PLANNING BOARD
MONTVALE TOWNSHIP
COUNTY OF BERGEN

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

VOLUME 13

Tuesday, April 22, 2014
Council Chambers
12 Mercedes Drive, 2nd Floor
Montvale, New Jersey
Commencing 8:07 p.m.

B E F O R E:

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

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

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

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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
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A-21 Id. Traffic Impact Analysis 6/20/2013
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A-23 Id. Technical Appendices 3/7/2013

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A-29 Id. Princeton Logs
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A-41 Id. JP2 Elevations, Front and Side, Buildings A and B, 3/18/2014
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(Open Public Meetings Act/Agenda)

CHAIRMAN DePINTO: Montvale Redevelopment Associates, LLC, Shops at DePieros for preliminary and final site plan approval, preliminary and final subdivision approval and planned unit development and soil movement.

MR. DEL VECCHIO: Good evening, Mr. Chairman, members of the Board. Andy Del Vecchio, member of the firm of Beattie, Padovano on behalf of the applicant Montvale Development Associates, here on continued public hearing and what has commonly been referred to as the DePiero property.

When we last appeared --

CHAIRMAN DePINTO: Hold on one second. Thank you.

And, I'm going to ask Mr. Segreto.

MR. SEGRETO: Yes, John J. Segreto for the objector, A & P.

Thank you, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Please continue, Mr. Del Vecchio.

MR. DEL VECCHIO: When we last appeared before the Board, we had gotten through, I think, most of Mr. Steck's direct testimony. However, because some time has elapsed, I'm just going to ask Mr. Steck

to come forward. I would like him to just give a very brief summary of his testimony and his report that was previously submitted and marked back on the record for this evening.

And, then, I believe, we were going to leave off with questions from the Board and perhaps members of the public.

But, Mr. Steck, you were previously sworn.

MR. REGAN: Mr. Steck, you were previously sworn on March 26.

MR. STECK: That's my understanding.

MR. DEL VECCHIO: You remain under oath.

REDIRECT EXAMINATION BY MR. DEL VECCHIO:

Q Again, I don't want you to repeat your entire testimony but just refresh the Board's recollection with an overview of your testimony.

A Yes.

If the Board can recall, the last time I testified was March 26th. And, I gave the Board an overview of the approvals which we were seeking.

And, just to recap, we are seeking a planned unit development approval for the whole development.

The first section, which was the Wegman's food store and a number of retail stores, we were asking for preliminary and final site plan approval.

For the lower section of that, which was the future garden center, we were asking for preliminary approval.

And, for the housing site, we were not asking for any site plan approval but that was part of the planned unit development.

So, essentially, we're asking for approval of the relationship of the uses to one another.

And, as the Board is aware, prior to the issuance of a building permit, that residential property has to be transferred.

The one item of relief that I talked about was the requirement that, in front of the retail buildings, there is supposed to be, instead of a sidewalk running right up adjacent to the building, there's supposed to be at least a 5 foot planting strip, at least for 50 percent of the frontage of that building.

That's phrased in your ordinance as a design standard in the planned development ordinance. But, oddly enough, that provision that requires it is really a referral to the conventional zoning standards that you have.

And, while one could look at it as a design exception or a waiver, I argued both ways. I looked

at it as a design exception waiver but I also took the path of considering it a variance request where I would have to show both the positive and negative criteria.

And, I talked about the fact that that's, it frustrates the retail purpose, to pull people away from the, from the store front windows. And, then, if you recall, that I, I looked at the project as a unit.

And, when I talked about the benefits, I emphasized the fact that this project, the retail component is the engine that drives the production of low and moderate income housing. I talked about the fact that this planned unit development shifts housing from the subject site to a more suitable location.

It attracts commercial use in an area where the street system can accommodate it. And, it emphasizes the fact that we were not deficient in our green space. It was just a matter of distribution of green space and that the area that we were talking about, of not having landscaped, amounts to about one-third of 1 percent of the site area. So, it's a relatively small amount.

And just, although I generically talked about the fact that it could be looked at as a, as having practical difficulties as a design standard or, if you

1 look at it as a variance, it could be a C-2 argument
2 where the benefits substantially outweigh the
3 detriments.
4 And, I talked about the benefits of the design,
5 the fact that it helps promote indirectly low and
6 moderate income housing. And I just wanted to --
7 CHAIRMAN DePINTO: Mr. Steck, let me
8 interrupt you one second.
9 You stated that you have argued both as a design
10 waiver and as a variance.
11 THE WITNESS: That's correct.
12 CHAIRMAN DePINTO: Mr. Del Vecchio, are
13 you presenting it to us as a request for the waiver or
14 for a variance?
15 MR. DEL VECCHIO: We are presenting it in
16 the alternative, Mr. Chairman. We believe it's a
17 design waiver.
18 But, out of an abundance of caution, because
19 that section appears as every other provision of the
20 Montvale Land Use Code, it appears in the zoning
21 chapter, we are asking, in the alternative, for
22 variance relief as well only because it sits in the
23 zoning code.
24 We don't really have a PUD, a true PUD other
25 than this zone which is relatively new to the

1 municipality. Typically, they would be handled as a
2 design waiver in the PUD.
3 But, because that PUD is in the ordinance --
4 MR. REGAN: I recommend, Mr. Chairman,
5 that it be treated as a request for a variance as the
6 more cautious and conservative.
7 CHAIRMAN DePINTO: And, Mr. Preiss, what's
8 your opinion?
9 MR. PREISS: I would agree with Mr. Regan,
10 I think it should be treated as a variance.
11 CHAIRMAN DePINTO: Therefore, we shall
12 treat it as a variance request.
13 A So, to refocus then, the argument that I
14 made last time was a C-2 argument where the benefits
15 substantially outweigh the detriments and that the
16 negative criteria could be fully satisfied in that we
17 have sufficient green space, it's in the right
18 location, in the focal points of the development.
19 Just to kind of fix it in your mind, while I did
20 reference some generic benefits, I'll just cite a
21 number of purposes of the Municipal Land Use Law
22 because that's, at the end of the day, what the Board
23 has to record as potential benefits.
24 And, this is in NJSA 40:55D-2, is the purposes
25 of zoning in the Municipal Land Use Law.

First of all, there is a generic encouragement of the planned unit development technique, that's Purpose K, because that is known to be a flexible technique and it allows for sites to be developed in a coordinating fashion even though they're not contiguous. And, that's what this is about. Because the housing site is remote.

One could look at this as a Purpose A, encouraging the most appropriate use of land. Because, again, it's shifting the Mount Laurel housing component to a site that is really better suited to residential use and confining commercial development to a site that was commercially zoned.

It provides Purpose C, light, air and open space.

Again, because we are not shortening, shortening the amount of green space, we're just clustering it in areas that are more productive such as the focal points in the development.

We are establishing appropriate population densities, Purpose E in concentrations.

Again, if you recall, we started with a smaller housing site. And, at the suggestion of the municipality, we increased the size of the housing site without increasing the number of dwelling units.

So, that's a demonstration that we can easily provide the open space and the buffering that, that or any developer. And, in this case, the municipality will own the site. There is certainly sufficient room to produce the open space and the housing at a moderate, more modest density.

Purpose H talked about the design of transportation routes. And, as the Board is aware, there's been a lot of talk about off tract and on tract improvements with respect to the commercial development which is really the major issue in terms of traffic.

And, Purpose I is to promote a desirable visual environment. And, again, in this case, rather than producing greenery in front of the store front windows, and I did mention that some of the buildings do have overhangs so that, you know, would limit some of the rain that would naturally water the plant material.

In this case we focused the greenery more to the, to clusters that are in the different two phases of the commercial development. And, in my opinion, that gives you a bigger bang for your buck rather than spreading it out.

And, again, it is less frustrating to a

1 traditional retailer environment.
2 So, in summary, if we look at the lack of a 5
3 foot landscaping strip between the sidewalk and the
4 buildings, in my opinion, the justification is a C-2
5 justification where the benefits substantially
6 outweigh the detriments.
7 I see, essentially, no detriments in this case
8 because we do have sufficient landscaping and it is
9 shifted to, I think, more prominent locations where it
10 can be more appreciated by someone on the site.
11 And, again, it allows the retail stores to act
12 as a retail store, in other words communicate with the
13 customer through the store front window.
14 MR. DEL VECCHIO: I just have one other
15 area that I need to cover with Mr. Steck.
16 At the risk of being lumped into a coffee cup, I
17 have to deal with signage which has been a thorny
18 issue with this application.
19 I asked Mr. Steck to take some photographs so
20 that I could make a representation to the Board. I'd
21 like to have Mr. Steck supply the foundation for those
22 photographs and then, at the appropriate time, I will
23 make some representations concerning the applicant's
24 intentions regarding the signage.
25 So, with that said, I have brought a handout of

1 photographs that were taken by Mr. Steck.
2 MR. REGAN: Mr. Del Vecchio, do you want
3 those marked?
4 MR. DEL VECCHIO: Yes, I do.
5 MR. REGAN: I think we're up to A-44.
6 MR. LINTNER: What's that, Mr. Regan,
7 A-44?
8 MR. HIPOLIT: A-44.
9 MR. VOGT: I guess, Mr. Steck, Building
10 No. 3?
11 MR. DEL VECCHIO: Yes.
12 Q Mr. Steck, we just marked a document as
13 A-44. It is entitled Montvale Development Associates,
14 LLC, Shops at DePieros Farms, sign themes. That
15 document contains a series of photographs with each
16 page reflecting the same sign, one in a daylight and
17 one in an evening mode.
18 Is that correct?
19 A Yes.
20 Q Those photographs were taken by you or
21 under your supervision?
22 A They were taken by me on April 13th and
23 April 17th.
24 Q And, the photographs that are represented
25 there are in fact a true and accurate representation

of what they were photographs of?

