

TOWNSHIP OF MONTVALE
PLANNING BOARD

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IN THE MATTER OF: :
: TRANSCRIPT
MONTVALE SUPER VALUE, LLC: OF
BLOCK: 1603, LOT: 15 : PROCEEDINGS

Tuesday, July 5, 2016
Municipal Building
12 Mercedes Drive
Montvale, New Jersey
Commencing at 8:10 p.m.

BOARD MEMBERS PRESENT:

JOHN DePINTO, Chairman
JOHN CULHANE
DANTE TEAGNO
WILLIAM LINTNER
JIMMY D'AGOSTINO

ALSO PRESENT:

LORRAINE HUNTER, Secretary
CHRISTOPHER L. DOUR, PE, PP
JEFFREY FETTE, Construction Code Official
DARLENE GREEN, Planner

ALISON GULINO, CCR, RPR
CERTIFIED COURT REPORTER

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

ROBERT REGAN, ESQ.
Counsel for the Board

PRICE, MEESE, SCHULMAN & D'ARMINIO, P.C.
50 Tice Boulevard, Suite 380
Woodcliff Lake, New Jersey 07677
BY: GREGORY D. MEESE, ESQ.
Counsel for the Applicant

I N D E X

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<u>APPLICANT'S WITNESSES:</u>	<u>PAGE</u>
STEVEN NAPOLITANO	7
ROBERT NOCELLA	40

EXHIBITS MARKED INTO EVIDENCE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Colorized site plan	8
A-2	Soil conservation report	8
A-3	Truck turning template	8
A-4	Set of drawings	8
A-5	Tanker truck turning template	24
A-6	Colorized rendering of building and canopy	41
A-7	Colorized "Citgo" sign	43

1 CHAIRMAN DePINTO: You heard the
2 opinion by Mr. Regan and this Board is missing two
3 eligible members of the Board, bringing you down to
4 six eligible and with the D variance, you would need
5 five affirmative votes, that is, assuming you
6 conclude and you are comfortable.

7 MR. MEESE: We will proceed tonight.
8 We will see how far we get. If necessary, we will
9 have the transcript prepared for Mr. Stefanelli and
10 Ms. Russo so we get a full complement voting on the
11 application.

12 MR. REGAN: That's fine.

13 CHAIRMAN DePINTO: We are going to
14 take a five-minute break.

15 (Recess taken)

16 CHAIRMAN DePINTO: We are going to
17 call upon Mr. Meese.

18 MR. REGAN: Before Mr. Meese starts,
19 the land use administrator says that the notices are
20 in order and the Board has jurisdiction to proceed.

21 CHAIRMAN DePINTO: Very good. Thank
22 you.

23 MR. MEESE: Good evening. Greg Meese,
24 attorney for the applicant, Montvale Super Value,
25 LLC.

1 This is an application to redevelop
2 the existing gas station property that has been in
3 Montvale since 1929. We will all agree that's an
4 old dog in need of renovation. The proposal is to
5 take the station that exists at 12 Railroad Avenue
6 and to raise all of the existing improvements and to
7 redevelop the site with a convenience store and four
8 dispensers beneath the canopy. That would eliminate
9 the service space and the repair function that
10 currently operates on site.

11 The property is in the B1 zone where
12 retail use is permitted. The service station use is
13 a conditional use so we will be removing the most
14 industrial aspect of the station use, the auto
15 repair, and replace it with a permitted retail
16 facility.

17 The site is 22,500 square feet. The
18 proposal is for a 3,893-square-foot convenience
19 store with four multiproduct dispensers under the
20 canopy in front of the convenience store.

21 The site will have parking for 21
22 spaces where 20 is required but 8 are at the pumps
23 so we are seeking a variance to allow for 13 parking
24 spaces designated in front of the convenience store.
25 Mr. Hipolit has indicated that parking is sufficient

1 for a convenience store of this size.

2 We propose a new monument sign. Given
3 the fact it is in a downtown location, the applicant
4 thought it was appropriate to have a monument sign
5 instead of a pylon sign. It's not contemplated in
6 the code with respect to height above grade and
7 things like that. There is a small "Citgo" sign
8 that is proposed for the canopy.

9 In addition to the site plans which
10 have been submitted with the reports, Mr.
11 Napolitano, the site engineer, has met with the
12 Bergen County Planning Board who had some requests
13 that Mr. Napolitano will review and we received the
14 Bergen County Sewer Conservation certification by
15 letter dated May 2nd of this year.

16 There are several variances associated
17 with the application. As you review the application
18 with us, you will see that the variances are all
19 associated with the need and desire to have proper
20 circulation in the front of the store to maintain
21 the ability for cars to get safely and efficiently
22 off of Railroad Avenue onto the site to get access
23 to a fueling position without tight maneuvers. We
24 also have been able to provide a turning movement
25 for the tanker truck to enter the site without

1 having to back into Railroad Avenue, which exists
2 today, in order to make the site, again, function as
3 safely and efficiently as possible.

4 You will find there's several
5 variances related to the canopy. Under your code,
6 you don't address a service station canopy. It's an
7 accessory structure. It goes along with any other
8 accessory structure in Montvale: They are not
9 permitted in the front yard, only 12 feet in height
10 and 30 percent of the area of the main use. Well,
11 here, to function at all, you have to have it in the
12 front yard and tall enough that a tanker can get
13 underneath it and the applicant thought, rather than
14 having a flat-top canopy, they would like to dress
15 it up with the appropriate aesthetics to match the
16 building with a gable roof. So rather than trying
17 to squeeze the height, we tried to make that
18 appropriate to the setting in Downtown.

19 I would like to start with Mr.
20 Napolitano to review the existing site conditions
21 and help review, for the Board, the proposal that
22 Super Value has to redo the site.

23 S T E V E N N A P O L I T A N O, first having been
24 duly sworn, testified as follows:

25 MR. REGAN: Mr. Napolitano has been

1 here many times and has qualified. I recommend that
2 he's qualified for this application.

3 Do you want to mark anything?

4 (Exhibits A-1 through A-4 were marked for
5 Identification.)

6 DIRECT EXAMINATION BY MR. MEESE:

7 Q. Mr. Napolitano, you are familiar with
8 the site and the plans submitted to the Board have
9 been prepared under your supervision?

10 A. Yes.

11 Q. Would you orient the Board to the site,
12 the surrounding area and what is on the property
13 today?

14 A. Sure.

15 The site is located at 12 Railroad
16 Avenue. To the -- this is a one-way on Railroad
17 Avenue coming from the north traveling south. The
18 property today exists as a gas station and a service
19 station. Immediately to the north is the Borough of
20 Montvale commuter lot. Immediately to the south is
21 a building with several tenants in there, a
22 commercial property. Across the street is a
23 one-way. Across the way is the railroad station as
24 well as the tracks and to the rear of the property
25 down the hill are existing apartments.

1 The property is about a half acre in
2 size. Currently, it is paved. No parking spaces of
3 any significance are striped right now on the site.
4 The site operates today as a gas station and service
5 station. There's pavement and gravel throughout the
6 site to the tune of 80 percent of impervious
7 coverage and the rest are trees and some planters
8 and a small landscaped area toward the rear.

