built, Mr. Fette can go out and make  
19 sure that it is compliant with that particular  
20 standard.

21 With regard to Item No. C, there have been  
22 changes to Buildings A, B and F. But, they still  
23 remain, they are still compliant with the requirements  
24 relating to siding the roofs even though the design,  
25 there has been some tweaks in the design itself.

1 With, again with regard to some, under Item E,  
2 with regard to some of the site features, for example,  
3 the cart coral for Wegman's, the bollard for the cart  
4 coral, the bike racks, the picket fence, the railings,  
5 the trash receptacles and the benches, all of those  
6 have been modified and are now in compliance with the  
7 requirements.

8 There may be some other details yet to be  
9 provided which will have to be determined at the time  
10 that the applicant comes in for approval with regard  
11 to tenancy.

12 So, for example, if you recall, when Ms. Bedat  
13 was here, there was some question as to what the exact  
14 site furnishings were going to be for the courtyard  
15 between A and B. The applicant had indicated that  
16 that, that that was going to be really up to the  
17 tenant to select. And, we indicated that, obviously,  
18 that couldn't be determined now. But, at the time  
19 that the tenants come in, that should be submitted to  
20 the Board for their review and approval and that  
21 particular standard should be included in the  
22 resolution of approval and determined when a use  
23 permit is sought for those tenants.

24 With regard to all of the landscaping items, we  
25 defer to the Environmental Commission.

1 With regard to the fences and walls, we have  
2 seen revisions to the walls and fences that are now, I  
3 think, in compliance with the design theme.

4 With regard to the screening of the retaining  
5 wall, we have seen it, some changes in there. There  
6 was testimony on the foundation plantings with  
7 evergreen trees and climbers which are now in  
8 compliance with those standards.

9 With regard to the site section elevations and,  
10 and testimony related to the retaining walls, and with  
11 regard to the fencing, that has all been provided and  
12 that is now compliant with the ordinance standards.

13 We asked for additional detail on the dumpsters.  
14 The applicant has provided details showing that there  
15 would be wood or simulated wood and stone trash  
16 enclosures. So, that is now compliant with that  
17 section. We asked for an indication of compliance  
18 with the maximum height of fences. That has been  
19 indicated as 40 inches which is compliant with the  
20 maximum permitted under that section.

21 The next one is the truck loading and service  
22 area screening for the anchor retail store, site  
23 sections and testimony has been provided to determine,  
24 to demonstrate compliance with that standard.

25 With regard to the loading and unloading trucks

1 For the Life Style Retail, we just indicated that one  
2 of the loading spaces, which was to be located to the  
3 side of Building A, has been eliminated. But, all of  
4 the locations are compliant and the detail relating to  
5 loading is, is compliant.

6 With regard to the roof top equipment, revised  
7 elevations in testimony has been provided so that now  
8 all of those, the, the screening of all roof top  
9 mechanicals is compliant with the standards.

10 We asked for an east/west section of Wegman's  
11 from Mercedes Drive to demonstrate compliance of that.  
12 That has been provided. And, we have judged that to  
13 be compliant as well.

14 Moving down to the bottom of Page 32, we were --  
15 our office was a little confused with the designation  
16 of T. We thought those were trash receptacles. The  
17 applicant has indicated that the little boxes on the  
18 site plan with the T on them are actually  
19 transformers. And, where the concern that we have is  
20 that no detail has been provided yet.

21 I talked to the applicant about that.  
22 Apparently, that will be selected in consultation with  
23 the utility companies, the size and the type of  
24 transformer and there may be requirements for clear,  
25 for maintaining a clear space around those

1 transformers. So, we can't judge compliance related  
2 to the screening at this point.

3 So, it's my suggestion that, once those  
4 transformers have been selected, that those sections  
5 of the site plan be reviewed with respect to any  
6 changes in landscaping and compliance would be  
7 determined at that point in time.

8 And, that would be prior to the CO being  
9 granted. And, that should also, obviously, be  
10 included as a condition of approval.

11 We asked for additional testimony on venting and  
12 on utility connections. Those are compliant. Those  
13 are compliant. I would just add that we had testimony  
14 indicating that all the utilities, connections would  
15 be underground. And, I recommend that that be added  
16 as, to the list of conditions in the resolution of  
17 approval.

18 With regard to the green buildings, those  
19 testimony and supplementary plans have been provided  
20 on the green roofs and also detail has been provided  
21 about the electrical vehicle charging stations and  
22 pervious pavement which was encouraged. So, that's  
23 now all in compliance.

24 With regard to the parking plot lighting, we  
25 defer to Maser for determination of compliance with

1 that.

2 That gets us to the larger table which is the  
3 sign standards.

4 With regard to the first two items which was the  
5 primary monument sign and the entrance monument sign,  
6 those have all been determined to be compliant as to  
7 form. However, their, their location, the setback  
8 from the property line had not been identified. So,  
9 those measurements have now been provided and they're  
10 all in compliance with the requirements of the  
11 ordinance.

12 With regard to a number of other signage which  
13 is essentially the wall signs, there's been extensive  
14 testimony and back and forth about that. And, with  
15 respect to projecting signs which may be provided, we,  
16 we have recommended, since that's only conceptually  
17 been provided, that the applicant, as each tenant  
18 comes in for a use permit, that they provide the  
19 details regarding, related to signage and compliance  
20 with the ordinance standard be determined at that  
21 particular time.

22 So -- and, that, that goes not only for the  
23 design but also for the lighting and the location and  
24 the size, the number of colors and so forth.

25 Moving along to Page 36, the same thing, either

1 the signage has been determined to be compliant or the  
2 compliance will have to be determined as each tenant  
3 comes in for the use permit approval.

4 Moving on to the middle of Page 37, one of the  
5 things that we had asked for was the fabric material  
6 and detail for the Wegman's awnings. The applicant  
7 has indicated that that is proposed to be metal. And,  
8 we have asked that the material sample be provided.

9 And, that that would be added as a condition of  
10 approval and would be subject to review for compliance  
11 at a later point in time.

12 The last one is with regard to accessory  
13 structures, street furniture or outdoor features such  
14 as windmills or similar old farm equipment, the  
15 applicant has indicated that they're willing to do  
16 that. And, they also provided some examples of what  
17 they have, what they were intending to propose.

18 But, they have not committed to those actual  
19 samples.

20 So, what I would indicate is, conceptually I  
21 have reviewed those and they seem to be consistent  
22 with what the ordinance intended, particular the older  
23 versions of tractors and farm equipment.

24 But, at the time that they intend to place those  
25 around the site, and this would be prior to CO, the

1 locations and the actual farm equipment itself would  
2 have to be reviewed for compliance at that particular  
3 point in time.

4 Then the last page is, again, with regard to  
5 signage and, once again, without going into detail, in  
6 terms of illumination and so forth, either the  
7 application is compliant or the signage detail would  
8 have to be provided at the time of use permit, a use  
9 permit approval of sorts and the Board would make a  
10 determination of compliance at that point in time.

11 MR. DEL VECCHIO: Mr. Chairman, could we  
12 take a 5 minute break?

13 CHAIRMAN DEPINTO: Yeah. Why don't we.  
14 (A recess is taken.)

15 CHAIRMAN DEPINTO: Well, will continue.  
16 Councilwoman Cudequest arrived at the meeting at 8:55  
17 p.m..

18 We just heard testimony from Richard Preiss, the  
19 Borough Planner, with respect to his reports of July  
20 25 of 2013 and March 26, 2014.

21 I have a number of questions of Mr. Preiss.  
22 However, I'm going to defer to Board Members first.  
23 And, starting with Mr. Lintner.

24 Mr. Lintner, do you have any questions of Mr.  
25 Preiss?

MR. LINTNER: Yes. Just one Mr. Chairman. Thank you.

EXAMINATION BY MR. LINTNER:

Q Mr. Preiss, on your Table 1 on Page 6, since this job is being, this project is being performed in two phases and I understand that, at the end of both phases, open space and building coverage will be in compliance.