A Yes.

I took one set during the daytime and on two separate evenings, both the 13th of April and the 17th. I took it about 8:45 in the evening to show how the signs were lit.

And, I believe that they accurately depict the conditions at which, at the times I took the photographs.

Q Since, so there's no mystery, and while the clues are evident in the photos themselves, these are photographs of the signage that exists at what's known as the Tice Mall in Woodcliff Lake.

Correct?

A That's correct.

Q And, a similarly dubbed Lifestyle Center in the adjoining communities?

A That's correct.

MR. DEL VECCHIO: I have no further questions of Mr. Steck at this time concerning the photographs. And, I make him available to the Board for their questions.

CHAIRMAN DePINTO: Well, first I would like to thank Mr. Steck for presenting this exhibit because, quite frankly, I think this would be very

helpful in determining the direction that signage will delve with respect to this proposed development.

However, I would like to take a look at the photographs you took on Victoria's Secret by way of example. And, with Victoria's Secret, it's showing the sign which I find acceptable. But, it's also showing a canopy in front of that store.

Now, presumably, there is no intention, on the part of the applicant, to install any canopies.

Is that correct?

MR. DEL VECCHIO: Yes, Mr. Chairman, that was going to be part of my representation. We, obviously, took photos of the entire facade so as not to skew the pictures.

But, we would be limited as your ordinance does not permit canopy signs like that. We would not seek to violate the ordinance and we don't seek any canopy signs.

CHAIRMAN DePINTO: Right.

THE WITNESS: I asked them to remove the canopy from my photo and they refused.

That is a joke.

MR. FETTE: But, they left the window displays up, didn't they?

MR. DEL VECCHIO: We requested those --

CHAIRMAN DePINTO: So that there's no misunderstanding, clearly I want it represented on the record and I would also like it represented in the resolution that, as to Exhibit A-44, it's for the type of signage proposed to be constructed at the proposed development, not inclusive of any canopies or any signage that may be shown in this exhibit or any, any canopy signs shown in this exhibit.

The applicant is consenting to that?

MR. DEL VECCHIO: Yes, we would consent to that and take it one step further, Mr. Chairman.

There are some areas where there are window signs depicted in the photos. We know this community doesn't allow those. We are bound by your restrictions. We don't seek any approvals for those either.

CHAIRMAN DePINTO: Particularly one type of window sign. We won't have to go into great detail on that, that I, for one, find particularly offensive.

But, further --

MR. PREISS: Mr. Chairman.

CHAIRMAN DePINTO: Yes.

MR. PREISS: I just wanted to note for the record that the Wegman's does actually propose canopies but no canopy signage. And, we have, we have

a material sample and that's already been, I think, approved by the Board.

CHAIRMAN DePINTO: Right. One of the concerns I had, I took the opportunity to go up to Tice's Mall and looked at those signs.

I found it quite interesting. A couple of the signs I did not find acceptable. Most of them were fine.

One, in particular, was a retailer by the name of Game Stop which had an internally illuminated channel sign. The word game was white, the word stop was a fire engine red which, unfortunately, or at least in my opinion, it, it rendered that whole sign theme that someone was trying to do, it was out of character with that theme. And, I don't see that here.

So, its absence from this exhibit, one could, could believe that we're not going to see that type of sign.

Is that correct?

MR. DEL VECCHIO: That's the applicant's intention, Mr. Chairman, not to produce that kind of sign.

CHAIRMAN DePINTO: And, further, the other sign I found on that property not particularly

attractive happened to be the Hallmark sign. It was a multicolored sign. And, it just -- there, too, was inconsistent with the balance of signs.

And, since I've spent the better part of the last six months of my life looking at signs, so that we could hopefully get signs up here that we like, I did see the Hallmark sign on the shopping center on Route 23, and I guess it was probably Wayne, today, that I crossed over three lanes of traffic to get into the shopping center to take a picture. And, I'll gladly forward it to everybody.

But, it was white. It was absent all color. And, it was Hallmark in all its blaze and glory.

So, I never want to hear, at any point in the future, it has to be this way because mighty Mr. Hallmark says it has to be that way.

We have learned that mighty Mr. Hallmark and mighty Mr. 7-Eleven and all the mighties, they, they do respect municipal code and ordinance with respect to signage.

And, I would imagine that, on behalf of the developer, Mr. Del Vecchio, you will represent that not only will they instruct their prospective tenants to follow the signs or follow this exhibit as the signs that are permitted, but they will also submit,

during their use permit application, illustrations, detailed illustrations of what signs they propose.

Is that correct?

MR. DEL VECCHIO: The applicant had previously consented and we continue that consent and representation to the Board.

As part of the use permit process, we will have the signs affixed to the use permit so that the Board will have an opportunity to review and approve them.

As I indicated, with the exception the Wegman's, we are not actually seeking, as part of the pending applications, approvals of any wall mounted signs. So you, as the Board, have to have that opportunity during the use permit process.

CHAIRMAN DePINTO: So, despite the fact that a prospective tenant may submit to the Planning Board, in connection with the use permit application, a sign that complies with code but the Board finds to be inconsistent with the representations that were made to this Board, with the attached exhibit, that that applicant will comply with the Board's request.

And, again, they will only have to say no to that request once because, as I have stated on repeated occasions, the following day I'll be on the phone with the governing body to change the ordinance.

So, we only get one bad shot.

MR. DEL VECCHIO: Mr. Chairman, the answer is, we obviously can't speak for what's in the mind of the tenant who we don't know. But, we, as the landlords, will require them to do so.

CHAIRMAN DePINTO: Great. And, we have set aside the testimony of your sign expert who stated, on the record, that the tenants will dictate what the signage is.

MR. DEL VECCHIO: I have formally retracted that representation, I believe, at the last hearing. I reiterate that again this evening, that we are retracting that witness's representation to the Board.

And, a quick story, the Hallmark sign that we took a picture of at Tice's Mall, despite it being yellow, when you photograph it at night, it shows up white in the picture. So, it must know that it's not supposed to be that color.

CHAIRMAN DePINTO: It's ugly as during the day. The one that I saw in Wayne was beautiful, both by day and night. I stayed later to look at it. I had it bad enough.

But, can this all be incorporated in a resolution of approval so that there will be no

question?

MR. REGAN: Yes.

CHAIRMAN DePINTO: Okay.

MR. REGAN: That's what we can -- again, Mr. Del Vecchio has represented, on behalf of the applicant, that they will control the signage process in the leasing of the spaces within the mall. The only caveat would be if they don't do that.

CHAIRMAN DePINTO: Well, just once.

MR. REGAN: Okay. I mean, a prospective tenant could say that the signage comports with the ordinance and could challenge the Board denial.

But, if they're controlling it, that shouldn't be an issue.

CHAIRMAN DePINTO: Okay. Mr. Del Vecchio, with respect to the gooseneck lighting, what is the applicant's position?

We've gone everywhere from no goosenecks to all gooseneck. There was some Board members that would like to see goosenecks everywhere. Others may have different opinions.

What is the applicant seeking with regard to that?

MR. DEL VECCHIO: We are not showing any gooseneck lights on the front elevation where the

signage would typically appear at this time.

The primary reason is, we don't know which tenants are going to be where and how much space they're going to take. So, if we try to seek approval now of three goosenecks over this door, we might find out that that building is occupied by one tenant and the sign's over here and the lights over there.

We hope that some of our tenants will in fact select gooseneck lighting for their signage and we will place that as part of the sign permit application before the Board for their review and approval.

At this point in time, though, we're kind of constrained to show the goosenecks anywhere without knowing who the tenants are and where the signs are going to be placed.

CHAIRMAN DePINTO: So, therefore, in Exhibit A-44, more specifically with this tenant, which shows internally illuminated channel letters and goosenecks, that would not be permitted. They would go either with the gooseneck or the internally illuminated channel.

Is that correct?

MR. DEL VECCHIO: Unless this Board deems that to be --

CHAIRMAN DePINTO: Opted.

MR. DEL VECCHIO: Yes, opted to have that.

CHAIRMAN DePINTO: Or a combination thereof.

MR. DEL VECCHIO: Sure. Correct.

CHAIRMAN DePINTO: I'm going to poll the Board at this time.

I believe everyone may have had an opportunity to go through this exhibit. And, I would like their opinions of the signs.

Starting with Mr. Vogt.

MR. VOGT: Actually, I have no problems with any of the signs as long as they're tastefully done.

CHAIRMAN DePINTO: Okay. Good. Thank you.

Mr. Webber.

MR. WEBBER: I find these acceptable. With the only caveat being, what happens if a tenant chooses to have goosenecks and they move out and somebody else moves in and they don't really want the goosenecks, they would like an internally lit sign.

CHAIRMAN DePINTO: Well, I do believe that, in our code, and correct me if I'm wrong, Mr. Fette, that our code requires that, when a tenant vacates a space, that they remove the signage that was

with that space.