9 Q. The service station is towards the
10 front of the lot with the canopy in front of it?

11 A. Correct. The building is in the
12 center of the property more toward the front and the
13 gas service area is between that and Railroad
14 Avenue.

15 If I can move onto the proposed plan,
16 this is Drawing Y2, A4 in your set last dated 5/12/
17 16. Railroad Avenue travels one direction from
18 north to south. As you travel down, there's a curb
19 cut that we are improving and modifying coming into
20 the property. There's a canopy in the front as you
21 enter the property with four dispensing areas, four
22 hoses along with thirteen parking spaces with one
23 handicap included in that and then a 3893-square-
24 foot convenience store building. There will be two
25 underground tanks, 12,000 gallons of unleaded, 5,000

1 gallons of unleaded and 7,000 of super unleaded or
2 premium type of gasoline.

3 Q. There is no diesel proposed?

4 A. No, there is not. There's a
5 freestanding sign, a ground-mounted sign, that we
6 are proposing at the northern entrance just short of
7 the entrance into the site. There's an air pump
8 proposed.

9 We received all the comments that the
10 Borough engineer and planner and other agencies have
11 and we are going to talk about those. I understand
12 that they wanted it to be moved to the south.

13 But just talking about this plan here,
14 basically, a car can come in and they can fill up
15 with gas. They can park at the parking space, go
16 into the building and then, once they are finished
17 with their business, they would leave this site from
18 the southern curb cut which is existing today which
19 will be modified to accommodate this site and the
20 ordinance as best we can and one way is a right-in
21 and a right-out. The site distance is noted on this
22 drawing as well. No trees or shrubs are going to be
23 planted in that site that is going to prohibit the
24 view while looking left.

25 Another comment that came from the

1 Board, there are four existing parking spots on
2 Railroad Avenue striped today. It was requested
3 that they be removed. We will obviously incorporate
4 that into the next set of drawings. Those would
5 provide some sort of a deterrence, if you will, from
6 making that right in the site. They would be in the
7 line of sight so I appreciate that comment.

8 There is a dumpster located at the
9 southern end of the property, southwestern end of
10 the property, if you will, so refuse would be in
11 here. There's a concrete pad behind that that would
12 service as -- some mechanical units. The building
13 hasn't been designed from a fire-suppression point
14 of view but we are showing where the equipment could
15 be placed.

16 At the rear of the property, we are
17 showing a board-on-board 6-foot-high fence with a
18 man gate at the rear of both sides of the property
19 at the building wall.

20 I'll move to the front of the
21 property. The Downtown street frontage, we are
22 going to comply with and add a few extra details to
23 your drawing to do some pavers, sidewalk, street
24 lights.

25 Mr. Meese also mentioned that I had

1 met with Erik from the County. He called me and
2 asked me to go down and meet with him. They were
3 minor in nature, the comments. They dealt strictly
4 with the front of the property and were limited to
5 adding in "Do Not Enter" signs in certain areas, a
6 "Stop" sign in another area and wanted us to take a
7 look at some of these sidewalks with a couple of
8 comments on percentage with regard to slopes of
9 sidewalks. Other than that, horizontally, curb
10 locations would remain the same for this plan and
11 the last comment that the county had, they would
12 like the entire curb in front of the property to be
13 replaced so we are going to propose that the
14 concrete curb in front of the property be completely
15 replaced with a new curb. That was the gist of the
16 comments from the county.

17 We had submitted to the Soil
18 Conservation District and are hoping to receive
19 approval from the various agencies. They submitted
20 a certification letter back.

21 Q. Let me take a step back and review some
22 of the variances and if you could, indicate from an
23 engineering point of view why they have been
24 requested.

25 The first is a D3 variance so we need

1 a five-person affirmative vote on it. The location
2 of the building needs to be in the rear yard. No
3 service station building may be within 25 feet of
4 the rear yard under the conditional use criteria.
5 This building is proposed to be 30 feet?

6 A. Yes.

7 Q. What's directing the building's
8 location that's affecting this site?

9 A. Sure. First of all, the traveled way,
10 this is a two-way on this site so people can
11 traverse onto the property. It was brought up by
12 the Site Plan Review Committee so we have a two-way.
13 We have our canopy in the middle. As you enter the
14 property, we have other 18-foot parking spaces,
15 4-by-5-foot sidewalk with landscaping making it 5
16 feet and there's your building.

17 Q. With respect to the distances that
18 you're looking for, the distance from the canopy to
19 the parking space, are these distances, you feel,
20 required for proper on-site circulation?

21 A. Yes.

22 Q. One of the other comments was with
23 respect to the landscaping in the front of the lot.
24 You are proposing a 5-foot curbed landscaping in the
25 front?

1 A. Yes.

2 Q. The comment was, it's only 4 feet of
3 landscaping with two 6-inch curbs.

4 A. If that's the way the code was
5 written, where you have 5 physical feet of grass or
6 non-pavement and then two 6-inch curbs, if that were
7 the case, we could accommodate that by making,
8 instead of the 4 and a half feet; we could make that
9 5 feet. It's really 4 feet we could make that one
10 extra foot and push everything back a foot and the
11 rear yard could be 12 feet. It gets shifted from
12 here 1 foot and the back is 12. Instead of being 4,
13 it would be 5 and that would be 12.

14 MR. MEESE: Mr. Chairman, we will need
15 an interpretation from the Board on this issue.
16 Under Code Section 1289.10C.5, this is under the
17 conditional use criteria for a service station, it
18 states "A curbed landscaped area, at least 5 feet
19 wide, shall be installed," yada, yada, yada. So the
20 question is: A curbed landscaped aisle 5 feet wide,
21 does that include the curb or is that just the
22 landscaping?

23 CHAIRMAN DePINTO: I think we did not
24 interpret it that way. Quite frankly, I think we
25 are more liberal and felt that if the width of the

1 paved area were sufficient to accommodate the type
2 of landscaping that we were looking for in that
3 area, that the true planted area, a 4-foot width
4 would suffice. Shifting the building further back
5 on the property increasing the variance off of the
6 residential zone to the rear, I think would be the
7 wrong thing to do. I would rather deal with proper
8 landscaping and I haven't reviewed the landscaping
9 plan but, at least, on the site plan, you only have
10 it labeled as "grass area." Obviously, you are
11 going to be doing more than grass within that area
12 so I think we are going to have to look at that more
13 carefully. I don't have a problem with the 4-foot
14 plan.

15 MR. REGAN: I agree. It would be a
16 variance, though.

17 CHAIRMAN DePINTO: I would rather
18 grant the variance than set the building back.

19 MR. MEESE: We will call that out as a
20 variance, a D3 variance.

21 MR. REGAN: Right.

22 MR. MEESE: The rear yard is also a C
23 variance under the B1 zoning criteria so you have
24 the rear yard as part of the service station, it is
25 no longer servicing vehicles. It's now a

1 convenience store but that's still a bulk variance,
2 a C variance, under your B1 zone where a 50-foot
3 setback is required.