A When, upon the completion of first phase, you've got a couple items that are not going to be in compliance, open space, building coverage, lot coverage.

Q Is that, in your opinion, is that acceptable to proceed that way?

A Yes because the compliance is judged on the overall.

Q So, if, if they go slightly over on Phase 1 and they go under on Phase 2 and on the overall it complies, it is compliant.

A You may ask what happens if they don't build Phase 2, well, then, you know, that the open space is going to increase substantially and the lot coverage and the building coverage is going to be substantially less when applied to the whole site.

Q Okay.

A So, in my opinion, it's not a problem.

MR. LINTNER: Okay. That's just what I want to know. Thank you.

CHAIRMAN DEPINTO: Mrs. Cudequest. COUNCILWOMAN CUDEQUEST: I have no questions at this time.

CHAIRMAN DEPINTO: Thank you. Mr. Teagno.

MR. TEAGNO: No questions, Mr. Chairman.

CHAIRMAN DEPINTO: Thank you.

Mr. Culhane.

MR. CULHANE: It's not a question. It's a suggestion, observation.

Seeing how there are several places where Maser is referred to to provide information, perhaps Andy will give us an update at some future meeting as to his comments on Richard's comments.

MR. HIPOLIT: I could probably --

MR. PREISS: Do it now.

MR. HIPOLIT: I can do it now.

The items raised in Richard's letter were addressed in some manner we basically covered them in my letter. So, I don't have any issue with it, unless you have something specific that you want me to comment on. I'm good on it.

1 MR. CUIHANE: No other comments, Mr.  
2 Chairman.

3 CHAIRMAN DEPINTO: Okay. Thank you.

4 Mr. Fette.

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

6 CHAIRMAN DEPINTO: Thank you.

7 Mr. Stefanelli.

8 MR. STEFANELLI: Yes, Mr. Chairman. Thank

9 you.

10 Just two small questions on maybe --

11 EXAMINATION BY MR. STEFANELLI:

12 Q You mentioned parking and you mentioned a  
13 compliance table. And, I guess my question is, I

14 didn't hear any testimony, what about -- and Mr. Fette  
15 brought up a good thing about snow removal. I look  
16 at, I look at several sites that we have approved.

17 And, I look at the plannings that Mr. Vogt, and I just  
18 saw some of them had no less than probably 8 to 12  
19 feet of snow on top of them.

20 And, I look at this site and I just wonder two  
21 things. What happens in a holiday and we have a lot  
22 of snow, where is the overflow parking going if  
23 there's going to be.

24 And, the second is, how are they going to handle  
25 snow removal. I don't see any space for snow removal

1 on the whole property.

2 CHAIRMAN DEPINTO: Mr. Preiss.

3 MR. PREISS: I would defer to Mr. Dipple  
4 to answer that question.

5 CHAIRMAN DEPINTO: Mr. Dipple, could you  
6 answer that question?

7 MR. DEL VECCHIO: Mr. Dipple is going to  
8 be referring to Sheet CO-6 of his drawing entitled  
9 overall site plan and phasing plan bearing a last  
10 revision date of January 2, 2014.

11 I would suggest that we mark that as A-43 with  
12 the Board's permission.

13 MR. DIPPLE: A-43.

14 CHAIRMAN DEPINTO: Okay. Mr. Dipple, can  
15 you answer that question?

16 MR. DIPPLE: Yeah. We looked at this  
17 early on, snow removal. And, I guess, after this  
18 winter that's passed while we've been here, it's  
19 probably more appropriate because there are large  
20 piles of snow around.

21 For the entry road and some of the parking  
22 areas, we do have a wide area that is not completely  
23 landscaped. There are some fence features and there  
24 is landscaping that lies up along the curb line.

25 But, there would be an opportunity along the

1 entrance road to put some snow removal from the  
 2 Wegman's supermarket, from the roadway itself, along  
 3 that entrance driveway.

4 We have spoken to Wegman's. And, and they being  
 5 from Rochester, deal with snow all the time. And,  
 6 they have discussed with us, in the past, that,  
 7 obviously, the least used spaces would be the ones  
 8 furthest away from the store, closest to Mercedes  
 9 Drive and they would start there.

10 If this snow event happened to occur over a busy  
 11 holiday, and, again, in December, although it may not  
 12 feel that way this past year, it's not a traditional  
 13 heavy snow month, if that did occur, they would have  
 14 to look at means of trucking snow out in order to make  
 15 sure their customers had a place to park. And, that  
 16 would be something that would be in their best  
 17 interests.

18 Because, they, obviously, requested additional  
 19 number of spaces. They want this size parking area,  
 20 parking field for a reason. And, and they would go to  
 21 that length in order to provide adequate spaces for  
 22 their customers.

23 Throughout the top half, it gets a little more  
 24 challenging for snow removal. Around some of the  
 25 signature open space, there is an area of lawn and

1 some landscaping around the circle to try to keep  
 2 traffic movement.

3 And, as the patterns development for some of the  
 4 parking we see over on the adjacent side of retail  
 5 Building F, these spaces that, along Mercedes Drive,  
 6 would probably be some of the least used spaces. And,  
 7 the front door, front of Building F and the main area  
 8 in front of A, B, C and D would probably be the most  
 9 used.

10 So, snow could be stock piled up along the  
 11 spaces in Mercedes and also the lot that is adjacent  
 12 to Grand Avenue West.

13 And, again, there are landscaped areas. You  
 14 really pile the snow in a lot of those grass areas the  
 15 best that you could as you push them forward. But,  
 16 again, you would use up some of the spaces.

17 And, the same applies, if this hits at a high  
 18 shopping area, around the end of the year, that, that  
 19 they would have to look at an option of snow removal  
 20 from the site.

21 CHAIRMAN DePINTO: Anything else?

22 Frank?

23 CONTINUED BY MR. STEFANELLI:

24 Q Richard, you mentioned on your, on the,  
 25 not the signage but the accessory structures, the

1 Furniture, old farm equipment, things like that?

2 A Right.

3 Q I don't want to go to the end of this and  
4 have a tug of war of, you know, you were going to  
5 provide this, we're going to give you that and this is  
6 not what we wanted.

7 What mechanism do we have if, we have some  
8 photos now, we have some, a booklet. But, is there  
9 something that would protect us and, Bob, that

10 language saying that, at some point, you know, who has  
11 the final say in this?

12 Is it the owner or is it, you know, the Borough.

13 A In my opinion, it's the Borough. I mean,  
14 they have provided -- what they did is, they provided  
15 samples and they said we're not going to buy the, this  
16 is equipment that's for sale now. So, here's proof  
17 that there is this kind of equipment out there, that  
18 is for sale. But, we're not going to buy it now just  
19 to satisfy the Board that this is the actual equipment  
20 that will be provided.

21 So what they have committed to doing and which I  
22 think is acceptable is, if and when that time comes,  
23 that they similarly provide samples to the Borough and  
24 that the Borough's could, you know, the engineer and  
25 myself and perhaps even the Environmental Commission,

1 can review that and, and make a determination as to  
2 whether that, that those particular pieces of  
3 equipment, both in terms of their location and the  
4 actual equipment itself, is in keeping with the  
5 overall farm theme. That's the only practical way I  
6 know of how to deal with it.

7 MR. REGAN: Making it a condition on  
8 Borough Engineer and the Board Planner would be  
9 appropriate.

10 MR. PREISS: Right.

11 Q Now, what about funding for this. Is this  
12 part of the bond that they're putting up?

13 A No.

14 Q No.

15 CHAIRMAN DEPINTO: Well, I don't know if  
16 we should leave that to the discretion of the board  
17 professionals because it's the Board who is  
18 determining whether or not the overall site plan is  
19 found acceptable to them.