Is that correct, Mr. Fette.

MR. FETTE: Within seven days from vacating.

CHAIRMAN DePINTO: And, if we are considering gooseneck lighting to be accessory to the sign or part of the sign, I would presume that that gooseneck would have to be removed.

MR. WEBBER: Removed also.

CHAIRMAN DePINTO: At that same time. I don't know how you would deal with it differently.

Mr. Fette.

MR. FETTE: No. I would think we make the policy that it's one and the same, it's part of the individual sign and, you know -- and, that's how we treat it.

MR. WEBBER: Okay. Then I have no problem with the signage.

CHAIRMAN DePINTO: Okay. Thank you.

Mr. Lintner.

MR. LINTNER: I believe the presentation is, sort of defines a little bit more what they want to accomplish with it.

The only thing I would suggest, and I don't know how we can do it at this point in time, is perhaps,

through a paragraph of some type, we can indicate where we, what our preferences are on this, on signage.

And, I don't want to put, I don't want to make it a limiting thing at all but, what we're truly looking for is some consistency either from building to building or from location to location.

And, we don't want to have two distinct opposite signs on two adjacent buildings. So, I don't know how we would put it in a written form.

CHAIRMAN DePINTO: I think what the applicant, and correct me if I'm wrong, Mr. Del Vecchio, the applicant is willing to leave the signage to the discretion of the Board. So, if the Board is opting for this shadow form of lighting, starting out in one building, and if the Board determines that all two, three or four tenants in that building shall have matching signs, the applicant has no objection to that.

Isn't that correct?

MR. DEL VECCHIO: Well, we're leaving it to the use permit process because it's hard for us, as the applicant, to say what works best as a planning standpoint not knowing what the puzzle pieces are that you're going to try to put together. And, I don't

think the Board can do that now.

I think you're going to want the flexibility in the plan for that. As the tenants come in, you see who they are, how much space they take and how much building wall signage they need.

So, I think, as a Board, and it's, it's a little frightening to us as an applicant to leave the, you know, the button unbuttoned. But, I think as, from a planning standpoint, you want to know what those puzzle pieces are and plan accordingly as you know them.

And, I think what we have suggested with this sign theme package allows you to do that and allows us to deal with it better as we know what the puzzle pieces are and who the signs are.

And, your preference may be for all the shadow lit lighting. It may be for something else. We don't know that.

We think we should plan for it as we know what the pieces are.

MR. LINTNER: I agree. But, it may be something we have to revisit --

CHAIRMAN DePINTO: I think so.

MR. LINTNER: -- down the road to see what all happens.

CHAIRMAN DePINTO: I think the key, the operative word here is the discretion of the Board. And, I think, who's ever sitting here, at that point in the future, will understand, through the resolution, of what the intent was of this Board in similarity, not total continuity.

MR. LINTNER: Right.

CHAIRMAN DePINTO: But, similarity.

MR. LINTNER: That's the key word, similarity.

CHAIRMAN DePINTO: And, I think that's what creates interesting signage in a center such as this.

We didn't want to do -- my example of boring signage is what's down in Washington Township, with those blue lights on, what is that, Pascack Road? It's probably among the worst signage, outside of Lodi, they probably have the worst signage of anywhere.

We don't want Route 46 Lodi and we don't want the blue lights of Washington Township.

And, Mr. Mayor, if we get sued by either Washington Township or Lodi, will you defend us?

MAYOR FYFE: I will put them on the pile.

CHAIRMAN DePINTO: But, I think that's --

I think we're all on board.

MR. LINTNER: Okay.

CHAIRMAN DePINTO: Councilwoman.

COUNCILWOMAN CUDEQUEST: No, I think that this new piece of evidence is, it shows a nice variety of possibilities for the shops.

You know, you have some that have the sconces, you have some with the gooseneck and you also have some with the illuminated letters which I think offers a nice variety.

The only, the only downfall I do see and is, if you look at the Bluemercury exhibit, their sconce is only on one, is on the very end of their wording. So, it makes it almost difficult to see what that store is in the evening. And, the other one is Talbot's which is not illuminated at all and neither is that nice clock tower that's above it.

So, I think that that's a sin that those items were not considered and it's something that I think this Board certainly wouldn't want to overlook.

But, I think that this offers us a nice variety to choose from.

So, thank you.

CHAIRMAN DePINTO: Thank you.

Mr. Teagno.

MR. TEAGNO: Yes. I agree with Ms. Cudequest and Mr. Lintner, a combination of what they said.

I think this package is very good. It gives us a lot of good examples. And, I think the Board might want to recommend that here are three or four favorite styles.

MR. REGAN: We will do that in a resolution.

MR. TEAGNO: But, some of these, as Ms. Cudequest said, if you look at J.Crew, Anthropology and Bluemercury, I wouldn't be able to see those signs.

The Anthropology looks, not to pick on anybody but it looks like three of the seven lights are out.

CHAIRMAN DePINTO: Yeah. I do think, though --

MR. TEAGNO: But, some of the internally lighted are much more readable and clean looking. So, maybe we should --

CHAIRMAN DePINTO: If you visit the site at night, I think the pictures --

MR. TEAGNO: Which I have.

CHAIRMAN DePINTO: -- they're really not doing it justice.

I think, in real life, they look better than what the pictures are showing.

But, I do believe that's a valid point.

MR. TEAGNO: I think we should have a recommended, reserve three or four choices.

CHAIRMAN DePINTO: Okay. Very good.

MR. TEAGNO: Just to give some direction.

CHAIRMAN DePINTO: Thank you.

Mr. Culhane.

MR. CULHANE: I also noticed Mr. Talbot's no lights. I would assume the, in all probability, the applicant only submits the individual signs, is planning on lighting.

What concern I would have is in the buildings with multiple tenants, that there's got to be some sort of compatibility between the individual tenants. And, that's the one concern I'm not sure how we're going to achieve.

It's like the first guy comes in the door, he sets the pattern for the rest.

So, if he wants goosenecks, does that mean the additional tenants basically are going to have to use gooseneck?

CHAIRMAN DePINTO: But, I do think, John, and I recognize that, we only come after the

developer. So, if Mr. Talbot or whomever wants to come into this center, I would imagine that they're going to have to present, to the property owner, what they're proposing to do with signs.

And, if they are proposing a particular type of sign and let's say it's a gooseneck lighting, I think Hekemian is going to have to make the first decision because that first store, that first cue may dictate, in the eyes of the Board, what the rest of the signs are going to be.

So, if it's not found acceptable to Hekemian on first blush, well, it's their burden to come in with something that they may have to live with for the rest of that building.

And, again, we're looking for similarity but we're not looking for that identical throughout.

And, I think we can do that. I think it's going to be an interesting challenge.

MR. CULHANE: That's the concern I would have. As I say, the applicants will be going through the developer himself and he's going to be the screen.

CHAIRMAN DePINTO: Right.

MR. CULHANE: And setting what he thinks is something that can be accepted by the Board.

CHAIRMAN DePINTO: Correct.

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

CHAIRMAN DePINTO: Very good. Thank you. Mr. Fette.

MR. FETTE: My one comment is, if you look at the photo with Anthropology, as Mr. Teagno pointed out, it had several lights out.

When you, when you consider a gooseneck light, the gooseneck light is fine for a wall wash to illuminate a wall. But, it doesn't have always the same effect to illuminate a sign.

And, this is a perfect example. You have a situation where some of the lights are out which, yes, I know, is a property management issue. But, the other thing, maybe it's good some of them were out because if all of them were on, it would be too darn bright. You could almost not even read the sign.

So, you have a situation where you have gooseneck type lighting which is not adding to the sign at all.

So, I agree with, with, given some latitude and having the Board having the final decision on, on goosenecks and lighting and all that other sort of thing but I think we have to, we have to also consider that gooseneck lighting, above signs, may not always

be the best way to illuminate the sign.

And then, if you turn a couple pages beyond that, you look at the South Moon Under, okay, you can certainly read that sign very well with no gooseneck lighting. The next page is Pottery Barn. The same type of thing. Banana Republic, same type of thing.

So, I don't think we should really get hung up on having to have gooseneck lighting just to illuminate a sign because it just might not work.

And, that's my comment, Mr. Chairman.

CHAIRMAN DePINTO: Very good. Thank you.

A case by case basis is what it's going to be all about when it's said and done.

MR. WEBBER: Mr. Chairman, can I ask one more question of Mr. Steck?

CHAIRMAN DePINTO: Sure.

MR. WEBBER: Mr. Steck, could you briefly, I know this might be a bit of a reach, do a little site lighting comparison between what we're, what you're presenting for DePieros and what's presented here at Tice in terms of the outside lighting?

Because, some of the buildings, like White House Black Market, it's kind of bright even before the, their lighting is whereas Victoria Secret, it's virtually in the dark. And, I think that might be

some of the site lighting that has to do with that.

There are certain buildings here that have their pole lights right in front, you know. So, some of it may not lend itself to the goosenecks because you're getting way too much light on the area.

MR. STECK: You're right that, you know, by chance, some of the, you know, lanterns that are on the site happen to be in front of the signs and they, they do add to the visibility but it's, it's, I'm not sure it is a planned way.

I think someone, you know, spaced those lights to coordinate with the seating areas there but didn't necessarily pay attention to where the store front sign was.