4 CHAIRMAN DePINTO: Let me just
5 interrupt you one second.

6 Mr. Napolitano, you indicated that you
7 communicated with Mr. Tamsak and he made certain
8 recommendations to you with regard to traffic and
9 signage and things of that nature and I'm not seeing
10 it on the plan. Does the plan contemplate any road
11 widening in front of the subject property?

12 MR. NAPOLITANO: It doesn't. The
13 meeting was only a few weeks ago so the comments
14 that I had made are not shown on these plans with
15 regard to the signage. There is no -- I asked the
16 question about the road widening. There's no plan
17 for the county, at this time, to widen that area, to
18 my knowledge. I asked that. I asked "Are these
19 your only comments"? I followed up in an e-mail and
20 said "Is there anything else?" He said these are
21 the only comments that he has.

22 CHAIRMAN DePINTO: Physical widening
23 of the road?

24 MR. NAPOLITANO: Correct.

25 CHAIRMAN DePINTO: A little further to

1 the east of the property, there's an old furniture
2 store. I believe you represented the current owner.
3 The most recent applicant and site plan approval was
4 granted to approve that property and I don't recall
5 whether the county had sought a widening of the road
6 at that point. My recollection was that Andy
7 Hipolit has had a conversation with Mr. Tamsak with
8 regard to road widening.

9 MR. NAPOLITANO: I do remember that we
10 did not propose any road widening for that. We did
11 propose the same thing we did here. I knew it was
12 going to be asked, a 35-foot roadway and sidewalk
13 easement from the center line of the road into the
14 property. It's shown on the plans but there are no
15 physical plans to make this road any wider and we
16 didn't get that at the last project at 22 Railroad.

17 CHAIRMAN DePINTO: Do you have
18 anything on this?

19 MR. DOUR: No.

20 CHAIRMAN DePINTO: Why don't we look
21 into that? It's my understanding that Andy Hipolit
22 has looked for the elimination of the on street
23 parking in front of the subject property. I thought
24 the reasoning behind that was an anticipated third
25 lane and that's why he wanted to eliminate those

1 parking spaces.

2 Chris, do you have anything on that?

3 MR. DOUR: Yes. That's my
4 recollection. That was the reason for getting rid
5 of those spaces.

6 CHAIRMAN DePINTO: The county was
7 supportive of that?

8 MR. DOUR: I would have to double-
9 check.

10 CHAIRMAN DePINTO: I think we have to
11 check with the county. If the county has a plan to
12 conduct road widening in front of the property, I
13 think, going beyond the granting of the easement, I
14 think we have to learn more from Mr. Tamsak what
15 those plans are. I'm not quite sure why Mr. Hipolit
16 would feel so strongly about the elimination of that
17 parking if, in fact, he was not aware of what the
18 county was proposing to do.

19 MR. MEESE: There's nothing in Andy's
20 review letter about road widening.

21 CHAIRMAN DePINTO: I don't think it's
22 a problem but I think we need to get a handle on it.

23 Further, with respect to the county
24 road, the ingress and egress, you show a general
25 one-way in and one-way out on the plan. The

1 proximity of the egress or the proposed egress in
2 relationship to the combined ingress and egress for
3 the property immediately to your south.

4 Is this going to function, Steve?

5 MR. NAPOLITANO: Right now, those two
6 properties, there's pavement there that meets.
7 There's an imaginary line out there. That's their
8 property line separating the two properties. The
9 grades in that area are relatively flat. We are
10 proposing a curb to be 5 feet from the property line
11 and on the other side of the property line is
12 proposed to be grass and landscaping. This property
13 will function. You can exit out of here and make
14 your right turn and go. I don't know about the
15 other property.

16 CHAIRMAN DePINTO: Right now, the way
17 it's functioning, from a practical point, it's
18 because of the one-way traffic on Railroad Avenue.
19 There are motorists who go onto your property to
20 gain access to the side and the rear of the property
21 to the south of you. It's just the shortest point
22 from Railroad Avenue to the back of the building
23 next door to you. Now, we are going to be building
24 a curb line to define the ingress or egress and we
25 are going to put landscaping but how are we going to

1 control that crossover as we get closer to the
2 street?

3 MR. NAPOLITANO: Which one are you
4 referring to?

5 CHAIRMAN DePINTO: Right now, the two
6 driveways are merging. You are going to be
7 separating them by means of this property line. I
8 propose you are putting a fence in and the curb
9 line. When they come to the curb or the sidewalk,
10 you are not going to have an interior curb, it's
11 going to be wide open. Do you see any concerns with
12 regard to the movement of the vehicles over there?

13 MR. NAPOLITANO: We have a curb that
14 runs parallel to the property line all the way down
15 and meets at the county curb. Those people on that
16 property, you cannot get -- once this property is
17 developed, it's curbed around and you can't drive
18 from one to the other.

19 CHAIRMAN DePINTO: I would like to see
20 on the plan where, the property owner to the south,
21 where their driveway is. I don't see it on the plan
22 and I'm looking specifically at Y2.

23 MR. NAPOLITANO: I'll have to get that
24 information and indicate it on the plan. It's not
25 on the plan.

1 CHAIRMAN DePINTO: I think it's
2 important because it's your sole drive for egress
3 and it's the combined drive for ingress and egress
4 for all of the tenants on that property to the
5 south. They only have one point of ingress and
6 egress, if I remember correctly. So I would like to
7 see how this traffic movement is going to coexist at
8 that location. I don't think we can determine that
9 unless you show on the plan where their driveway is.

10 Do you want to continue with Steve?

11 MR. MEESE: Yes.

12 CHAIRMAN DePINTO: Are you going to
13 have him offer additional testimony at this time or
14 review board exhibits starting with engineering?

15 MR. MEESE: Before we do that, there's
16 a couple things that Steve hasn't touched on, the
17 site lighting plan and the stormwater.

18 CHAIRMAN DePINTO: We will hold off on
19 stormwater and we will deal with that when we do the
20 technical review from Mazier. I think it would be
21 an appropriate time to go over the site lighting
22 plan.

23 A. This is drawing SL1; this is A-4, the
24 full set of the drawings. This is the site lighting
25 plan. We will talk about the parking lot lights.

1 There are five fixtures 12 feet above finished
2 grade. These lights would light the parking lot.
3 They have an average foot-candle and a minimum foot-
4 candle on the plan. The minimum at the property
5 line would be adhered to at a half-a-foot-candle
6 maximum. There are no building lights proposed
7 right now, just the five interior lights along with
8 two or three lights, street lights. There's canopy
9 lighting.

10 Q. Those are the lanterns?

11 A. Yes. The typical ones that they have
12 in Montvale. There will be canopy lighting. We
13 will give a revised canopy showing six fixtures and
14 there would be revised isolux lines here and once we
15 do submit that, we will combine the isolux points
16 and lines along with the canopy to make it one
17 lighting plan. Right now, we comply with the
18 ordinance for light spillage.