20 I would rather we tie it in.

21 The primary tenant is Wegman's. When they're  
22 ready for Wegman's to take occupancy, by then they  
23 should know what equipment and other esthetic items  
24 are available to purchase and put on the property.  
25 Tie it into a Wegman's CO. Don't place that

1 burden --

2 MR. REGAN: Would you want them to come  
3 back to the Board?

4 CHAIRMAN DePINTO: Sure. Why not? Why

5 not?

6 MR. REGAN: Okay.

7 MR. PREISS: I have no objection.

8 CHAIRMAN DePINTO: If that's the control  
9 that has to be done -- I don't want to leave that  
10 responsibility.

11 The esthetics of the project are critical. And,  
12 that's been told to us by the governing body and  
13 certainly the Planning Board has made their point very  
14 clear on it.

15 I think the Planning Board has invested a huge  
16 amount of time into the project.

17 So if they can't make the determination now as  
18 to what this equipment will be, let them do it prior  
19 to CO. That's all. Come back before the Board.

20 MR. PREISS: I agree. I find that's  
21 acceptable.

22 MR. REGAN: Make that a condition.

23 CHAIRMAN DePINTO: Anything else, Frank?

24 MR. STEFANELLI: I just wanted to make

25 sure.

CHAIRMAN DePINTO: Okay. Good. Thank

1 you.

2 Wolfgang?

3  
4 MR. VOGT: Mr. Chairman, I think that's  
5 the direction to go. Because, I think most Board  
6 Members here would have a better idea. Once this  
7 thing is graded, it's partially landscaped, the  
8 roadways are in, the driveways are in, the basic  
9 construction is done, you get a better idea rather  
10 than now looking at the plan and saying, oh, yeah, we  
11 would like a tractor there, we would like a hay wagon  
12 there. I think I can visualize it.

13 And, I don't want to speak for every Board  
14 Member but it's very hard to visualize something like  
15 that where it should go unless you have some  
16 construction there. And, like you said, they should  
17 come before the Board at that time. That's all.

18 CHAIRMAN DePINTO: Thank you.

19 Mr. Webber.

20 MR. VOGT: Oh, one more comment.

21 I think Richard did an excellent job, as always,  
22 with his report. Even though there might be some, a  
23 couple of flaws in there. But, I think all-in-all he  
24 did a good job.

25 CHAIRMAN DePINTO: Okay. Thank you.

1 MR. FETTE: That's a compliment.

2 MR. VOGT: I thought I would throw that in  
3 there.

4 MR. PREISS: I would take it.

5 CHAIRMAN DEPINTO: Mr. Webber.

6 MR. WEBBER: No, nothing at this time.

7 Thank you.

8 CHAIRMAN DEPINTO: Okay. Thank you.

9 EXAMINATION BY CHAIRMAN DEPINTO:

10 Q First I'd like to go back to Page 14,

11 Table 1, Item E, third column.

12 It says linkages are missing, Phase 2 retail  
13 building, the garden center, a thousand square feet,  
14 the sidewalk on Grand Avenue --

15 A Yes.

16 Q -- not compliant.

17 Has any change been made to the plan to bring it  
18 into compliance?

19 A No. Let me just point it out so that  
20 everybody knows what it is. Referring to Exhibit  
21 A-43, what we're talking about is extending, what they  
22 show on the plan next to this garden center, 8,000  
23 square foot, a sidewalk running along the side of the  
24 building. And, essentially, what the ordinance would  
25 require is at least one linkage which connects this

1 sidewalk to this sidewalk.

2 The main intent is, is not to have this appear  
3 like the back of the shopping center is facing Grand  
4 Avenue. So, they're going to address, they're going  
5 to have to address, when they come in for final site  
6 plan approval, the design of the rear to make it look  
7 like it has an orientation to the street.

8 And, to enforce that, you shouldn't force people  
9 to walk around to essentially what is the back. There  
10 should be linkages directly into the site.

11 So, I suggested at least this one link be  
12 provided so that somebody walking along Grand Avenue  
13 would be able to get into the shopping center without  
14 having to walk around to the front.

15 Q And, are you suggesting that it be dealt  
16 with when the applicant submits an application for  
17 final site plan approval?

18 A No. I would, I would have it as a  
19 condition of approval -- conditioned in the resolution  
20 of approval and when they submit their, their plans  
21 for compliance, that we would make sure it's on the,  
22 on the plan.

23 Q Plan on Phase 1?

24 A Yes.

25 CHAIRMAN DEPINTO: And, you can have that

1 as a condition in the resolution?

2 MR. REGAN: Yes.

3 Q Similarly, Page 15, you have indicated non  
4 compliant with regards to bike racks?

5 A Yes. What I'm suggesting is that they add  
6 one additional bike rack as a condition of approval  
7 and just show it on the plan. And, we can review it  
8 and determine that it is compliant.

9 If it were 10 bike racks I would say, you know,  
10 that that's a problem. But just one bike rack, that  
11 should not be an issue.

12 MR. DEL VECCHIO: Mr. Chairman, for the  
13 record, we would agree to have our compliance drawings  
14 amended to show both the linkage and the bike rack,  
15 the additional bike rack that is required.

16 Q Okay. Next, Page 16, it deals with  
17 street, off-street parking areas, grading and  
18 draining.

19 A Right.

20 Q Your Column 3 indicates defer to Maser.

21 A Yes.

22 CHAIRMAN DEPINTO: Andy, what's your  
23 response to that, Page 16?

24 MR. HIPOLIT: As far as, as far as their  
25 drainage, we discussed, we had a lot of discussion

1 with them on drainage and what they have to do. With  
2 our letter, a number of comments covered it. And,  
3 they agreed to provide it and it should be conditions  
4 of approval.

5 And, we're okay with that.

6 CHAIRMAN DEPINTO: As with Paragraph D on  
7 that same page?

8 MR. HIPOLIT: Yes.

9 CHAIRMAN DEPINTO: Okay. Bob, so you have  
10 the condition in the resolution?

11 MR. REGAN: Right.

12 MR. HIPOLIT: Absolutely.

13 CHAIRMAN DEPINTO: And address those two  
14 items.

15 Q Page 17. Again, Paragraph J defers that  
16 matter to Maser as well.

17 CHAIRMAN DEPINTO: Andy.

18 A That's the provision of curbs, sidewalks  
19 and shade trees within the street right-of-way. That  
20 would be on --

21 MR. HIPOLIT: Right. The curbs and  
22 sidewalks, we're okay with.

23 We referenced some easements that are required  
24 to the Borough. The shade trees would really come  
25 under the Environmental Commission.

1 And, Wolfgang, we're okay where they are. And,  
 2 I know Wolfgang has comments on them and there's going  
 3 to be a visit from the Environmental Commission for  
 4 final approval.

5 CHAIRMAN DEPINTO: Wolfgang, do you find  
 6 that acceptable?

7 MR. VOGT: Yes.

8 CHAIRMAN DEPINTO: Page 21, I guess it's

9 3C.

10 The recommendation, have the applicant describe  
 11 the type and nature of events to be conducted.

12 Mr. Hipolit -- I'm sorry, Mr. Del Vecchio.

13 MR. DEL VECCHIO: Yes, Mr. Chairman.

14 Obviously, we haven't even gotten approval of  
 15 this project yet. So, planning what events may happen  
 16 on the project may be a little bit down the road  
 17 beyond what we're planned for.

18 But, what we envision that open space to be used  
 19 for are seasonal events either during Halloween or  
 20 Christmas, those kind of holiday events.

21 Outdoor dining is obviously contemplated in that  
 22 area because of the seating that's provided and the  
 23 benches. And, also provides an area for merchants,  
 24 who are the tenants of the property, to host on-site  
 25 events for their, for their purposes, all of which I

1 will properly advisory them requires a visit to Mr.  
 2 Fette's office for a seasonal permit event or an event  
 3 permit so that they comply with that requirement.

4 CHAIRMAN DEPINTO: Do we have ordinances,

5 Mr. Fette, that control that?

6 MR. FETTE: Yes.

7 CHAIRMAN DEPINTO: So, if a retailer

8 decides to do a flea market every Saturday, we have an  
 9 ordinance that would prohibit that?