So, I think it was a, you know, happenstance.

MR. WEBBER: Hit or miss.

THE WITNESS: So, I'm not sure I understood your request.

MR. WEBBER: Well, in regards to the site that we're developing and with the lighting of our parking lots and set site lighting on the sidewalks, how will that impact some of the facades and some of the lightings of the buildings that are proposed where you may get too much lighting from a gooseneck or --

MR. STECK: That's probably a better

question for the site engineer to address because he's the one that, you know, positioned those lights.

MR. WEBBER: Okay.

THE WITNESS: But, I, I understand your point, that you want to see some coordination.

You know, again, the problem is, we don't know exactly what element of the building is going to have the formal pedestrian entrance and the sign above and that may change over time as tenants change.

So, it's, it's a little bit difficult to, ahead of time, you know, determine the relationship of the site lighting.

But, I would suspect the site engineer is the best person that could respond to that.

CHAIRMAN DePINTO: Well, I think it's an interesting point. And, I do believe that, when applications are submitted for use permits, along with the application for the sign, that, at that point, we'll have a full lighting plan.

MR. WEBBER: We should look into --

CHAIRMAN DePINTO: And, with the lighting plan, we will be able to see where the fixtures are and our engineer will advise us whether any of that lighting is in conflict with the proposed lighting for that type of signage.

So, the engineer may come back and say, okay, fine, what they're proposing to do works but doesn't work with a gooseneck or doesn't work with an internally illuminated sign because of a conflict.

I think we could deal with that at that time.

MR. WEBBER: All right. That would be at the time of submission.

CHAIRMAN DePINTO: Submission of use permit.

MR. WEBBER: Okay. Thank you.

MR. PREISS: Mr. Chairman, if the Board Members are finished, I just have a couple comments.

CHAIRMAN DePINTO: Okay. So long as they're consistent with what we said, you can.

MR. PREISS: Of course, Mr. Chairman.

Just a couple of things. I think, No. 1, the photographs are a little bit misleading in terms of the extent of the lighting. And, so, that's the first thing. So, don't only look at these particular pictures.

And, in some cases, some of the lights, for example, the gooseneck lighting for Anthropology, some of those lights are out so it doesn't, it doesn't really illustrate how it is.

On the other hand, that's not the type of -- I

have looked at that signage and that's not the type of gooseneck lighting that I would recommend which is small, very bright, closely spaced lights. I think there are other better examples.

The other thing is that the, not every sign is lit. Some are channel cut with the internal illumination. Some are gooseneck. Actually, very few are gooseneck.

Others have, rely on sconces and the others are not lit at all but rely on the lighting of, of the site which, actually, in some cases, adequately lights the building itself.

So, there's, there's great variation.

I think one of the things, in terms of consistency and similarity, one of the things that really makes it work here, is that if you look at these signs, in particular the ones that are shown here that, that Board Members have commented on as being attractive is they are very different from one another. There's no two signs which are exactly alike.

So, some of them are back lit, some of them are channel cut, some of them have no lighting, some of them -- and, I think what you're looking for in this particular situation is variance rather than

similarity or consistency.

So, that's an aspect that I think that you would actually want to encourage.

And, the other thing is that, I didn't, although I anticipated, when I went out and looked at Tice, the fact that gooseneck lighting was next to another one which was channel cut, next to another one which is back lit, it was not unattractive in my opinion.

So, just because the first tenant puts up gooseneck I don't think that is, should necessarily dictate that the other signs do the same thing.

I think, if the Board -- I think this is very helpful because the Board can point to particular signs that they like. And, I think that the resolution can reflect, even though it's going to be done on a case by case basis, in choosing -- Mr. Regan pointed this out -- in choosing those signs that they would want to encourage as good examples, I think that provides guidance to the applicants, their tenants and then it will help with the Board, at a future point, to determine which signs are appropriate.

CHAIRMAN DePINTO: Very good. Thank you.

Mr. Preiss, with regard to the testimony that you have heard from Mr. Steck, do you have any questions of him?

MR. PREISS: I do not, I do not have any questions or comments on his testimony.

CHAIRMAN DePINTO: Okay. Thank you.

And, while we're doing professionals, Mr. Hipolit, do you have any questions?

MR. HIPOLIT: I have no questions on signage.

CHAIRMAN DePINTO: And, Mr. Regan.

MR. REGAN: No questions, Mr. Chairman.

CHAIRMAN DePINTO: And, Board Members, I guess starting with Mr. Lintner, of the testimony that you have heard from the applicant's planner, Mr. Steck.

MR. LINTNER: I have no questions of Mr. Steck.

Thank you.

CHAIRMAN DePINTO: Thank you.

And, Mrs. Cudequest.

COUNCILWOMAN CUDEQUEST: I have no questions, Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Teagno.

MR. TEAGNO: No questions.

CHAIRMAN DePINTO: Thank you.

Mr. Culhane.

MR. CULHANE: No questions, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Fette.

MR. FETTE: None, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Vogt.

MR. VOGT: No questions, no comments.

CHAIRMAN DePINTO: Thank you.

Mr. Webber.

MR. WEBBER: I believe I have exhausted all questions.

CHAIRMAN DePINTO: Before we open the meeting to the public, we received a communication from the Montvale Environmental Commission which I believe we should mark into evidence as a Board exhibit.

MR. REGAN: B-9.

CHAIRMAN DePINTO: B-9.

Mr. Del Vecchio, we have B-9.

MR. DEL VECCHIO: B-9 is what my record would reflect would be the next marking.

CHAIRMAN DePINTO: And, as reported by Chairman Vogt, the Montvale Development Associates did in fact appear before the Environmental Commission. They found the plans to be acceptable with the

exception of not taking a position on the green roof.

MR. VOGT: It states that on the approval letter.

CHAIRMAN DePINTO: Right.

Now, with regard to that green roof, Mr. Vogt, why did not the Board take a -- I'm sorry, the Commission take a position on that?

MR. VOGT: I felt we didn't have the expertise as far as structures underneath this roof since there is additional weight. And, I didn't feel comfortable approving something which, although I'm sure the architect or the engineers have figured all that out but I have no evidence of that, that it is structurally sound.

And, that's why I said this Board should actually act upon it.

CHAIRMAN DePINTO: Did the Commission take any exception with the types of plantings, the species, the quantity or anything of that nature?

MR. VOGT: No, not at all because it's not visible from any roadway or any walkway. Even on the property. You have to stick to, your head through the bushes in order to see it.

It's, it's really a question of is it functional as far as insulation. Perhaps it is even low in

maintenance.

But, other than that -- if it could be a visual thing, we would, we would address it.

CHAIRMAN DePINTO: So, therefore, your concern was as to the structural integrity --

MR. VOGT: Yes.

CHAIRMAN DePINTO: -- of the building.

MR. VOGT: Yes.

CHAIRMAN DePINTO: And its ability to withstand any weight of the plantings or soils or water retention.

MR. VOGT: That's correct.

CHAIRMAN DePINTO: Or anything of that nature.

MR. VOGT: That's correct.

CHAIRMAN DePINTO: Mr. Hipolit, how is that dealt with?

MR. HIPOLIT: I mean, it's really dealt with pretty much after Board approval. We'll deal with it on an installation basis. Myself and Wolfgang would get involved and go out there, make sure it's installed right, make sure it's the right type, make sure it's really constructed.

CHAIRMAN DePINTO: Mr. Fette, how does your office deal with the structural integrity and the

adequacy of it to maintain that weight?

MR. FETTE: Well, part of our requirements for submission is going to be certainly a structural roof design. And, they're going to have to show, they're going to have to support not only the dead load but also the snow load that's going to be added to it plus you've got live load which is anybody walking around on it and, and certainly water concentration on top of that.

So, there's a lot of, there's a lot of factors in a roof design like that that will have to be taken into consideration.

MR. HIPOLIT: But, it's not uncommon, in today's society, in 5 years there's a lot of them that have gone up, so there's a lot of standardization. They know how to handle it.

So, it's not like you're going way out there with this.

CHAIRMAN DePINTO: Okay.

MR. VOGT: As far as the planting goes, Mr. Chairman, they're low maintenance plants proposed to be planted there. Those plants can withstand frost. They can withstand drought. They're really low maintenance. And, so, therefore, the planting itself is, is, should not be in question here at all.

So, I just didn't want to approve something which I have, I felt I'm not qualified to do.

MR. HIPOLIT: Right.

CHAIRMAN DePINTO: Okay. And, Mr. Regan, that can be incorporated in a resolution that the Environmental Commission took no position with respect to that and that they're going to rely upon the Borough Engineer's office as well as the Building Department to insure the integrity of the structure?

MR. REGAN: Yes, I will refer to the exhibit as well.

CHAIRMAN DePINTO: Okay. Very good. Thank you.

And, Mr. Del Vecchio, you have no further question of Mr. Steck before I open the meeting to the public?

MR. DEL VECCHIO: I do not, Mr. Chairman.

CHAIRMAN DePINTO: Okay. With that said, the Chair will entertain a motion to open the meeting to the public.

MR. VOGT: So move.

MR. CULHANE: Second.

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

All in favor?

(Aye)

Anyone from the public wish to be heard?

Mr. Segreto.

MR. SEGRETO: Thank you, Mr. Chairman.