19 CHAIRMAN DePINTO: Will the clearance
20 of the canopy be the same as currently exists on the
21 property?

22 MR. NAPOLITANO: No.

23 CHAIRMAN DePINTO: Less than?

24 MR. NAPOLITANO: The canopy clearance
25 is 14 and a half to clear. I don't know the height

1 of the canopy right now. It's going to be tall.

2 CHAIRMAN DePINTO: What is the need
3 for increasing that clearance?

4 MR. NAPOLITANO: For trucks to
5 traverse onto the property. Tanker trucks or a
6 garbage truck needs to come back here. A tanker
7 truck, you need a minimum --

8 CHAIRMAN DePINTO: You are showing, on
9 your site plan, the tanker truck to be on the north
10 side of the property, to gain access on the north
11 side, I presume, to park on the north side to fuel?

12 MR. NAPOLITANO: You would need it.
13 If I can pull out the turning radius, you will see
14 why they wouldn't be able to do it without going
15 underneath the canopy. They can't clear the
16 perimeter of the canopy with their truck.

17 CHAIRMAN DePINTO: Why is that?

18 MR. NAPOLITANO: If I may, I have a
19 turning radius drawing that I have here, one that
20 shows a garbage truck. This is A-3.

21 CHAIRMAN DePINTO: You are saying the
22 garbage truck does not have to go under the canopy;
23 it's going around it?

24 MR. NAPOLITANO: It could go under or
25 around.

1 CHAIRMAN DePINTO: What other trucks
2 or types of trucks are you expecting?

3 MR. NAPOLITANO: A fueling truck, an
4 18-wheeler.

5 MR. MEESE: There's two turning radius
6 templates, one with a garbage truck and one with a
7 tanker truck.

8 (Exhibit A-5, tanker turning template, was
9 marked for Identification.)

10 CHAIRMAN DePINTO: So we are designing
11 a canopy that is too large to accommodate the most
12 important delivery vehicle to the gas station, the
13 fuel truck.

14 MR. MEESE: You want to be able to
15 keep those areas free from ice and snow and rain.

16 CHAIRMAN DePINTO: What we have
17 attempted to do with other canopies in town is to
18 keep the canopy as low as possible because it
19 impacts the lighting of the site. The higher you
20 go, the more visible are the under-the-canopy light
21 fixtures that go up the road to the Exxon which is
22 pretty offensive. The light fixtures on the
23 existing property are not as offensive because you
24 only have 11-foot clearance, which you are now going
25 to bring up to 13 feet to accommodate a truck so we

1 have to go into finer detail about the under- canopy
2 lighting or to the alternative, shorten the length
3 of the canopy so that the fuel truck can get past
4 the canopy. Something has to go.

5 MR. MEESE: To answer your question on
6 the lighting, we did ask that question. The light
7 is to be flush. Some have a lens that sticks down
8 below; these are flush so the lens sends it --

9 CHAIRMAN DePINTO: I mean more similar
10 to this.

11 MR. MEESE: Down as opposed to out.

12 CHAIRMAN DePINTO: Where it's not
13 visible unless you are underneath these high hats.
14 The other type that have the lens --

15 MR. MEESE: We can get a better detail
16 to show you that.

17 CHAIRMAN DePINTO: We can't lose site
18 of the fact that the property is next to this
19 residential zone. Yes, it's in the B1 zone on a
20 county road and across the street, there are
21 railroad tracks. I know all of that but I also have
22 residents behind us and I have apartments to the
23 immediate south on the second floor of that property
24 so I think we have to be sensitive. I think
25 lighting is an issue that we have to analyze very,

1 very carefully for protection of the residents. I
2 don't want to hurt the business that's intended to
3 be operated on the property but I don't want to
4 negatively affect any of our residents.

5 Do you got it, Steve?

6 MR. NAPOLITANO: Yes, I do.

7 CHAIRMAN DePINTO: Continue.

8 A. We designed the site to accommodate
9 the 2-, 10-, 25- and 100-year storms. We submitted
10 calculations to borough engineer's office for
11 review. We received no comment in the review letter
12 at this time and the county did not have any
13 comments either. It's a typical underground
14 detention system with water quality measures. I
15 don't believe there's any detention now so it's, for
16 sure, a drastic improvement to the drainage, I would
17 imagine, from when it will be built to today.

18 That is all I have.

19 MR. MEESE: Before we go to the
20 engineer's review letter, do you want to go through
21 the architecture?

22 CHAIRMAN DePINTO: Let's continue on
23 engineering. I want to hear from the other Board
24 members and other aspects of engineering on the
25 project. We will deal with traffic at a later time.

1 We have an environmental impact
2 statement. Is Mr. Napolitano going to be addressing
3 that?

4 MR. MEESE: No. That would be another
5 witness.

6 CHAIRMAN DePINTO: Okay.

7 Let's go to our Board. Anybody have
8 questions on the testimony thus far?

9 MR. TEAGNO: You said there's a fence
10 on both sides of the building in the rear and
11 there's a gate and a door. What's the purpose of
12 that?

13 MR. NAPOLITANO: That was there if the
14 owner of the building or the maintenance folks have
15 to get behind there for maintenance. It's a man
16 door.

17 MR. TEAGNO: Is there access from the
18 rear of that fence and building to the Nottingham
19 Apartments?

20 MR. NAPOLITANO: No, there's no
21 exterior door at the rear of the property.

22 MR. TEAGNO: Is there a fence or
23 anything?

24 MR. NAPOLITANO: No.

25 MR. TEAGNO: So if I was at the

1 apartments, I could walk through the gate?

2 MR. NAPOLITANO: You can do that now
3 but the gate would be locked. It's not their gate;
4 it's the owner of the building who owns that.

5 MR. TEAGNO: So there's no cut-
6 through?

7 MR. NAPOLITANO: No.

8 MR. TEAGNO: Elimination of the four
9 parking spaces, you are just going to take away the
10 striping?

11 MR. NAPOLITANO: That was requested by
12 the Board engineer's comments, to remove the
13 striping of the four spots in the front.

14 MR. TEAGNO: How do we prevent people
15 from parking there that are used to parking there?

16 MR. NAPOLITANO: Put a "No Parking"
17 sign there.

18 MR. TEAGNO: A lot of people park
19 there. If they are used to it, they are still going
20 to park there. Maybe stripe it in yellow "Fire
21 Zone," whatever, you know?

22 MR. NAPOLITANO: I have no issue.

23 MR. TEAGNO: If you don't want anybody
24 to park there and people are used to it, you have to
25 make an overt effort to stop the parking. I think

1 it's something that needs to be addressed and also
2 to prevent that as a use. There's a lot of people
3 that go around traffic that's trying to get into the
4 left-hand lane. If you take away the parking
5 spaces, people are going to use that to go around
6 traffic. I think that's a safety precaution.

7 MR. NAPOLITANO: We can stripe it in
8 yellow.

9 MR. TEAGNO: That is all I have.

10 MR. CULHANE: One thing I find
11 disturbing, we have a requirement of 50 feet for the
12 rear yard and we are getting 15. I would like to
13 know what we can do to increase.