10 MR. FETTE: We would know about it, that's

11 for sure.

12 CHAIRMAN DEPINTO: Or, if someone else  
 13 decides to display materials outside of their store  
 14 beyond what is permitted by code, you would be able to  
 15 enforce that as well?

16 MR. FETTE: That's correct.

17 CHAIRMAN DEPINTO: So, control of those  
 18 events would be in Mr. Fette's office.

19 Is that what you're saying?

20 MR. DEL VECCHIO: That's my understanding  
 21 of the ordinance.

22 CHAIRMAN DEPINTO: Well, let's not totally  
 23 rely on the ordinance.

24 MR. DEL VECCHIO: Well, that's my  
 25 understanding --

CHAIRMAN DEPINTO: We want a shopping center that we are going to find acceptable.

Q Mr. Preiss, what's your opinion on that? What are you expecting to see as an answer to that question?

A That there will be events outdoors. We're encouraging that because that creates vibrancy.

Q Limited to Christmas, Easter? What is your recommendation?

A We, we -- yes, with regard to the seasonal stuff and then, occasionally, if a retailer decides to hold some kind of promotion that's appropriate, that would, that would be fine, too.

Q Okay. Well, someone has got to make a recommendation to this Board as to the control.

If it's the responsibility of Mr. Fette's office, so be it.

A Yes.

MR. DEPINTO: I want that noted in the resolution.

If it's the responsibility of the governing body, as they control such things as street fairs and, and things of that --

MR. REGAN: We can act by ordinance.

CHAIRMAN DEPINTO: Then let that be the

recommendation in the resolution.

It's too open-ended the way it is, in my opinion.

Q Okay. Let's go on to Page 34. My favorite subject, signs.

Now, Mr. Preiss, could you please explain to us, because I, for one, am not understanding what have you on the table. But, let's get it on the record so that it's clearly understood by all.

If Mr. Del Vecchio wants to deal with signs right now because, what I have read this evening on this report, I'm not particularly happy with.

CHAIRMAN DEPINTO: We can deal with it now or we can deal with it at some point in the future, Mr. Del Vecchio.

MR. DEL VECCHIO: I mean, I would prefer and propose that we deal with the signage -- the purpose of putting the signage plans in that we did was to demonstrate how we could comply with the ordinance.

We understand that signage is a sensitive issue. We have suggested that we would agree to bring that signage in as part of the use permit process so that the Board can take a hard look at an actual sign proposed by an actual tenant for an actual location

1 within the center.

2 And, we're prepared to stipulate, on the record,  
3 to allow the Board to do that so that we are sure that  
4 we can get a sign approved that meets with your  
5 approval, Mr. Chairman, and the rest of the Board that  
6 they would find acceptable.

7 We really put the original plans in and the  
8 testimony just to demonstrate that compliance is  
9 feasible with your ordinance, not necessarily to  
10 dictate where the tenant wall signs would go.

11 Obviously, the monument signs we know. We can  
12 show you they say what they say. They're very  
13 definite and tangible.

14 The wall signs are, other than Wegman's, which  
15 we have showed you the signage for that, but for  
16 tenants who have not yet been identified or tenanted  
17 for, so it's very difficult to suggest to do it as a  
18 use permit.

19 CHAIRMAN DEPINTO: Let's not forget the  
20 testimony of your witness which, in essence, said the  
21 tenants will dictate what the signage will be.

22 MR. DEL VECCHIO: On behalf of the  
23 applicant, I will retract that statement from that  
24 witness.

25 We all know that the tenants will have a request

1 In what the signage might be. But, ultimately, this  
2 Board gets to dictate whether or not the sign is  
3 approvable.

4 Q Okay. Mr. Preiss, you know my position on  
5 signage.

6 What did you mean by what you wrote?

7 A Okay. Essentially if the, if the Board  
8 drafts a resolution of approval, the only signage that  
9 is approved on the site, by virtue of that resolution,  
10 would be the two primary monument signs and the three  
11 entrance monument signs.

12 Except for the, where that wall sign has a  
13 tenant's name, that would not be approved.

14 So, those signs are approved but for the  
15 identification of the tenants on those signs.

16 None of the wall signs or its lighting or  
17 anything related to that and, and none of the  
18 projecting signs nor the pedestrian way finding signs  
19 would be approved as part of this resolution.

20 Q So, all tenants, with the exception of  
21 Wegman's --

22 A With the exception of Wegman's, yes.

23 Q Will not have any right --

24 A Any right to do anything.

25 Q The right to construct any signs.

1 A Or to do any lighting related thereto,  
2 yes.

3 CHAIRMAN DePINTO: Okay. So, the  
4 resolution will read that all tenants, with the  
5 exception of Wegman's, will not be permitted any  
6 signage.

7 Do you find that acceptable?

8 MR. DEL VECCHIO: When you say not  
9 permitted --

10 CHAIRMAN DePINTO: Well, that's what he  
11 just said.

12 MR. DEL VECCHIO: Well, he said they're  
13 not approved. We're not saying that you can't have  
14 any signs.

15 I mean, I can't accept a center that says there  
16 will be no signage. I don't want any  
17 misunderstanding.

18 CHAIRMAN DePINTO: Well, I don't want it  
19 either. And, that's why I want to clear this up once  
20 and for all.

21 And, frankly, I don't think it's a good time to  
22 do it because I don't think we'll ever get to your  
23 planner.

24 MR. DEL VECCHIO: Well, we can hold the  
25 rest this discussion if, if it makes sense. And, I

1 will propose that we move on to Mr. Steck and we can,  
2 we can make a submission before the next meeting to  
3 the Board to consider based upon what Mr. Preiss just  
4 said would be his understanding.

5 CHAIRMAN DePINTO: Let's all remember,  
6 starting with Mr. Preiss and then moving on to Mr. Del  
7 Vecchio, this is not an enforcement agency. It's a  
8 planning board. You gentlemen know it better than I.

9 I don't want this Board to have the  
10 responsibility to sit here and listen to a use permit  
11 application and tell the tenant that we don't find  
12 that sign acceptable.

13 Because, I know what counsel for that tenant or  
14 prospective tenant is going to say. He's going to say  
15 but, all due respect, your ordinance permits it so,  
16 therefore, that's what we're getting. And, we don't  
17 have much of a leg to stand on to do it otherwise.

18 It was my concept, and I don't know if that was  
19 shared by all of the other Board Members but some of  
20 them have expressed their opinions on that,  
21 particularly with the appearing and disappearing  
22 gooseneck signs that show on the architect's plans.

23 It's an unknown as to what signage will be on  
24 the property.

25 And, quite frankly, if we don't reach an accord

1 prior to this Board taking application or, or taking a  
2 vote on this application, I, personally, will petition  
3 the governing body to eliminate signage in the zone.  
4 Because, we cannot reach an agreement.

5 The issue of the goosenecks, I have yet to see  
6 anything on that addressed.

7 However, if you want to come back the next  
8 meeting, and do as I have suggested, on more than one  
9 occasion, to come in with a comprehensive plan for  
10 signage and lighting, we can move on to your next  
11 witness.

12 But, if we're going to be expected to act on  
13 what's here right now, I'll get the support of the  
14 members of this Board to go before the Mayor and  
15 Council and eliminate all signs except the mighty  
16 Wegman.

17 What do you want to do, Mr. Del Vecchio.

18 MR. DEL VECCHIO: As I indicated, Mr.  
19 Chairman, I would suggest that we move on to Mr.

20 Steck's testimony. And, we can revisit the signage  
21 with the submission before the next meeting.

22 CHAIRMAN DEPINTO: Okay.

23 MR. STEFANELLI: Mr. Chairman, I just have  
24 one comment.

25 CHAIRMAN DEPINTO: Yes.

1 MR. STEFANELLI: Mr. Preiss said something  
2 about key pedestrian way, to hold that off. I would  
3 rather see the standard and approve the standard for  
4 that.