CROSS-EXAMINATION BY MR. SEGRETO:

Q Good evening, Mr. Steck. I have a few questions of you.

The applicant is now applying for a variance from this 5 foot landscape strip requirement.

Is that correct?

A Yes.

Q And, am I correct that none of the buildings on the site plan comply with this section of the ordinance?

A That's correct.

Q All right. So, it's -- I think, if my math is correct, there's 12 buildings and you're asking for 12 variances, one for each of those buildings.

Is that correct?

A Yes.

Q You are not contending that there's not enough room on this 25 acre site to comply with this section of the ordinance.

Is that correct?

A That's correct. That's not a factor in justifying the variances.

Q You'll agree with me that, if you complied with that section of the ordinance, there would be more impervious coverage on the site and less impervious coverage.

Is that correct?

A Not necessarily.

Q Why do you say that?

A Because it's simply a shifting of pavement areas. It doesn't necessarily mean that there's more pavement or it's -- it's a shifting of the improvements as opposed to a changing in the ratio of pervious to impervious.

Q You wouldn't have to take away from the parking areas, from the size of the buildings to comply?

A Not necessarily. It's a design issue. You could, you know, you might shift the, you know, the focal point green areas.

Q Well, on a 25 acre site, why do you have to shrink those areas in order to comply with the ordinance?

A The issue of shrinkage is not part of the justification. The justification, in my mind, is that

the benefits of not having that 5 foot landscaping strip substantially outweigh the detriments.

Q What are the benefits to the public here in Montvale if this applicant doesn't comply with the requirement to have that landscaping strip?

A I testified to it last time. Do you want me to repeat them again?

Q Yeah. How does it benefit the public here?

A Well, in the larger picture, this is an inclusionary housing development in the sense that the, a successful retail project is the engine that drives the production of low and moderate income housing. It is -- the section that requires the 5 foot landscaping strip is a generic section. It wasn't drafted as part of the planned unit development zone. It was a reference to a standard that applies to all non-residential development in, in the municipality.

So, one could easily understand that provision if you look at, you know, office uses or industrial uses.

But, I said it frustrates a retail use to not be able to expose itself through a store front window.

And, in my opinion, the other issue is that

these retail buildings are focused internally to the site rather than being along a public street. So, there are a number of unique features, in my opinion, that having the sidewalk up against the building allows it to operate more traditionally as a pedestrian friendly area that's geared to promote the retail use.

Q All right. Let's talk about the affordable housing component of this PUD application.

This applicant is not going to build those units, is it?

A That's correct.

Q The only obligation that this applicant has is to pay the property over to Montvale and let Montvale worry about if and when that housing element is ever going to be developed.

Isn't that true?

A I don't know if they worry about it but it's part of the planned unit development, it's part of the procedures. There is a requirement that the land be transferred and that it be transferred early in the development process.

Q Right. But, there's no time table as to how that's going to be built or when it's going to be built.

A But, it's at the discretion of the municipality, that's correct.

Q And, it's Montvale's problem to worry about how that's going to get built?

A I don't know if it's a problem. It seems to me, if a municipality has control over it, it's less of a problem.

Q Now, with regard to where those 32 units are going to be, they're going to be on one small lot in one building.

Right?

A They're going to be on a medium size lot, potentially in one building. The concept -- again, we are not seeking site plan approval for the residential but we have produced a design that demonstrates that the housing can fit and meet the standards of that portion of the planned unit development.

Q And, that, that lot is, is it correct, that's on the outskirts of Montvale?

Would you agree with me?

A Outskirts, I don't know -- what do you mean by outskirts?

It's within the municipal boundary lines and it's on -- it's near another town house development and on a street that can accommodate the traffic.

Q Right.

And, that property abuts up against the Garden State Parkway.

Right?

A The back end of the deep lots do end at the Garden State Parkway right-of-way.

Q And, you think it's good planning not to have those 32 units integrated with market units or in a mixed use development?

It's better to have it on this small lot, on a property that abuts against the Garden State Parkway?

A It's not a question of whether it's better or not, the question is, does it comply with the ordinance. And, the answer is, yes, it does.

Q Is it good planning to have it out there?

A Good planning is determined by the local municipality.

You might have a different opinion of what good planning is.

In my opinion, it is better to have housing on that site than it is on the site where the commercial development is.

Q Now, with regard to Phase 2, you're only asking for preliminary approval, right, not final?

A Preliminary site plan approval. Correct.

Q There's no time table for the development of Phase 2.

Correct?

A Correct.

Q There's no requirement of this applicant to actually develop Phase 2.

Isn't that true?

A There, there is no -- actually, what happens in this planned unit development is that the crucial issue, in my opinion --

Well, first of all, each development has its own open space so as different phases get approved, such, you know, as the first phase with Wegman's, there is an open space component that's already locked in as a result of the site plan.

It so happens, the way this planned unit development zone is structured, the donation of land is very early in the process so that, essentially, by the time Wegman's goes for its building permit, the public purpose has been accomplished, at least in terms of the responsibilities of the applicant.

Q My question was with regard to Phase 2, that's, you know, down below by Phillips Parkway.

A That is a, I presume it's a market driven approach that the, once the applicant has secured

1 interested tenants, then it will come in for final
2 site plan approval.
3 Q And, my simple question is, there's no
4 requirement that the applicant has to go ahead and
5 develop Phase 2.
6 Right?
7 A There's no timing -- there is no
8 requirement, that's correct. It's market driven.
9 Q And, you said, specifically in your direct
10 testimony last time we were here, that it can be
11 developed separately from Phase 1.
12 Correct?
13 A Yes, because it has its own open space
14 component. It is the -- you know, each phase can be
15 developed and not necessarily be handicapped by, let's
16 say, the drainage or other utilities. It's designed
17 so that Phase 1 can operate completely and, and the
18 securing of tenants that might come later is an
19 independent decision that doesn't compromise the first
20 phase of the project.
21 Q And, it's actually going to be developed
22 separately from Phase 1.
23 Right?
24 A I don't know what you mean it's going be
25 to be. It is, as it is proposed now, Phase 1 will be

1 developed first.
2 Q So, if the affordable housing component is
3 not going to be developed by this developer and Phase
4 2, you're only asking for preliminary, we don't have a
5 time table or requirement for the applicant to develop
6 Phase 2, how is this application still a planned unit
7 development? Because, I don't see it.
8 A Because, in this case, the front end
9 loading, rather than saying the, the important public
10 purpose, meaning the production of low and moderate
11 income housing, happens to be geared for the very
12 first phase in the project. So, unlike in another
13 project where you have to build, let's say, half of
14 the housing units by the time you get half of your
15 building permits or half your square footage, that is
16 a more typical instance where the phasing is very
17 important because you want to assure that the housing
18 site is available and developed.
19 In this case, because that phase of the project
20 is, is so early in the process, the public interest is
21 protected.
22 Q All right. Let's talk about the anchor
23 store, the proposed 140,000 square foot Wegman's.
24 Is that correct?
25 A Yes.

Q Would you agree with me that this is going to be a substantial draw to the public?

A Yes. They call it an anchor store because it will probably draw more customers than any of the other tenants.

Q And, because of this development's proximity to the Garden State Parkway, you will agree with me that many people, who will probably never come to Montvale, are going to get on that Garden State Parkway and come here because of this flagship 140,000 square foot Wegman's.

Would you agree with that?

A I presume that some people will come to Wegman's who are traveling on the Parkway.

Q Only some?

A Yes.

Q Is the substantial amount of the traffic going to be generated on the local streets or from the Garden State Parkway?

MR. DEL VECCHIO: I'm going to object to the question because it sounds --

Q In your opinion --

MR. DEL VECCHIO: It's outside of Mr. Steck's testimony as to where traffic is coming from.

We had extensive testimony on traffic. It's

well-outside his area.

MR. REGAN: He can answer if he wants. He doesn't know it but...

Q From a planning perspective?

A From a planning perspective, I did not testify about that. And, there is a traffic expert already associated with the project.

Q Right. Would you agree with me that the AH PUD Ordinance is peculiar in that it only provides for a minimum size of the anchor store and doesn't propose a maximum limitation for it --

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

Q -- for the anchor store.

MR. DEL VECCHIO: I'm going to object to the question.

We're dissecting what the ordinance permits. This is essentially, again, delving into the litigation area.

MR. REGAN: I didn't take that as a question. I thought it was a statement.

MR. SEGRETO: No, it was a question, a question mark at the end of it. I'm sure the court reporter put a question mark at the end of it.

MR. REGAN: I thought it was opinion.

MR. SEGRETO: No, it wasn't.

I said, do you agree with me that the ordinance is peculiar, end with a question.

CHAIRMAN DePINTO: Well, it's a question then.

Do you agree?

A I don't know what you mean by peculiar. Every, every planned unit development ordinance is unique to its subject matter.

I believe that this comports with the Municipal Land Use Law. And, it accomplishes reasonably the public purposes it seems to accomplish. Exclamation point.

Q Would you agree with me -- that's the start of the question, that since the ordinance only provides for a minimum on the size of the anchor store, that this Board has the discretion, if it decides that the proposed size is just too big and will have an unreasonably adverse impact, that they can deny this application?

MR. DEL VECCHIO: I'm going to object to the question. It calls for a legal opinion.

MR. REGAN: He's a planner, though.

MR. SEGRETO: It's a planning question.