14 MR. REGAN: 13.

15 MR. CULHANE: What do you have to
16 increase that?

17 MR. NAPOLITANO: I would say, the only
18 way to do that is to minimize the amount of
19 development of the property in one way, shape or
20 form.

21 MR. CULHANE: What if the store was
22 smaller?

23 MR. NAPOLITANO: If the store was
24 smaller, that would be one way, I would imagine. I
25 am not the designer of the store. I don't know if

1 making it narrower makes it an unusable building for
2 their use. I don't know.

3 MR. CULHANE: Let's get to the
4 circulation around the pumps. I noticed, on the
5 east side of the pumps, that you have the southbound
6 and the northbound lane. What's the purpose of the
7 northbound lane?

8 MR. NAPOLITANO: To allow people to
9 traverse if somebody were to come into the site and
10 not find a parking space but wanted to come back and
11 get gas and this was, I believe, in the site plan
12 review as opposed to leaving the property and having
13 to come around the center of town to come back.
14 This became a two-way so if somebody wanted to come
15 in and can't find a spot and wants to get gas, they
16 can come this way. If they want to come for gas and
17 not leave the property, they can come this way.

18 MR. CULHANE: What if they did not
19 have that option?

20 MR. NAPOLITANO: They would have to
21 leave the site and not get gas or whatever they are
22 buying in the store.

23 MR. MEESE: I think the traffic
24 engineer will comment on that. It helps the
25 motorist to get to the side the fuel tank is on and

1 it helps to make sure there's no queuing on site so
2 you can get in and find the dispenser that is right
3 for your car.

4 MR. CULHANE: Seeing how we are
5 dealing with the county, I'll raise a question about
6 the traffic that's heading northbound on
7 Kinderkamack and then is circling around to go
8 westbound on Grant. During traffic periods,
9 southbound traffic is blocking the intersection. I
10 think it doesn't go into weeks and months; it goes
11 into multiple years and the county has done nothing.
12 If they are looking to comment on this plan, I think
13 the town should take the opportunity to go back and
14 ask what they are doing about the circulation of
15 traffic around the circle. How many years have we
16 been raising that question?

17 CHAIRMAN DePINTO: I think it's valid.
18 I think it's an opportune time to address it.

19 And, Chris, make a note on that to
20 communicate with Erik Tamsak to get his feedback on
21 this because it's been a problem and now may be the
22 proper time to address that.

23 MR. CULHANE: Another question I have
24 is the logic about eliminating the parking in front
25 of the gas station. As you get to the south end of

1 Railroad, you have one lane heading west on Grant
2 and you have one lane heading south to Park and
3 continuing onto Kinderkamack. What I'm reading
4 into, by eliminating the parking spots, you are
5 creating three lanes. How many lanes are expected
6 to be created by the elimination of parking?

7 MR. NAPOLITANO: Again, maybe I can
8 defer back to the Chairman's comment about Mr.
9 Hipolit's thought process. If there was a road
10 widening in the future, this would be the first step
11 in achieving that. I don't know.

12 MR. CULHANE: It seems silly to now
13 have three lanes when, on the south end, you have
14 two lanes.

15 MR. NAPOLITANO: We are not creating
16 another lane here.

17 MR. CULHANE: By reading into it, you
18 are creating a lane and I'm saying, what's the
19 purpose? Because at the south end, you have two
20 lanes, period.

21 MR. MEESE: That was requested by your
22 consultants.

23 MR. CULHANE: I'm just raising the
24 question.

25 CHAIRMAN DePINTO: Chris, do you have

1 anything on that from Andy?

2 MR. DOUR: That that could eventually
3 be a lane that would go down Grant Avenue as a
4 through lane. That, kind of, would be meshing with
5 what the county wanted to do but we can discuss that
6 further with the county.

7 CHAIRMAN DePINTO: I think it's going
8 to take some communications to see what that parking
9 area -- what benefit or possible detriment, it would
10 have.

11 MR. CULHANE: If you eliminate it
12 there, they are going to look to eliminate it
13 further south. That would be a big impact to those
14 stores, in my mind. People park in that area
15 because there is limited parking and they can park
16 on the other side. You have to contend with
17 traffic. I don't think people walk to the corner to
18 cross the street; they take the shortest route.
19 That creates a safety problem.

20 MR. FETTE: Could you put up the
21 traffic flow with the tank? If I'm interpreting
22 this correctly, in order for a tanker to come in and
23 make their delivery and not back out, which is what
24 I think we are trying to avoid, right?

25 MR. NAPOLITANO: Right.

1 MR. FETTE: They would loop around in
2 front of the store. Based on that traffic plan, I
3 would have to assume that, of those 13 parking
4 spaces in front of the store --

5 MR. NAPOLITANO: All of them would
6 have to be not occupied to get this truck in there.

7 MR. FETTE: So one --

8 MR. NAPOLITANO: The comments would
9 be: Night delivery only. We would be limited to
10 night delivery.

11 MR. FETTE: Is the store proposed to
12 be 24 hours?

13 MR. NAPOLITANO: Not currently. We
14 realize that all the spaces would have to be empty
15 for that truck.

16 MR. FETTE: We did not have any
17 testimony as to store hours so I wanted to clarify.

18 MR. NAPOLITANO: It would need to be
19 unoccupied.

20 MR. FETTE: Other deliveries, non-
21 gasoline, since we have a convenience store, milk
22 trucks and bread and cupcakes, are those going to be
23 limited to off-hour deliveries?

24 MR. NAPOLITANO: That, I don't know.
25 I think the operator is going to testify.

1 MR. FETTE: If you have a guy that's
2 delivering product after hours to a closed store,
3 those spaces are going to have to be empty. It
4 would appear to me that a gas delivery tank truck
5 would have first priority of a delivery time.

6 MR. NAPOLITANO: I don't manage it.
7 If I was the manager of it, I would make sure it
8 would be staggered. I'll defer to the owner on
9 that.

10 MR. FETTE: Are we going to have
11 testimony to that?

12 MR. MEESE: Yes.

13 MR. D'AGOSTINO: I would echo Mr.
14 Fette's comments about the flow of traffic. It's a
15 lot of building, a lot of gas stations for a small
16 site and seeing a lot of coordination has to happen
17 with regard to vehicle traffic; have you considered
18 reducing the site of some of the physical structure,
19 whether it be the pumps, to improve that?

20 MR. NAPOLITANO: It was talked about
21 amongst the team and the owner and I'm sure he's
22 going to talk about that but it was determined that
23 four was needed for their operation.

24 MR. LINTNER: Will the owner be
25 discussing the sale of gasoline, number of tankers

1 on site and some further details on the store?