5 We may not have the sign for the actual tenant  
6 who is going to be directed to but, I think the  
7 standard for that should be part of the site plan  
8 approval.

9 CHAIRMAN DEPINTO: The standard with  
10 regard to the signage?

11 MR. STEFANELLI: The key pedestrian way

12 signage.

13 CHAIRMAN DEPINTO: Mr. Preiss.

14 MR. STEFANELLI: A directory. But, you

15 said no. You said --

16 MR. PREISS: The actual signage itself has  
17 not been approved.

18 The, the structure, the location, and the size,  
19 as I have indicated in the table, is compliant. But,  
20 the actual tenants that are identified, that part is  
21 not approved.

22 MR. STEFANELLI: But, the sign standard,  
23 you're saying, is acceptable?

24 MR. PREISS: Well, if you look, if you  
25 look --

CHAIRMAN DEPINTO: Do you find it unacceptable?

MR. STEFANELLI: Well, I find it that we should approve it. I mean, if we're going to have a standard for the, for the property, I don't want to see -- I want to see it approved now. I want to see a standard.

CHAIRMAN DEPINTO: You don't want the tenants dictating to you either.

Is that correct?

MR. STEFANELLI: No. No.

CHAIRMAN DEPINTO: I understand it.

MR. PREISS: All I indicated, it's compliant as to location, number, area and height.

But, again, it's conceptual. So, the actual sign itself would be subject to the Board's approval at the time that they make an application for that.

CHAIRMAN DEPINTO: When who makes the application?

MR. PREISS: When, when the shopping center comes in and says, here's the directory sign, here's what we want to put on the sign, this is the design, the Board would make a decision about that.

MR. REGAN: Then it should be clear that there will be an amended site plan application to

encompass signage.

MR. DEL VECCHIO: That differs a little bit from what our anticipation was with that sign. The tenant way finding sign, the location, the size, the materials, we had requested approval of those as part of this application.

What name goes on the placard for that sign needs to come in at the time that the tenant is selected. And, we're going to say, okay, Tenant X is in for a use permit. As part of the use permit, we will say we would like to add Tenant X to this way finding sign and ask for permission to do it at that point, noting that the size, location, materials have already been approved as part of this site plan if the Board so acts in that manner.

That way it's all covered. We all know exactly what is expected. We don't have to rely on the tenants, just what name goes on the sign.

MR. REGAN: The change would be the name and the message.

CHAIRMAN DEPINTO: So, therefore, the tenant at the top of the sign, ABC company, the second tenant on that sign, the lettering is going to match ABC and just say --

MR. DEL VECCHIO: For the way finding

1 signs, absolutely.

2 CHAIRMAN DEPINTO: No logo, no stars,  
3 nothing of that nature?

4 MR. DEL VECCHIO: That's not what the  
5 sample shows on the drawings. That's not what's  
6 intended, just their names.

7 CHAIRMAN DEPINTO: Right.

8 We want more than drawings. We want, we want it  
9 recorded in resolutions.

10 MR. DEL VECCHIO: Well, it's recorded in  
11 the plans. I am --

12 CHAIRMAN DEPINTO: Right.

13 MR. DEL VECCHIO: I am verbalizing what's  
14 in the plans. So, I think we have done that.

15 We understand your requirement for that. That's  
16 why we submitted that drawing.

17 CHAIRMAN DEPINTO: Frank, do you find that  
18 satisfactory?

19 MR. STEFANELLI: Yes.

20 MR. CULHANE: Mr. Chairman.

21 CHAIRMAN DEPINTO: Yes.

22 MR. CULHANE: What about coloring of the  
23 lettering, is it going to be uniform?

24 MR. WEBBER: It should be.

25 CHAIRMAN DEPINTO: It should be.

1 MR. CULHANE: That's why I'm asking the  
2 question.

3 MR. PREISS: That's the detail that has  
4 not been approved.

5 MR. DEL VECCHIO: I think that, as shown  
6 on the sample, I'm pulling the drawing, I think the  
7 drawing shows it as the simulated wood carving which  
8 is a black lettering in the wood material. And, I  
9 think that's what is proposed.

10 MR. PREISS: If you agree to that standard  
11 and you have a specified letter height and size, then  
12 that can be approved.

13 MR. DEL VECCHIO: I believe that detail is  
14 in the RTKL drawings that was submitted and shown as  
15 black lettering on a timber panel. And, the lettering  
16 height looks to be, each panel is no more than 8  
17 inches and each tenant name is no more than 2 inches.

18 MR. PREISS: Would you just hold it up so  
19 the Board could see it?

20 MR. DEL VECCHIO: Yes.

21 It's down here in the lower corner, 2 inch  
22 detail on the lettering height and 8 inch detail on  
23 each panel height, simulated wood with the black  
24 described lettering. And, here is an enlargement of  
25 the lettering to your right.

1 MR. CULHANE: Can you identify the  
2 particular drawing it is?

3 MR. DEL VECCHIO: Yes. This is on the  
4 RTKL signage drawings that bear last revision date of  
5 12/7/13.

6 I can check to see where it was marked as an  
7 exhibit.

8 But, that is, that detail remains consistent  
9 throughout the iterations of the sign drawings. I  
10 think that was marked on February 4th as A-32, that  
11 drawing.

12 CHAIRMAN DePINTO: I'm sorry. Did I get  
13 everything, Wolfgang, for Richard?

14 MR. VOGT: Yeah. I'm fine.

15 CHAIRMAN DePINTO: Okay. Anyone else have  
16 any questions of Mr. Preiss on the two reports that  
17 he's testified to?

18 MR. CULHANE: Mr. Chairman.

19 CHAIRMAN DePINTO: Yes.

20 MR. CULHANE: On Page 17, I believe there  
21 was a notation under Item I about a waiver required.

22 Was that discussed?

23 MR. PREISS: Yes.

24 CHAIRMAN DePINTO: Mr. Preiss. What was  
25 your response?

1 MR. PREISS: A waiver is required. I  
2 believe we're going to hear testimony in support of  
3 that waiver from Mr. Steck.

4 CHAIRMAN DePINTO: Okay. Anything else,  
5 Mr. Culhane.

6 MR. CULHANE: No other comments.

7 CHAIRMAN DePINTO: Any other comments?

8 Hearing none, the Chair will entertain a motion  
9 to open the meeting to the public.

10 COUNCILWOMAN CUDEQUEST: So move.

11 CHAIRMAN DePINTO: Mrs. Cudequest,  
12 seconded Mr. Vogt.

13 All in favor.

14 (Aye).

15 Mr. Segreto.

16 MR. SEGRETO: Yes. No questions of Mr.  
17 Preiss.

18 CHAIRMAN DePINTO: Anyone else from the  
19 public? No?

20 The Chair will entertain a motion to close the  
21 meeting to the public.

22 MR. CULHANE: So move.

23 CHAIRMAN DePINTO: Mrs. Cudequest,  
24 seconded Mr. Culhane.

25 All in favor.

(Aye).

Mr. Del Vecchio.

MR. DEL VECCHIO: Mr. Chairman, I'm going to call Mr. Steck.

As he comes forward and gets settled, I just want to address two items in Mr. Preiss's report that we haven't had a chance to address.

One, there was a request for a representation of what the wall material will be constructed of in between, pardon me coming forward, in between Buildings A and B in this plaza, in this plaza area in between Building A and B.

And, for the record, as we had indicated through Mr. Dipple's testimony, all of retaining walls on-site will be constructed of Ready Rock material that Mr. Dipple provided the Board a sample with during his testimony.

So, that was one item. The other item was the request on the awning material for a Wegman's.

This is the material board that was marked during the architectural testimony. And, it was marked as A-11 very early in the hearings.

And, this is the standing seam metal material that the awnings will be made of. It's the same for

P. G. Steck - Direct - Mr. Del Vecchio  
1 all the standing seam roofs so we did provide a  
2 detail. And, we hope that's acceptable to the Board  
3 and Mr. Preiss.