MR. REGAN: Planning and zoning issues.

A If the applicant complies with the terms

of the ordinance and the statutory findings are satisfied by the evidence in the record, in my opinion, the Board can't turn down the application.

Q But, if the Board decides that that 140,000 square foot Wegman's is just too big for this area and that it's going to have an unreasonably adverse impact on the surrounding areas in Montvale, don't they have the discretion to deny the site plan application?

I see Mr. Preiss is saying no.

MR. DEL VECCHIO: I'm going to object to the question now because it's been asked a second time. He's still not going to like the answer.

We can read it back from the court reporter as opposed to having Mr. Steck repeat it the second time.

MR. REGAN: Just let him answer, Mr. Del Vecchio.

A The governing body made a judgment as to the terms of the ordinance. And, if the applicant complies with the terms of the ordinance, in my opinion, the applicant deserves an approval.

Q So, this Board has no discretion over that issue?

A I said that if the applicant complies with the terms of the ordinance, the issue of size of the

1 buildings has been determined by the governing body in
2 adopting the ordinance.
3 Q How is that?
4 They only said the anchor store should be a
5 minimum.
6 A But, there is a maximum impervious
7 coverage. There are a cluster of requirements that,
8 together, limit what someone can put on the property.
9 Q So, what discretion does this Board have
10 on anything that the applicant has proposed?
11 A They have -- this is part of the -- part
12 of the review procedure is to determine whether or not
13 we meet the dimensional use and other requirements.
14 And, the answer is, there is evidence on the
15 record that we do, except for that 5 foot landscaping
16 strip between the sidewalk and the buildings, that's
17 one item of relief that I have addressed.
18 And, then the Board has normal site plan powers.
19 It can't, in a sense, deny the site plan but it can
20 negotiate with the applicant to address the
21 arrangement of the buildings to make sure that it's a
22 reasonable site plan and that traffic improvements are
23 sufficient to protect the public interest.
24 Q Let's not talk about the size of the
25 anchor store. Let's just talk about the site plan

1 application that's been submitted to this Board.
2 If this Board determines that the site plan
3 application, as a whole, all right, will have an
4 unreasonably adverse impact on the area, then they
5 have the discretion to deny this application.
6 Isn't that true?
7 A That is one of the findings peculiar to a
8 planned unit development. And, the wording in the, I
9 believe you quoted part of the State statute.
10 Q Yes, I'm looking at it right now.
11 40:55D-45(d).
12 A And, I'm looking at my copy right now
13 also.
14 Q Right.
15 A So, it does say that (d), that the
16 proposed planned development, one of the findings of
17 the Board in approving this entire project as a
18 planned unit development, if the Board needs to find
19 it will not have an unreasonably adverse impact upon
20 the area in which it is proposed to be established.
21 Q All right. So, if this Board concludes
22 that this site plan, PUD application, will have an
23 unreasonably adverse impact on the area, then they
24 have the right to deny your site plan, notwithstanding
25 the fact that you comply with 99 percent of the

provisions of the AH PUD ordinance?

A That's correct.

MR. SEGRETO: No further questions.

CHAIRMAN DePINTO: Okay. Thank you.

Anyone else from the public wish to be heard?

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

MR. VOGT: So move.

MR. CULHANE: Second.

CHAIRMAN DePINTO: Mr. Vogt, second Mr. Culhane.

All in favor?

(Aye)

Okay. Mr. Del Vecchio.

MR. DEL VECCHIO: Mr. Chairman, as I had indicated at the last two prior hearings to this evening, we had anticipated concluding the applicant's direct case upon the completion of Mr. Steck's testimony which has now occurred.

So, the applicant has completed its direct case and rests at this point.

CHAIRMAN DePINTO: Okay. But, Mr. Del Vecchio, prior to that, let me ask you a question.

With respect to the properties along Summit Avenue, which will be dedicated or deeded to the

Borough or possibly deeded to the Borough at some point in the future, at what point, specifically, will that occur?

MR. DEL VECCHIO: I have to double check the ordinance. The ordinance is very specific on it.

If you give me one moment, I will be able to answer that.

MR. REGAN: I think it's Page 10.

MR. DEL VECCHIO: G-1, you are correct, Mr. Regan.

Upon receipt of the building permit for the first phase of development of the retail uses, the developer shall transfer to the Borough of Montvale and that transfer is to transfer that land area.

So, essentially, prior to the issuance of the first building permit for the retail component.

MR. REGAN: You are under contract. You own the one parcel which I believe is Lot 5 or Lot 3.

MR. DEL VECCHIO: We own the one parcel. We are under contract and hold a contract for purchase for the, what is known as the Dean property.

MR. REGAN: Right. That contract appears to be in force and effect.

MR. DEL VECCHIO: It is.

MR. REGAN: I assume the deposit has been

paid and it's being held in trust?

MR. DEL VECCHIO: Yes.

MR. REGAN: Okay.

CHAIRMAN DePINTO: Okay. And then next -- I guess the last two hearings you had indicated that certain changes were going to be made to the plans.

And, I think the Board Members were requesting of you to take all of those changes and submit them on final plans.

Have those changes been incorporated into the plans?

And, if so, when do you intend to submit them to the Board?

MR. DEL VECCHIO: The architectural plans were delivered to my office yesterday in final form. So, I have those and those are ready to be resubmitted.

I just conferred with Mr. Dipple and we are probably -- I'm guessing that some time prior to the Board's next meeting, whether it's a week or slightly longer than that, we should have the engineering drawings in final form, what we call compliance drawings to comply with all the conditions and terms that have come up during the hearing.

CHAIRMAN DePINTO: All right. The

difficulty, I believe, and correct me if I'm wrong, Mr. Regan, with respect to procedure is, if we were to close the hearing, we then would have to reopen it to accept any revised plans.

Is that correct?

MR. REGAN: I think you would.

CHAIRMAN DePINTO: So, therefore, we could not close or should not close until such time as we get revised plans and final technical review by our engineer and our planner.

Is that correct?

MR. REGAN: Well, that's true. I think the Board, assuming we complete the hearing tonight, we still have to hear from Mr. Segreto, if he has any witnesses or has any additional arguments that he wishes to make as well as members of the public.

Assuming we conclude tonight, I think the Board could authorize me to start working on a resolution one way or the other.

But, I think the resolution should not be voted upon until the plans are available so it's crystal clear as to what's being approved and that the public has had an opportunity to review the actual final set of plans rather than what we have now which is not actually everything brought up-to-date.

CHAIRMAN DePINTO: Okay. And, with that said, Mr. Segreto, do you intend to present any witnesses in connection with your representation.

MR. SEGRETO: No. As I previously advised, we're not going to offer any witnesses.

CHAIRMAN DePINTO: Okay. And, are you prepared to offer a summation to the Board with respect to your position?

MR. SEGRETO: Of course.

CHAIRMAN DePINTO: If you want to.

MR. SEGRETO: Sure.

CHAIRMAN DePINTO: Mr. Del Vecchio, are you going to offer a summation or was it what you had previously stated in your summation?

MR. DEL VECCHIO: I think, Mr. Chairman, I would waive my summation but reserve the right, depending on what I may hear from the public or Mr. Segreto, just to offer a few final remarks at that point.

CHAIRMAN DePINTO: Okay. And, Bob, you indicated that you could start preparation of a resolution?

MR. REGAN: If I'm authorized to. This is not a resolution that will be done in two weeks. This is the 13th public hearing.

I'm going to apologize to the Board up front. You're probably going to have to wait for a rather lengthy, extensive resolution. It will probably take you hours to read it. But, I don't think there is any alternative but to put everything into the document in every form possible, with all the necessary conditions that apply.

So, it will be extensive and it will probably take me until June to get it done.

CHAIRMAN DePINTO: I believe what we should do, before going to Mr. Segreto for summation, I'm going to go to the Board professionals.

Mr. Hipolit, your office is prepared to do a final review of the plans once submitted and that could be done, I presume, in a timely fashion?

MR. HIPOLIT: Yes. If we were to get a set is of plans within a one week period between the last letter we produced and all the notes I have taken, with the conditions, we can go through and verify whether they have met our requirements.

CHAIRMAN DePINTO: Okay. And, Mr. Preiss.

MR. PREISS: I'm, I'm in the same boat as Andy. We don't have that many issues.

I think the last review that we did, based on the amended plans, showed pretty much compliance with

virtually everything say for a number of issues.

So, a review of the final plans to check off those issues wouldn't take that long. We certainly would be ready within a week or two after.

CHAIRMAN DePINTO: So, I think, before polling of the Board and before any deliberation, I'm going to ask Mr. Segreto --

Well, first let me open it to the public, see if anyone else from the public has to be heard.

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

COUNCILWOMAN CUDEQUEST: So move.

MR. TEAGNO: Second.

CHAIRMAN DePINTO: Mrs. Cudequest, second Mr. Teagno.

All in favor?

(Aye)

Anyone from the public have any questions or final comments?

Okay. Hearing none, Mr. Segreto.

MR. SEGRETO: Thank you, Mr. Chairman.

I think we've been at this since August of last year. I think that's when we started. And, obviously, we have had many, many meetings.

As you just heard, my cross-examination of Mr.

Steck, we don't believe you have a PUD application at all before you because there's nothing planned about this development.