2 MR. MEESE: Yes.

3 CHAIRMAN DePINTO: I think the Board
4 members have raised some valid questions relative to
5 the delivery of product, either gasoline or retail,
6 and the only thing that I can use as a comparison is
7 the 7-Eleven, which is about a couple hundred feet
8 away from the subject property, and I do recall that
9 when they did come in for site plan approval, the
10 Board had concerns with regard to delivery and there
11 was an area on the site along the eastern property
12 line of that site which is designated for a delivery
13 vehicle and, frequently, when you pass by or go to
14 that facility, you find Coca-Cola trucks or food
15 delivery trucks. I think the operator tries to keep
16 them in an area where they can load and unload. I
17 think trying to limit these trucks to hours when the
18 store is closed, I think, becomes very, very
19 difficult.

20 MR. NAPOLITANO: I believe that's just
21 for the gasoline and none of the other deliveries.

22 MR. MEESE: There's a location on the
23 south side. In front of the dumpster is the loading
24 zone for the other trucks when they come in to park
25 there.

1 CHAIRMAN DePINTO: Okay. If we are
2 going to move forward with this plan, we have to pay
3 particular attention to designated loading and
4 unloading areas. You have indicated it with a
5 notation in front of the dumpster but we might have
6 to do more to show that because I'm afraid these
7 trucks will be parking where the truck will fit or
8 where they have easiest access to the door so they
9 can get their hand trucks and product into the
10 store, which doesn't necessarily work for good
11 on-site traffic circulation. So we have to be more
12 creative in how we design the site with respect to
13 that.

14 The other valid point was Mr. Culhane
15 had a concern about the 13-foot building setback
16 where the requirement is 50 feet. If, in fact, the
17 building were to be shifted further away to the
18 south from that rear property line, could you then
19 put a delivery lane behind the building so these
20 trucks could go to the rear of the building and load
21 and unload properly? We still would be encroaching
22 upon that required open space in the rear yard but
23 it would be a driveway, not a building. Would that
24 be more acceptable to you?

25 MR. CULHANE: I found using the

1 dumpster area as a loading area for the deliveries,
2 because they are not that frequent, I would imagine
3 -- I would think that would be more suitable as
4 opposed to paving the area in back of the store.

5 CHAIRMAN DePINTO: So you would be
6 supportive of what they are proposing as a location?

7 MR. CULHANE: Yeah. As they
8 indicated, their refuse truck has to get to the
9 dumpster. I would think that's a more logical
10 place.

11 CHAIRMAN DePINTO: So therefore, to
12 increase that setback or reduce the variance,
13 there's only a limited amount of space you can take
14 from this thing. So what are you suggesting is
15 that, possibly, the structure should be smaller?

16 MR. CULHANE: That's why I questioned
17 the need for the lane with the fueling station.
18 Reduce the width of that two-way lane they have
19 there. The other option is what dictates the size
20 of the store.

21 CHAIRMAN DePINTO: Okay.

22 MR. TEAGNO: Will the traffic person
23 talk about circulation on the site and so on?

24 MR. MEESE: Yes.

25 CHAIRMAN DePINTO: Mr. Fette, what was

1 your other comment?

2 MR. FETTE: The store hours and if it
3 is 24 hours, how are you going to keep those spaces
4 open so you can make a turn?

5 CHAIRMAN DePINTO: I think we have to
6 be careful on the 24 hours versus something else.

7 MR. REGAN: There's a number of cases
8 on that issue. Ones I am familiar with, one is a
9 Montvale case from the 1970s. I think it's Vicino
10 vs. Montvale. There's a number of other cases on
11 the issue as well. It's difficult to have a
12 legislation with a blanket restriction on hours of
13 operation. The only case I'm familiar with that has
14 upheld some restriction on hours of operation
15 relates to a neighborhood commercial district where
16 there was a retail use in the midst of a
17 residential. The court upheld the ordinance but in
18 other cases, a blanket restriction without any kind
19 of fine tuning as to the proposed use and the nature
20 of the uses surrounding, it likely would have a
21 difficult time being sustained in a court challenge.

22 CHAIRMAN DePINTO: Mr. Meese, you
23 indicated you want to introduce your architect --

24 Members of the public that are here,
25 are you representatives of the developer, not

1 general public?

2 MEMBER OF THE PUBLIC: Yes.

3 CHAIRMAN DePINTO: I won't open the
4 meeting to the public at this time.

5 Go ahead, Mr. Meese.

6 R O B E R T N O C E L L A, first having been duly
7 sworn, testified as follows:

8 VOIR DIRE EXAMINATION BY MR. MEESE:

9 Q. Would you review your background and
10 experience?

11 A. I'm a principal with S&S Engineers. I
12 received my Bachelor's of Architecture from Virginia
13 Tech and I'm licensed in the State of New Jersey.

14 MR. REGAN: Have you qualified before
15 other Boards in the State of New Jersey?

16 MR. NOCELLA: I have.

17 MR. REGAN: I recommend that he be
18 accepted.

19 CHAIRMAN DePINTO: Continue.

20 DIRECT EXAMINATION BY MR. MEESE:

21 Q. With respect to the building, you
22 proposed a certain treatment of the building as well
23 as the canopy. Although you didn't design the
24 canopy, the two are meshed together in terms of the
25 design. Can you talk about the design that you

1 tried to create and what materials you proposed to
2 create that look?

3 A. Sure. This is the colorized version
4 of what's in your package.

5 (Exhibit A-6, colorized rendering of
6 building and canopy, was marked for Identification.)

7 A. For the materials, we have a water
8 table, a stone water table, some precast sills,
9 clapboard siding. We wanted to give it a
10 residential feel, not a typical gas station/
11 convenience store so we have storefront in the
12 front, some trim, some gabled ends, pitched roofs,
13 to make it more of a country store or market.
14 That's what the intent is. The canopy would have
15 the same architectural features, the slanted roof,
16 snow guards. They would include structural steel
17 for the supports and the same stone water table and
18 material that we put on the front.

19 Q. What's the overall height and size of
20 the building?

21 A. The highest peak at the main entrance
22 is 25 feet and the main box of the building is 20
23 feet, which would house the actual store.

24 Q. Some of the comments were making the
25 store smaller. You reviewed the standard Citgo

1 prototype?

2 A. Yes. The smaller one is 4,000 square
3 feet. We are just under, 3900 square feet, so we
4 have attempted to reduce it a little bit. In terms
5 of the comment of making the building smaller, we
6 would have to defer to Citgo's representatives on
7 that to see.

8 I don't know the interworkings of the store.

9 Q. In terms of the overall floor plan of
10 the store, it's not all sales area; it's cooler
11 space and --

12 A. Yes. Back areas for behind the
13 coolers and there's a push to make the convenience
14 store much more open and lower shelves so you don't
15 feel you are walking down a tight supermarket aisle.
16 It's a much more open floor plan.

17 Q. With respect to the canopy lighting,
18 you will come back on that?

19 A. Uh-huh.

20 Q. There's a sign that is proposed on the
21 canopy that we didn't discuss yet.

22 A. Sure.

23 This is a drawing by Austin Mohawk,
24 who will be fabricating the canopy. You will see
25 the stone water table base, the encased columns, the

1 gabled roof structure, the residential shingles
2 applied to the roof and a 4-by-4 "Citgo" sign on the
3 canopy. I have a handout that shows the colors of
4 the sign. That was requested. This would apply to
5 the sign mounted on the canopy. What I'm handing
6 out is what you would see on the monument sign.