4 Other than addressing Mr. Steck's testimony, I  
5 think that addresses the items that we can stipulate  
6 to that were raised in Mr. Preiss's report.

7 With that said, I would like to have Mr. Steck  
8 sworn and qualified.

9 MR. REGAN: Do you swear or affirm that  
10 the testimony you give in this proceeding will be the  
11 truth, so help you God.

12 MR. STECK: I do.

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

15 MR. STECK: Peter G. Steck, S T E C K.

16 MR. REGAN: Mr. Chairman, Mr. Steck has  
17 previously been qualified as a planner before this  
18 Board. And, I recommend he be so qualified as an  
19 expert.

20 CHAIRMAN DEPINTO: The Chair will accept  
21 that recommendation.

22 Counsel, please continue.

23 MR. DEL VECCHIO: Thank you.

24 DIRECT EXAMINATION BY MR. DEL VECCHIO:

25 Q Mr. Steck, you have been part of the team

1 that has reviewed the project for compliance with the  
2 Borough's ordinance?

3 A Yes.

4 Q And, can you provide the Board with a  
5 little bit of your familiarity and background with the  
6 project itself in terms of the neighborhood in which  
7 it sits and what the project is.

8 Obviously, there's a lot of testimony that has  
9 come before you. So, we don't need to go into the  
10 details but just the big picture.

11 A Right. The applicant is seeking several  
12 types of approval. One of them is an approval for the  
13 entire planned unit development. And, that's a very  
14 general type of approval. But, it solidifies the  
15 relationship so the residential to the  
16 non-residential, the open space to the non open space.

17 We are, as you know, requesting preliminary and  
18 final approval for the first phase, the Wegman's  
19 anchor store and the nearby free-standing buildings.

20 We are asking for preliminary approval for the  
21 lowest section of the site which is, can be developed  
22 separately. And, I'll talk about that in a minute.

23 And, finally, there is a residential component  
24 which is separate from the commercial component. And,  
25 that we are not seeking site plan approval on but

1 we're seeking that that be approved as part of the  
2 planned unit development because there is, again, a  
3 relationship of different uses that has to be approved  
4 as part of this project.

5 In addition to those general approvals, there  
6 are two specific things I'm going to talk about  
7 tonight. One of them is an item of relief that has to  
8 do with a 5 foot landscaping strip in front of half of  
9 the building walls. And, the other one is some  
10 mandatory findings that this Board must make in order  
11 to approve a planned unit development.

12 So, to talk for a moment about the landscaping  
13 issue, your ordinance, which is 128-5.14, has all the  
14 standards for the AH PUD district.

15 Within that, there's a section called design  
16 standards for the planned unit development which is  
17 128-8.20.1. That refers to a general section of your  
18 ordinance which is outside of the special planned unit  
19 development. And, that section was Section 128-7.1.  
20 It was entitled general provisions for off-street  
21 parking for non-residential districts.

22 So, the standard I'm about to tell you was  
23 already in your code. It wasn't specifically  
24 associated with the planned unit development for this  
25 project. And, it was intended for all types of

1 non-residential districts.

2 So, for your business districts and for your  
3 corporate office districts, it's kind of a generic  
4 standard.

5 And, what it required was, and I'll just read it  
6 into the record, sidewalks were constructed along the  
7 building, shall be located not less than 5 feet from  
8 the building unless landscaping beds of a minimum  
9 depth of 5 feet are located along 50 percent of the  
10 length of the building to which the sidewalk is  
11 adjacent.

12 And, then it talks about sidewalks have to be at  
13 least 6 feet, 6 inches over the parking area.

14 So, essentially what it says is that, in all  
15 buildings, in all zones, including this zone, you can  
16 put your sidewalk against the building for 50 percent  
17 of the front width, by the parking lot, but you're  
18 supposed to step it back by 5 feet and plant that  
19 area.

20 It doesn't specifically say what it is but you  
21 can picture foundation plantings, ground cover or  
22 whatever.

23 And, actually, when I walked in the municipal  
24 building this evening, there's -- that's what you have  
25 in front of you as you walk in from the parking lot.

1 You have parking, you have sidewalks that are set back  
2 with landscaping in between them.

3 This is in the design section of your ordinance.  
4 So, on its surface, I'm going to talk about justifying  
5 it as a waiver or an exception under the Municipal  
6 Land Use Law.

7 But, to be cautious, because it is also part of  
8 the zoning chapter, I'm going to refer to it as if it  
9 were a variance and meeting the positive and negative  
10 criteria.

11 So, I believe that there are proofs that can be  
12 had.

13 First of all, as, as an exception or a waiver,  
14 also I think there could be a C-2 justification where  
15 the benefits substantially outweigh the detriments,  
16 the negative criteria are satisfied. This standard is  
17 essentially a design standard.

18 As you know, the applicant complies with all of  
19 the open space requirements, with all the greenery  
20 requirements in terms of magnitude. And, in fact,  
21 your ordinance doesn't say how much, for example,  
22 green area has to be at the three focal points at the  
23 commercial section.

24 Oh, by the way, this just applies to the  
25 commercial section.

1 So, the issue in front of you is not that we're  
2 shortchanging you on landscaping. It's simply where  
3 it is.

4 And, we've elected to beef up the landscaping in  
5 the three focal points, the signature landscaped  
6 areas, rather than having it in front of the  
7 buildings.

8 And, what I want to emphasize is that I think  
9 that there are some practical issues that make it  
10 difficult to put it next to the buildings.

11 I think it's primarily an issue of esthetics.  
12 And, again, it is -- it's not that we're shortchanging  
13 the Board. We're having a lot of landscaping on the  
14 perimeter of the project, the commercial project.  
15 We're having a lot of landscaping in the focal areas.

16 But, keep in mind, this is a generic standard.  
17 You want to encourage pedestrian traffic. You want to  
18 encourage successful retail uses. Why? The retail  
19 project is the engine that drives the Mount Laurel  
20 housing that's off-site.

21 On a retail project, it is typical to have store  
22 front windows. In fact, you require that. And, the  
23 reason you have store front windows is that you want  
24 to attract pedestrians. They can stand outside the  
25 store and get attracted to the store through the

1 window on the front. That's an essential part of  
2 retailing and in fact an essential part of retailing  
3 that's pedestrian oriented.

4 To separate the sidewalks from the building  
5 frustrates that purpose.

6 Think of all the shops that you have gone to  
7 where you are interested in what's in the window.  
8 And, the answer is, you want to put your nose up  
9 against the window. You want to see what's there.

10 You want to, in a sense, size up the, the  
11 presentations because it gives you a, a clue about  
12 what is inside.

13 There are some difficulties with putting  
14 landscaping in the front that aren't just related to  
15 the retail but it's the design of the buildings.  
16 These are agricultural type buildings.

17 And, if you look at the plans, you'll see that  
18 some of them have overhangs. So, when it rains, the  
19 rain is not going to go in the landscaping. There are  
20 a number of overhangs that are going to protect the  
21 pedestrians.

22 So, in terms of encouraging a specific retail  
23 type of use, in encouraging a pedestrian experience  
24 where someone can look in the window. And, again,  
25 it's a twofold thing. If I have a window that someone

1 can look in, I'm going to spend time and effort in  
2 dressing up that window.

3 What you don't want is a window that's partially  
4 blocked by landscaping and that's where someone is  
5 going to put the back end of their display.

6 What you want is, is a handsome presentation.  
7 And, in my opinion, to put landscaping there is going  
8 to frustrate that experience.

9 So that I think, if you look at this as a waiver  
10 exception, I think there are some practical  
11 difficulties of extending landscaping across the front  
12 of a building or at least 50 percent of it. And, I  
13 think that it promotes the purposes of this Lifestyle  
14 Center by allowing the pedestrian to come up to the  
15 window and to view the products in the display that's  
16 inside.