They're proposing a 25 acre large scale retail development. The housing element is going to be Montvale's problem. They're just going to sign over the deed and this town has to worry about it.

Phase 2, there's no requirement that they're going to build it. There's no time table. So, there's nothing planned about this application at all. They're proposing a large scale development.

It's unfortunate that the Mayor and Council, in their wisdom, decided to pass an ordinance that doesn't have a maximum square footage, square foot limitation for the retail or for the anchor store. They only provided for minimum, a minimum 60,000 square foot.

This applicant has chosen to maximize to the greatest extent possible. And, they're proposing a 140,000 square foot Wegman's.

Probably each one of these Board Members, when we were talking about traffic, all were of the same opinion, the traffic is horrendous in this area. Okay. And, you're putting 225,000 square feet of retail on this site.

There was testimony that somehow magically improvements to nine critical intersections are going to somehow accommodate this traffic.

But, I don't believe it. And, I don't think you, Mr. Chairman, believe it because you were very outspoken throughout these proceedings, especially in light of their traffic testimony. I even think you said to Mr. Del Vecchio that he's been here many, many times, he presents many expert witnesses and this is the first witness that you thought he presented that didn't address the real issues, that wasn't prepared. All right.

So, that's the testimony that they decided to present to you.

This Board absolutely has the discretion, because of the way the ordinance is written and pursuant to the findings that you have to make with regard to the so-called PUD application, that if they're proposing too much, if they're proposing this gigantic 140,000 square foot Wegman's, that it's going to attract substantial traffic to this site, not only on your local roads but from Garden State Parkway.

You have discretion to say, no, it's too much for our little town of Montvale.

I don't think Mr. Steck is right. You can deny

this application because of the way the ordinance is, the way the ordinance is written.

A 140,000 square foot Wegman's does not belong on this site. It doesn't belong in your town notwithstanding the fact that your planner said that Montvale is in need of a supermarket. You know that there's plenty of supermarkets a stone's throw away from this site and from Montvale.

So, there's no need for this gigantic Wegman's.

They have a 25 acre site and a simple provision in your ordinance that every other non-residential property owner has to comply with, they can't comply with it. Why? Because they don't want to comply with it.

God forbid that they put some more landscaping on this 25 acre site instead of having those parking lots.

So, you have the power, you have the discretion. Don't rubber stamp this like the Mayor and Council did. It's obvious that that ordinance was tailor made to the conceptual plan that they submitted.

So, the Mayor and Council didn't do their job. They didn't protect Montvale.

But, you have the power to protect the residents of Montvale by denying this application because it's

too much.

And, I think all of you, in your heart of hearts, knows that it's too much but, for some reason, you don't want to say no to DePieros or to the applicant. And, I just don't understand that.

That's what the Planning Board is for, all right, to protect the public.

And, I know you know that this is going to be disastrous when it comes to traffic.

And, these nine critical intersections that have to be, that have to be improved, when are they going to be improved? How are they going to be improved?

Are they going to be improved at all the same time?

Can you imagine what's going to happen to the traffic while each one of these intersections are going to undergo the improvements that are necessary?

Think about all these things. Don't rush tonight to hurry up and just give Mr. Regan the okay to start working on that large resolution that he has in mind. Don't, don't do it.

They, they still haven't submitted final, you know, plans to you. Your professionals haven't even looked at the final plans. Yet, you're going to start taking a vote before the professionals look at it,

before the public looks at those plans. Don't do it.

There's, you know, there's no rush.

And, respectfully, take your jobs very, very seriously, think of the residents of Montvale.

You have the discretion and deny this application.

Thank you.

CHAIRMAN DePINTO: Thank you.

MR. REGAN: Mr. Chairman, if I could comment in response to Mr. Segreto's statement.

The Board would not be voting tonight to approve an application. You would not want to do that until you have the final plans before you. But, it would authorize me to at least start working on a resolution.

Again, you don't have to do that. You can wait until the final plans come in. But, then it's going to be an even longer period of time we're going to have the application continuing.

So, really, it's your call.

I'd like to ask both counsel, assuming the Board gives me the authorization to begin work, do you have any objection to the resolution being, being available sometime in June?

Because, you both know there is a 45 day period

for a resolution that's, again, a memorializing resolution in response to an actual vote to approve, a vote to deny. But, it's not going to be able to be accomplished within 45 days.

So, I assume that would be acceptable to you, Mr. Segreto?

You're not in any rush?

MR. SEGRETO: I don't know what you're asking me.

MR. REGAN: I'm asking if you have any objection, if the Board gave me an authorization to begin working on a resolution but it would not be available until June.

MR. SEGRETO: I know. But, how does the Board authorize you to start working on a resolution?

What is it, to approve, to disapprove?

MR. REGAN: Well, they would make that decision.

MR. SEGRETO: I think it's, it's not appropriate.

MR. DEL VECCHIO: If I may, Mr. Regan.

MR. SEGRETO: The Board has to deliberate, the Board has to --

MR. REGAN: Well, they haven't done that yet. Presumably, they're going to do it now.

MR. SEGRETO: If they, say they approve it, then they authorize you to do the resolution of approval.

MR. REGAN: Right.

MR. SEGRETO: I don't know, maybe they're going to deny the application.

MR. REGAN: Anything is possible.

MR. DEL VECCHIO: If I may, just to perhaps to enlighten Mr. Segreto who doesn't normally appear before this Board, as to what this Board, its customary practice is.

The Board, on virtually every application it hears, with very, very few exceptions, will authorize the Board Attorney to adopt a resolution or prepare a resolution in one manner or another without actually taking an action vote.

So, what the Board is proposing to do on this application is no different than what you do on every other application.

What is a bit unusual is that the Board is seeking, essentially, resolution compliance plans or I'll call them compliance plans, complying with the conditions that develop during the course of the hearing, prior to the adoption of a resolution.

We understand why. It's a significant

application. It's gone on for 13 hearings. We understand that.

MR. REGAN: That's my recommendation also.

MR. DEL VECCHIO: All right. I understand why the Board is going down that path.

If there's anything unusual, it's the added measure of security that you're proposing the Board take which, again, from the applicant's standpoint, is understandable.

So, so far, what the Board is proposing to do is very typical and customary on what you do on every application.

In terms of the 45 day resolution period, Mr. Regan, I don't believe that clock begins to run until the Board takes an action vote.

MR. REGAN: I agree. I just want it on the record that I don't want someone to object that we took too long.

MR. DEL VECCHIO: All we would ask is that, and we know we don't even have to ask this of you, by reputation, if you work as diligently as you can, time permitting, on the resolution, and I'm sure it will be done as soon as it possibly could be done. And, if that's the case, we, we would expect that you'll have it done for when you'll say you have it

done.

MR. REGAN: Thank you.

MR. DEL VECCHIO: We know you by reputation, Mr. Regan. You're thorough, you're extensive but you're not one to drag your feet either.

MR. REGAN: Thank you.

CHAIRMAN DePINTO: In light of the fact, and this is my opinion, and I certainly would defer to the majority vote.

But, in light of the fact that this is the most comprehensive and largest development that the Borough of Montvale has ever seen, at least since I've been on this Board in 30 plus years --

And, Mr. Del Vecchio, you are correct, the normal practice of this Board would be, at this point, to enter into deliberation. I would poll the Board and then go into deliberation and then request the Board Attorney to prepare a resolution either to the affirmative or to the denial.

However, there's a certain uniqueness associated with this application because of its size, because of its importance, because of the impact that it is going to have on our community, I believe it's incumbent upon the Board and its professionals to take one last look at the final plan before making a decision either

to approve or not approve.

I believe it's incumbent upon the Board to hear one final statement from its professionals relative to the proposed plan.

I, quite frankly, am unable to keep in my mind changes that have either been agreed to or not agreed to, that only can be determined through that final analysis of a plan.

I know Mr. Dipple has kept his notes and he's going to amend the plan to reflect either what was determined by the Board or that he agreed to during direct and cross-examination.

So, I find it very difficult, as a voting Board Member, to be able to take that action this evening. I had hoped to, quite frankly, but I am not quite sure if I am prepared to do so.

And, again, I will defer to the majority and I'm going to poll the Board at this time with respect to that vote.

Question of Mr. Lintner, obviously, the amended plans that have to be submitted to the Board and to the Board professionals, do you believe, at this time, it would be your preference to wait to receive those plans and have an opportunity to review them and hear from the Board professionals before you give your

opinion or are you prepared to give an opinion at this point?

MR. LINTNER: I agree with you. I believe that we would get the professional opinions from Mr. Hipolit and Mr. Preiss before we are poled and before we direct Mr. Regan to prepare his resolution.

So, I'm in agreement with you.

CHAIRMAN DePINTO: Okay. Thank you.

Mrs. Cudequest.

COUNCILWOMAN CUDEQUEST: I agree with you and Mr. Lintner.

CHAIRMAN DePINTO: Thank you.

Mr. Teagno.

MR. TEAGNO: Same here.

CHAIRMAN DePINTO: Thank you.

Mr. Culhane.

MR. CULHANE: I agree with waiting.

In addition, what I think the Board should also have is a status of the engineering for the improvements, to where road intersections stand.

And, there's a sidelight, when the comments about the green roof came up and there were concerns about the load on the roof structure, be aware that Buildings A, B and F, and especially F, in my mind, there is no separate retaining wall holding back that

earth load.