7 (Exhibit A-7, colorized "Citgo" sign, was
8 marked for Identification.)

9 Q. With respect to the sign, the applicant
10 has requested a variance for the color because
11 there's three different shades of red?

12 A. Correct. The "Citgo" logo is three
13 shades of red plus the blue name so it's five colors
14 on the sign.

15 Q. With respect to the building sign on
16 the canopy, that complies with the sign requirement
17 but the free standing sign has variances associated
18 with it?

19 A. Correct. The ordinance has a
20 15-square-foot maximum for the gasoline pricing
21 portion of the sign. With the trim that goes around
22 this sign, it ends up being 16 square feet. If you
23 took the actual face of the sign, it's under the 15
24 because of the trim. I would say it's a variance.

25 What we have proposed on the site

1 plan, Y6, I believe, has the elevation of the
2 monument sign, we have taken the sign I handed out
3 and set it in the same stone base consistent with
4 the canopy base and the water table of the building.
5 So we tried to keep that stone motif, if you will,
6 consistent with the building.

7 Q. This is a monument sign so there's a
8 variance but the lowest point of the sign is lower
9 than 6 feet above grade?

10 A. Correct. Our height of this sign is
11 only 6 feet.

12 Q. The applicant feels this is more in
13 keeping with the image they like to project rather
14 than a pylon sign which would be more like a highway
15 location?

16 A. They felt it would be more suitable to
17 the area.

18 Q. So this is based upon aesthetics and
19 the feel of the station?

20 A. Correct.

21 MR. MEESE: Questions of Mr. Nocella?

22 CHAIRMAN DePINTO: The monument sign,
23 I think, generally speaking, it's attractive and I
24 like the stone veneer approach and I like the
25 coordination with that veneer to the veneer that you

1 are using on the building; there's a connection to
2 it. However, I'm concerned about the labeled
3 "internally illuminated sign" and the font size of
4 the pricing and the lettering. There's all sorts of
5 internal illumination for signs. Some of it, I find
6 offensive; some could be attractive. I think,
7 unquestionably, what's more attractive and what we
8 utilized at the 7-Eleven, which is probably the most
9 recently-constructed building in that B1 zone, we
10 used external illumination, gooseneck lamps. Why
11 can't we do something like that and wouldn't a
12 gooseneck type fixture compliment that stone veneer
13 better than internally illuminated lettering?

14 MR. NOCELLA: We can do that if we can
15 increase the amount of stone. I would have no
16 objection to doing that.

17 CHAIRMAN DePINTO: I don't think that
18 is a problem. My problem is the internal
19 illumination.

20 MR. NOCELLA: I know you don't like
21 the digital ones. They are just the numbers
22 backlit.

23 CHAIRMAN DePINTO: I presume it's a
24 fluorescent bulb mounted interior to the sign
25 shining through the font?

1 MR. NOCELLA: Correct.

2 CHAIRMAN DePINTO: You did such a nice
3 job in designing the sign. I think we could be more
4 creative on how to illuminate the sign and the same
5 holds true for the building itself. I don't know
6 how you are proposing to eliminate the sign that you
7 are trying to put over the entryway.

8 MR. NOCELLA: We do not have a sign
9 proposed here currently. I think, in a previous
10 one, in the technical review meeting, we had a sign
11 there at one point but we were told not to install
12 one but if there were a sign, I would have suggested
13 a gooseneck.

14 CHAIRMAN DePINTO: So you are putting
15 a "Citgo" logo on the canopy?

16 MR. NOCELLA: Yes. In that same
17 thinking, I assume you would want a gooseneck
18 fixture lighting that as well?

19 CHAIRMAN DePINTO: At some point, you
20 are going to want to identify that store. I don't
21 know what Citgo uses to identify its convenience
22 stores but all of the oil companies seem to have a
23 different way. So we are eventually going to put a
24 sign above the front door of the store. I think,
25 again, looking at 7-Eleven and what was done there

1 because that was found to be quite acceptable.

2 The other thing, going back to the
3 building itself, would you refer to that as a
4 mansard type of roof? On that front elevation, you
5 have the dormers and are they mounted on a mansarded
6 roof?

7 A. Well, it's a hip roof pitched on both
8 sides coming -- the front is sloped and the side is
9 sloped. It's not truly a mansarded but I see what
10 you are saying.

11 CHAIRMAN DePINTO: If you extend --

12 MR. NOCELLA: Initially, when I drew
13 it, I made it a half gable on the side. I didn't
14 like the way it looked. I thought, by pitching it
15 that way, it gave it more --

16 CHAIRMAN DePINTO: I think, if you are
17 trying to give it a residential feel, if you took
18 that hip roof look that you put on the front, why
19 wouldn't you carry it along the two sides?

20 MR. NOCELLA: Take it down this way
21 (indicating)?

22 CHAIRMAN DePINTO: Yeah.

23 MR. NOCELLA: I was trying to maximize
24 space in the store. Again, we haven't finalized all
25 that so this gave me an opportunity to screen

1 anything that would go up there but we can look at
2 turning that and I think there would be enough room
3 to do what we need to do inside the store. You have
4 the store height and mechanicals above the ceiling.
5 I think we can make it work.

6 CHAIRMAN DePINTO: Okay. Let's move
7 on.

8 Questions?

9 MR. CULHANE: I find it interesting
10 about the development of the store as shown. It's,
11 basically, your entire store is going to be gone.
12 It's going to be the canopy over the fueling
13 stations. The height of the canopy over the fueling
14 stations, you have 14 and a half to clear and then
15 the canopy structure itself is 20 feet high, which
16 brings you up to the ridge line of the building in
17 back. So in this picture, it looks attractive. In
18 my mind, from the street, you are never going to see
19 it.

20 MR. NOCELLA: The canopy is taller so
21 the average pedestrian walking down or driving down
22 would be able to see through to the building but
23 there is a canopy in front of the building.

24 MR. CULHANE: That is what I'm saying.
25 As far as seeing it from traffic coming down,

1 traffic coming around the bend, you have a very
2 short distance to possibly see a view of the
3 building itself. I think they are going to see the
4 canopy with the fueling stations.

5 No other comments.

6 MR. FETTE: Could you flip that around
7 to the front elevation? The front doors that you
8 have there, what is the material that's to the sides
9 of it?

10 A. This is all glass. So between the
11 four columns, there are three panes of glass, vinyl
12 or aluminum-clad doors, glass panels.

13 MR. FETTE: One of the things we
14 talked about that this Board had done with the Exxon
15 station on Kinderkamack Road and also, if you look
16 at the Exxon station on Chestnut Ridge Road, the
17 glass panes are smaller and one of the comments that
18 the Chairman brought up when talking about the Exxon
19 station was making the window panes smaller so that
20 those windows are going to be less covered with
21 paper signs and advertising and things of that
22 nature and a good example of that is, if you go to
23 the new 7-Eleven in town, you see how the window
24 signs, the panes are much smaller and the signage
25 gets considerably eliminated. It's one less thing

1 you have to chase down.