17 If you look at this from the other issue, I want  
18 to suggest to you is that, I am going to repeat, that  
19 we have more than enough landscaping on the whole  
20 site. The amount of landscaping we're talking about  
21 in front of these buildings is about one-third of 1  
22 percent of the site. And, that's easily addressed by  
23 all of the landscaping, compensated for by all of the  
24 landscaping we have on the signature focal points.  
25 Instead of looking at -- if you look at it just

1 as an exception or a waiver, all you have to show is  
2 that it promotes the purposes of the ordinance and  
3 their practical difficulties. You don't have to show  
4 negative criteria.

5 If you look at this as a variance, and I think  
6 it would be a C-2 variance, where the benefits  
7 substantially outweigh the detriments, you also have  
8 to address the negative criteria.

9 And, I repeat some of the things. The whole --  
10 the first line of the purpose of this zone is to  
11 promote low and moderate income housing. The engine  
12 that does it is the retail environment.

13 You want a successful retailer there. And, the  
14 classic scenario is to have the ability of a  
15 pedestrian to look at the front of the building, to be  
16 excited about what is in the glass window.

17 And, also, keep in mind, these are not store  
18 fronts that front on a street where you, the customer  
19 is separate. These are store fronts that is focused  
20 on the interior of the tract. And, they're intended  
21 to be pedestrian oriented as someone moves from the  
22 parking area toward the building.

23 So, I think that there are benefits in terms of  
24 fitting with the architecture, the fact that there are  
25 overhangs in the building that will not let rain fall

1 on some of these areas, that you want to encourage the  
2 pedestrian to have access to the front face of the  
3 building.

4 In terms of the negative criteria, again, we are  
5 not shortchanging the Board in terms of the quality or  
6 amount of landscaping and especially in the signature  
7 areas. We are promoting the basic purpose of this  
8 which is to provide, to produce both an anchor store  
9 and additional lifestyle stores.

10 And, again, I return to the main purpose of  
11 promoting low and moderate income housing.

12 Because this is a design that is refined in the  
13 first phase, because we're asking for preliminary and  
14 final site plan approval, and because you get a sense  
15 of the amount of landscaping that is already within  
16 the parking area, in my opinion, this can be approved  
17 without substantial detriment to the public good and  
18 without substantial impairment of the zone plan and  
19 zoning ordinance.

20 So, if you look at it as a waiver, in my  
21 opinion, there are proofs that say, that allow the  
22 Board to conclude there are practical difficulties and  
23 granting this will promote the purposes of the PUD  
24 zone.

25 If you look at it as a variance, in my opinion,

1 there are benefits that substantially outweigh the  
2 detriments. And, it can be granted without  
3 substantial detriment to the public good and without  
4 substantial impairment of the zone plan and zoning  
5 ordinance.

6 The other task that I have been asked to address  
7 is what the Board's responsibilities are in terms of a  
8 planned unit development.

9 In Section 40:55d-45 of the Municipal Land Use  
10 Law, it talks about findings for a planned  
11 development. I'm going to summarize them for you.  
12 But, I want you to remember that this section applies  
13 to planned unit developments that might be a hundred  
14 acres or more and where a developer comes in just for  
15 a general development plan approval. They have to  
16 show just blobs of where uses are. And, these  
17 standards are intended to fix that kind of generalized  
18 approval.

19 We're fortunate, in this instance, because the  
20 applicant is not just asking for a PUD approval but  
21 they're asking for preliminary and final site plan  
22 approval for Phase 1. So, you have a lot more details  
23 than you would normally have.

24 We're asking for preliminary approval on Phase  
25 2, the very lower corner of the site which, while not

1 precise in the exact location of buildings or sizes,  
2 is pretty close to what it's going to be.

3 And, although we are not seeking approval for  
4 the residential portion of this site, we have provided  
5 graphics that show you that the residential portion is  
6 sized to accommodate the buffers and the setbacks and  
7 the open space that is anticipated in the ordinance.

8 So, here are the standards that the Board has to  
9 find. And, I think the proofs are largely on the  
10 record by the other witnesses.

11 It goes A through E. A, is really not  
12 applicable. And, I'll tell you what it is.

13 But, because you have not created a planned unit  
14 development, it's an overlay on an existing zone, this  
15 is the only zone that applies to this property. And,  
16 A says, that departures by the proposed development  
17 from zoning regulations otherwise applicable to the  
18 subject property conform to the zoning standards  
19 pursuant to Section 25c of this act.

20 And, what they really mean is D65 which talks  
21 about the contents of the zoning ordinance.

22 That doesn't apply because there are no other  
23 zoning standards that apply here. This is not an  
24 overlay planned unit development.

25 B, that the proposals for maintenance and

1 conservation of common open space are reliable and the  
2 amount, location and purpose of the common open space  
3 are adequate.

4 First of all, you already know that we comply  
5 with the range requirements of open space in the PUD  
6 zone, AH PUD zone. We are fortunate that, on Phase 1,  
7 we are going for preliminary and final site plan  
8 approval. So, you know exactly where that open space  
9 is. You have several controls.

10 At least you have a control from the site plan  
11 approval process. You have a specific plan. You're  
12 going to have a resolution that associates that. And,  
13 you're going to have a developer's agreement that can  
14 refine those type of maintenance issues.

15 In terms of the Phase 2 section, it shows that  
16 we have sufficient area to produce that open space.  
17 The applicant -- essentially that's all that's  
18 required because the applicant, if they don't develop  
19 that, it's automatically open space. That's not part  
20 of the property that's built. It's not relied upon  
21 for drainage or access purposes.

22 So, there's assurance that that, that any open  
23 space there cannot only be developed but it can have  
24 the same kind of contingencies as what we come in for  
25 site plan approval and, again, incorporate approval

1 with a developer's agreement.

2 With the open space you have even -- excuse me,  
3 with the residential component, you have even more  
4 control.

5 We have already demonstrated that we can fit the  
6 housing in, with the right setbacks with the top lot  
7 and the other open space. Our responsibility is to  
8 transfer that land to the municipality prior to  
9 getting the building permit on the main Wegman's. The  
10 municipality then has total control, unusually total  
11 control because it will own the property.

12 So, I believe that the maintenance and  
13 conservation of common open space are assured by  
14 virtue of the steps we have taken so far to get  
15 approvals and the fact that we demonstrated that there  
16 is sufficient space.

17 C, that provision through the physical design of  
18 the proposed development for public services, control  
19 over vehicle and pedestrian traffic and the amenities  
20 of light, air, recreation and visual enjoyment are  
21 adequate.

22 The only municipal services here are police and  
23 fire. We're not -- and, again, this is just the --  
24 essentially, those are the municipal services because  
25 we're not proposing public roads that need to be

1 plowed, et cetera.

2 We have the benefit of having a fairly detailed  
3 site provision. Your ordinance is very specific about  
4 the amount of open space. There already have been  
5 experts testifying about traffic and drainage. And,  
6 in my opinion, there is evidence on the record that  
7 the design of the property offers adequate control for  
8 pedestrian and vehicular traffic, setbacks in terms of  
9 light and air, recreation which is essentially the  
10 focal points of landscaping and visual enjoyment.

11 You have unusual architectural controls, even  
12 materials, that are not usually looked at in the site  
13 plan process.

14 D, that the proposed planned development will  
15 not have an unreasonably adverse impact upon the area  
16 which is proposed to be established.

17 We're well-beyond the general planned  
18 development stage where we show blobs of use. We have  
19 specific landscaping plans for Phase 1. We have  
20 sufficient area to have the similar type landscaping  
21 on Phase 2. And, and there doesn't need to be as much  
22 buffering although there is sufficient area to have  
23 buffering on the residential site because the  
24 residential site abuts other residential development.

25 But, if you recall, there is a concept plan

1 there that shows that there's more than enough space  
2 to have adequate landscaping and open space.