The designer of the building structure for each of those buildings has to take into account the forces on those buildings which I think are more considerable than, with all due respect to the green roof, that load on the green roof. I'm not that familiar with the requirements of the New Jersey code but perhaps our seismic loads are part of the calculations for these buildings.

MR. FETTE: Yeah. The State of New Jersey has different seismic sections.

MR. CULHANE: I don't know if this is Zone 1 or Zone 2.

MR. FETTE: We are not in a, in a high area. But, they do have to take seismic considerations when they, when they design.

MR. CULHANE: So that, in my judgment, just compounds the problem of the structures taking horizontal forces of the earth load.

No other comments at this time.

CHAIRMAN DePINTO: Okay. Thank you. Mr. Fette.

MR. FETTE: Yeah. I agree. I think we need to look at a final plan.

We've had so many revisions and changes and

things like that, I think a final review letter from Mr. Hipolit's office would be appropriate.

CHAIRMAN DePINTO: Okay. Thank you. Mr. Vogt.

MR. VOGT: Yeah. I agree with that, also. However, I think we should, because none of this has anything to do with an approval, what I would like to see is that we approve or authorize Mr. Regan to get started on the resolution since, as he stated, it's going to be like a Bible, as big as a Bible or nearly as big.

MR. REGAN: Not that big.

MR. VOGT: But, in any case, I think it would make it easier on you. It's not an approval of the resolution. That can come after we get new plans, after we hear from Mr. Hipolit and perhaps Mr. Regan. And, and then decide and approve the project.

But, tonight, I think we could actually vote to authorize Mr. Regan to start a resolution.

CHAIRMAN DePINTO: I think the difficulty with that, at least the difficulty that I have with that suggestion, Wolfgang, is the fact that you heard the summation of Mr. Segreto. And, Mr. Segreto did raise some valid points. And, there may be members of the Board that are inclined to, to agree with Mr.

Segreto.

And, therefore, to instruct Mr. Regan to prepare a resolution to the affirmative when, in fact, we have not fully deliberated with regard to the application, I tend to think it would be premature. I think our responsibility is to be guided by our professionals and be guided by our own wisdom which we're going to gain through them and through the review of the plan.

As much as I would like to move this file along, it's been a long time and it's time for this Board to take an action one way or the other, I think it's a day late and a dollar short, is not necessarily the right way to go.

I think, let's give it another two weeks and let those final plans come in and final reviews come in rather than -- let's say, hypothetically, you authorize Bob tonight to start preparing the resolution of approval and in fact he does and then, in two weeks from now, after we have revised plans, and we have comments from Board Members, I'm sorry, from Board professionals that say something is wrong or something is bad or something changed, that they had not anticipated, it seems to me we got to -- that's a do-over time. And, I don't know if anybody wants to do this thing over again. We want to do it

once and we want to do it right.

MR. VOGT: I hear what you're saying. However, when, when Mr. Regan writes, gets started on the resolution, if something comes up later on, whether it's under amended plans or which we don't agree with and something needs to be rewritten, it will be a small paragraph or something rather than the entire document.

So, I don't see it a problem.

But, I hear what you're saying. I'm sure that DePieros can wait another two weeks for that to happen.

MR. TEAGNO: Mr. Chairman, I would ask Mr. Regan if there's any elements to the comment to a resolution for approval or denial that you could begin working on.

MR. REGAN: Well, I could start working on summaries of the various meetings and so on and that, I don't really even need the Borough to authorize me to do that. It's just collecting all the data and the information, reading the transcripts.

It's very helpful having the transcripts in preparation of memorializing the resolution. We, fortunately, have all the transcripts.

CHAIRMAN DePINTO: I think the record has

1 got to be clear, I don't think anybody sitting here
2 started with these hearings and say, no, I'm going to
3 support this or I'm dead set against this. And,
4 that's just not the way we deal with things before
5 this Board. We listen to everything, the good, the
6 bad, the ugly.
7 And, there's a lot of things to take into
8 consideration. And, I, for one, cannot dismiss some
9 of the objections that were raised by Mr. Segreto.
10 And, and I think I want to see it all
11 memorialized and on a plan so that we could all offer
12 our opinions of that plan. That's my thought.
13 Mr. Webber.
14 MR. WEBBER: Hearing everybody talk -- you
15 know, I'm not a professional. I am a resident that
16 has concerns. And, there's been concerns on both
17 sides of the aisle. Fantastic testimony, awful
18 testimony.
19 I think we need to hear one more time from our
20 professionals after they've gotten the final, the
21 final submission.
22 You know, this is a project that's going to
23 impact our town for years to come.
24 And, I think it would be foolish of us to react
25 too quickly. I don't think another two weeks or a

1 month is going to make a major difference in whether
2 this is approved or not.
3 You know, I may have been one of those people
4 that was initially dead set against but, I have heard
5 testimony that says that this is a viable project. I
6 also heard testimony and some questions that, you
7 know, contradict that.
8 I think we need to see everything before we
9 start the final deliberations.
10 So, I'd like to wait until we have all our
11 submissions.
12 CHAIRMAN DePINTO: Okay. So, with respect
13 to, to those final submissions, Mr. Del Vecchio, Mr.
14 Dipple indicated that plans could be submitted within
15 a week or so.
16 MR. DEL VECCHIO: Within a week.
17 CHAIRMAN DePINTO: Within a week.
18 MR. DEL VECCHIO: I already have the
19 architectural plans. And, what I'll do, in order to
20 expedite the reviews, I will submit the architectural
21 plans tomorrow to the Board secretary.
22 CHAIRMAN DePINTO: Okay.
23 MR. REGAN: Mr. Chairman, just a question.
24 CHAIRMAN DePINTO: Sure.
25 MR. REGAN: I think this needs to be

nailed down in terms of time.

To submit it within a week, will the Board professionals be in a position to evaluate.

CHAIRMAN DePINTO: I was just going to ask them that. You didn't give me a chance.

MR. REGAN: Well --

CHAIRMAN DePINTO: Will you be in a position to evaluate?

MR. REGAN: I think the first meeting in May might not be adequate time for them to review.

MR. HIPOLIT: So --

MR. REGAN: It may be the second meeting in May.

MR. HIPOLIT: When I get the plans, I'll have a review letter back to the Board within five days. So, I need a work week.

So, if I get it Tuesday, I'll have it the following Tuesday. If I get it Wednesday, it will be the following Wednesday.

CHAIRMAN DePINTO: And, Mr. Preiss.

MR. PREISS: The same, five days should be enough.

MR. REGAN: You're probably looking at the second meeting.

MR. WEBBER: May 6th is pretty booked up.

MR. REGAN: I'm just concerned that we put on the record when this is being carried to so the public knows.

MS. ROWLAND: It's, May 6th is the next meeting and then, after that, is May 20th.

CHAIRMAN DePINTO: Well, you know, I would, I would, because of our schedule and because we've been here for oh so many months and oh so many meetings, I would really like to see this thing resolved for May 6th, I truly would.

And, I'm going to ask Mr. Hipolit that, to do what you have to do in order to meet that time line and the same with you, Mr. Preiss, to meet that time line.

MR. HIPOLIT: We could do it.

CHAIRMAN DePINTO: I think it's fair to everyone provided that we have those plans within a week.

Now, Mr. Dipple, if the plans or I should say Mr. Del Vecchio, if the plans are not in receipt by the Board professionals and the Board Members, then I will only make another announcement at the 6th, that it will be carried to the 20th.

But, at this point, I am prepared to make an announcement to the public that this meeting will be

carried to the night of May 6th. No further notice will be provided to the public other than this announcement. And, it will be published on the Borough's web site as well.

I only ask, in the interest of everyone, that we all do what we have to do to be prepared for May 6th to go into deliberation and final instructions to the Board Attorney to prepare a resolution of either denial or approval and then vote thereafter to, to grant such a denial or approval.

Okay. Anything else?

MR. DEL VECCHIO: Just for the record, we have plans that are due by 7/29 which is a week from today.

CHAIRMAN DePINTO: 4/29.

MR. DEL VECCHIO: 4/29. I'm sorry. I was wishing it was July.

MR. LINTNER: You can make it July.

CHAIRMAN DePINTO: I'm sorry. What did you say?

MR. DEL VECCHIO: Our plans are due a week from today in order to meet the time line that the Board has set out which would be by Tuesday the 29th or sooner, if possible.

The architecturals will be here tomorrow. I

will file those.

CHAIRMAN DePINTO: I ask, as a courtesy, in the interests of time, could a set of plans be forwarded to Mr. Segreto as well so he would not have to be looking at them before the meeting but well before the meeting?

MR. DEL VECCHIO: Yes.

CHAIRMAN DePINTO: Would that be your preference, Mr. Segreto?

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

CHAIRMAN DePINTO: Okay. With that said, let's move on quickly. We have one other thing.

(The hearing adjourns at 9:38 p.m..)

1 C E R T I F I C A T E

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

6 I DO FURTHER CERTIFY that I am neither a
7 relative nor employee nor attorney or counsel of any
8 of the parties to this action, and that I am neither a
9 relative nor employee of such attorney or counsel, and
10 that I am not financially interested in this action.
11
12
13
14
15
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18 DONNA LYNN J. ARNOLD, C.C.R.
LICENSE NO. XI00991
MY COMMISSION EXPIRES 08/04/14
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