3 The final point, E, in the case of a proposed  
4 development that contemplates construction over a  
5 period of years, that the terms and conditions  
6 intended to protect the interests of the public and of  
7 the residents, occupants and owners of the proposed  
8 development and the total completion of the  
9 development are adequate.

10 So, yes, this is going to be done in phases.

11 Phase 1 is already being developed for preliminary and  
12 final site plan review. Phase 2, which is the garden  
13 development center at the furthest eastern lower  
14 portion of the site, that's going to be a second  
15 phase.

16 The fortunate thing is that we have already  
17 demonstrated there is enough land and enough to have  
18 the setbacks, the buffering and the open space that's  
19 required and that, because it's at a lower elevation,  
20 doesn't depend upon the utilities on Phase 1 nor does  
21 Phase 1 need that developed in order to be  
22 constructed.

23 So, because of the design of this, they are  
24 separated and, except for that pedestrian connection  
25 between the two along the sidewalk, the future

1 development of Phase 2 will not compromise the  
2 development of Phase 1 nor is there going to be any  
3 restriction on fully complying with the ordinance for  
4 Phase 2.

5 The final point I raise on timing is the  
6 residential part of the site. And, that timing is  
7 already in your ordinance.

8 When we draw a building permit for Wegman's, it  
9 is required that you have that land donated in hand.

10 And so, really the timing issue now transfers -- you  
11 have more control than normal because that transfers  
12 to the municipality.

13 So, I think there is evidence already on the  
14 record which would allow the Board to make those  
15 findings in 40:55d-45 to grant planned unit  
16 development approval to the whole project, solidifying  
17 the relationship of the housing to the engine that  
18 drives it, the commercial development.

19 And, I think that, because the applicant is not  
20 asking -- is going much further than that, asking, at  
21 this time, for preliminary and final site plan  
22 approval for Phase 1 and preliminary approval for  
23 Phase 2, the Board has the protections and the  
24 insurance, assurances that we're anticipating in the  
25 Municipal Land Use Law.

1 MR. DEL VECCHIO: Okay. Thank you Mr.  
2 Steck.

3 I make him available to the Board for their  
4 questions.

5 CHAIRMAN DePINTO: It is now 10:30. I had  
6 indicated at the beginning of this meeting that, at  
7 10:30, we were going to turn the meeting over to Mr.  
8 Preiss because there is matter that he has to cover  
9 with the Board with regard to tree preservation.

10 So, Mr. Segreto, I'm going to ask that you hold  
11 your questions until this applicant returns. The  
12 question now is when will the applicant return.

13 Mr. Del Vecchio, as far as the April 1st meeting  
14 is concerned, we have two use permits. We have three  
15 discussion on the updated zoning map. We have three  
16 new public hearings, one is a soil movement  
17 application, one is a site plan application for  
18 Mercedes-Benz and the third one is another site plan  
19 application for Mercedes-Benz.

20 And, then we have a continued public hearing on  
21 Rockland Built Homes over on Penn Avenue and two  
22 resolutions.

23 If we were to put this on, for April 1st, we  
24 probably would not get to you until 10:00 or 10:30.

25 Moving on from that, our next meeting because ,

1 quite frankly, whatever is not covered or completed on  
2 April 1 would have to be carried to April 22. So, our  
3 schedule is getting really tight.

4 What is it you would like to do here?

5 MR. DEL VECCHIO: I would ask that we be  
6 carried to the April 1st meeting, understanding that  
7 we would be on at the tail end, hopefully on at the  
8 tail end of the evening and see who does actually show  
9 up or doesn't show up before us.

10 And, if April 1st, for whatever reason doesn't  
11 materialize in terms of sufficient time to complete  
12 this, then -- I recognize there are some new  
13 applications on. Our application has been filed since  
14 July of last year. So, we have to be the oldest, I  
15 would guess. So, I would just ask for some preference  
16 in allowing this application to complete its public  
17 hearing as the newer ones are coming on Board before  
18 this Board.

19 CHAIRMAN DePINTO: We have already given  
20 you four specials.

21 MR. DEL VECCHIO: We understand and we  
22 appreciate that. We'll take a fifth if the Board is  
23 willing to accommodate that, if that eases your  
24 schedule.

25 CHAIRMAN DePINTO: Ironically enough, if

1 we do put you on the agenda for April 1, that will be  
2 the 13th meeting. Now, maybe that will be a lucky  
3 night for you. I'm not sure quite.

4 MR. DEL VECCHIO: The 13th meeting on  
5 April Fools Day.

6 CHAIRMAN DEPINTO: Yeah. Unless you  
7 straighten out --

8 MR. WEBBER: Roll the dice on that one.

9 CHAIRMAN DEPINTO: Unless you straighten  
10 out the sign situation, the 13th, I would pass, that  
11 being my 13th meeting.

12 But, hopefully, you'll get something resolved  
13 with Mr. Preiss beforehand because, as far as I'm  
14 concerned, right now, you're not there.

15 Okay. We'll put you on the agenda.

16 Members of the public -- Mr. Segreto, is that a  
17 date you are available?

18 MR. SEGRETO: That's April 1st, next  
19 Tuesday, 10:00.

20 CHAIRMAN DEPINTO: Probably 10:00, yeah.

21 MR. PREISS: Mr. Chairman.

22 CHAIRMAN DEPINTO: Enjoy your dinner  
23 before coming.

24 MR. PREISS: Just one thing. I will not  
25 be at that meeting. I'm going to be away but I can

1 have Keenan here.

2 But, quite frankly, I don't know what the  
3 applicant is going to propose insofar as signage is  
4 concerned. But, I don't know.

5 Do you, do you believe that you'll have that  
6 resolved by April 1st?

7 MR. DEL VECCHIO: We would like to try to  
8 do that. But, quite frankly, if we're getting on at  
9 10:00 on the first, if we complete Mr. Steck's

10 testimony and cross-examination, given the Board's  
11 typical curfew, that maybe as far as we get anyway.

12 MR. PREISS: Okay.

13 MR. DEL VECCHIO: But, we would like to be  
14 prepared to have that signage right behind that to be  
15 dealt with. I'm not sure that time will permit.

16 MR. REGAN: Just looking at the agenda,  
17 even if the Chair gives the other applications 20  
18 minutes to a half hour, it would be 10:00 or later  
19 before we get to you. And, these are complicated  
20 applications, Rockland Built Homes.

21 CHAIRMAN DEPINTO: Well --

22 MR. DEL VECCHIO: I don't want to be --

23 CHAIRMAN DEPINTO: -- I have no difficulty  
24 putting it on the agenda with the understanding that  
25 you may not be heard just because there are other

1 matters that have been backing up because we have  
 2 dedicated so much time to hearing this application,  
 3 unfortunately.

4 But, if you want to be on for the 1st, we'll put  
 5 you on for the 1st.

6 MR. DEL VECCHIO: Yes, please, Mr.  
 7 Chairman.

8 CHAIRMAN DEPINTO: All right.

9 Mr. Preiss, again, I'm going to ask you to  
 10 communicate directly with the applicant with regard to  
 11 the signage issue.

12 You have heard the comments with respect to it.

13 I think I understand that what your report says.

14 But, if I have to go to the governing body to amend  
 15 the ordinance, then that will be my next step as a  
 16 citizen of the Borough of Montvale.

17 So, let's see if we can straighten this thing  
 18 out.

19 MR. PREISS: Noted, Mr. Chairman.

20 CHAIRMAN DEPINTO: Okay. With that said,  
 21 members of the public that are here, please be advised  
 22 that this hearing will be continued to the evening of  
 23 April 1.

24 No further notice will be provided to you other  
 25 than this announcement.

1 And, it will be published on the website.

2 Is that correct?

3 Thank you and good evening.

4 (The hearing adjourns at 10:36 p.m..)  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 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.



DONNA LYNN J. ARNOED, C.C.R.  
LICENSE NO. X100991  
MY COMMISSION EXPIRES 08/04/14

( )

( )

( )