2 MR. NOCELLA: They are probably going
3 to try to fill it as much as they can anyway.

4 MR. FETTE: When you see a big expanse
5 of glass, those are going to get filled up.

6 MR. NOCELLA: In meeting with the
7 Board consultant, he said "Can you scale it down.
8 We want to try to avoid the advertisements." To
9 your point, we could continue the water table lines
10 to break up the glass.

11 MR. FETTE: Have you thought about
12 continuing the stone in front of it from a signage/
13 property-maintenance point of view?

14 MR. NOCELLA: I would think maybe we
15 can get extra across at the water table height to
16 give more of the gridded window and the doors. We
17 could look at that.

18 MR. D'AGOSTINO: What material are you
19 proposing for the other sides of the building?

20 A. It would be an insulated stucco. The
21 clapboard siding would be on the building. The
22 water table would be around the sides.

23 MR. D'AGOSTINO: I would echo Mr.
24 Culhane's concerns about line of sight from the
25 street. I think the canopy is going to block the

1 retail function of the store. It seems like that
2 canopy is creating issues from an access and traffic
3 perspective as well, in my opinion.

4 MR. LINTNER: Just two comments. One
5 is: I find it interesting that the proposed
6 application says "Montvale Country Market" in the
7 application that's on the drawings but nowhere would
8 there be a sign that says that. It would be a
9 "Citgo" sign monument and on the canopy. I find
10 that strange.

11 And the other comment, the side of the
12 building that's adjacent to the easel, the west
13 side, it's 100 feet long and 20 feet tall. It's
14 going to be a mass of stucco. I think we need to do
15 something to improve that look. I know no
16 landscaping has been presented yet but we need to
17 look at the back of the building. That's going to
18 be one ugly wall from the apartments back there.

19 No other comments.

20 CHAIRMAN DePINTO: Thank you.

21 I'm a little bit reluctant to go on
22 with hearing more testimony tonight because it's
23 going to make it that much more difficult for Mr.
24 Stefanelli and Ms. Russo to catch up to the rest of
25 the Board members committing the time to listening

1 to the tapes. It would be my suggestion that we
2 carry to our next meeting to allow them an
3 opportunity to hear the tape. I believe it's
4 important that you have as large a complement as
5 possible hearing this application. I think we are
6 best carrying to our next meeting.

7 MR. MEESE: That's fine. I mean, the
8 Board has gave us a lot of items to consider and I
9 know we have to get in touch with Andy and the
10 county to work out what's going on in front and try
11 to blend in some of the comments for you. We have
12 our work cut out for us on our end.

13 MR. DOUR: Can you communicate with
14 Andy so you are prepared to advise the Board and to
15 bring the applicant up to speed with that
16 elimination of the parking on the street? I don't
17 even know how the county deals with the elimination
18 of that parking and do we have the right to
19 eliminate that parking on a County Road?

20 Steve, do you have something on that?

21 MR. NAPOLITANO: Erik was going to
22 suggest that. When I met with him, I had received
23 the letter from Mazier that suggested to remove it
24 so I explained that and he said "That is good."

25 MR. REGAN: I think the county can

1 require it.

2 MR. NAPOLITANO: The county can
3 inquire for you to remove it but they are not
4 required to remove it. It can only recommend it.
5 If you want it to be removed, that's up to you and
6 that's what he told me as well.

7 MR. CULHANE: I would suggest
8 eliminating any of that street property has an
9 economic impact and it would go beyond a simple
10 decision; yes or no? It is, to me, something
11 similar to an environmental impact assessment that
12 would be required.

13 CHAIRMAN DePINTO: I think the
14 comments that were made this evening by Board
15 members with respect to the height of the canopy
16 obstructing the view of what seems to be a pretty
17 attractive-looking retail store and it's kind of a
18 shame to put all this effort into the retail store
19 -- should we be putting more effort into the canopy?
20 Because that's more visible on the property. I do
21 believe lowering the canopy would benefit the store
22 by giving the store, at least, the hip roof look and
23 the little dormers making them more visible from the
24 street. I just don't know the need for the canopy
25 being as tall as it is to accommodate the nighttime

1 delivery of fuel. I mean, if the store owner or
2 property owner can control deliveries to night hours
3 -- and, obviously, they are going to have to because
4 the turning radius does not allow for any parking in
5 the front of the store -- then why do we have to get
6 under the canopy with such a big truck? It's not
7 making sense to me.

8 You know, I think one of your
9 challenges is -- Greg brought it up -- that the gas
10 station dates back to the '20s. There's a certain
11 character or charm to what exists. It's in a state
12 of disrepair. It's not what the property owner
13 chooses to do with his property, repair vehicles and
14 pump a limited amount of gas, and does have the
15 right to do more with the property but it's giving
16 up something that goes back to the '20s to what may
17 make commercial or economic sense in this day and
18 age and I think you have gone a long way towards
19 achieving that goal with the architecture.
20 I think we have to fine tune it with the engineering
21 of the site to make it all fit. I too am concerned
22 about the parking spaces. I think we might be
23 opening up a can of worms. I know, representing the
24 applicant, you will do whatever the county wants
25 relative to those parking spaces. I think we have

1 to think that through, with eliminating the spaces,
2 unless it's necessary for a future road widening.
3 That is the only reason I can think of.

4 With that said, just as a formality,
5 the Chair will open to the public.

6 MR. D'AGOSTINO: So moved.

7 MR. CULHANE: Second.

8 CHAIRMAN DePINTO: All in favor?

9 MEMBERS OF THE BOARD: Aye.

10 MR. NAPOLITANO: Can I make a comment
11 before you have your discussion? There are four
12 spots in the front. One would need to be removed by
13 way of the revised egress from the site. One would
14 have to be by way of the curb cut for that. Other
15 than that, there's four there. We had proposed one
16 be removed and the three remain.

17 CHAIRMAN DePINTO: Very good. Thank
18 you.

19 Note to the public, the hearing will
20 be carried to the Planning Board's next meeting,
21 July 19th. No further notice will be provided.

22 Thank you very much.

23 MR. TEAGNO: Having 90-degree parking
24 spaces to the building, if you made those angled
25 parking spaces, wouldn't that reduce the amount of

1 the space needed for those parking spaces?

2 If you oriented the pumps instead of
3 vertically to horizontally, I'm thinking you could
4 take out -- have a one-way entrance in from Railroad
5 Avenue, go to the pumps or to the store, have a
6 one-way north to south between the store and the
7 pumps and have a two-way by the curb and you would
8 save space there as well. So between the rear
9 orientation of the pumps and the angled parking.

10 Then, the last thing is: To eliminate
11 the turning radius, if you parked the tanker truck
12 where the four parking spaces are to be eliminated,
13 would it be possible to fill the tanks from the curb
14 on the street? Then you wouldn't have to worry
15 about turning radius. So those are three things
16 that I would suggest if I were to be here for the
17 next meeting.

18 MR. NAPOLITANO: If we angled the
19 spaces, we lose a few spaces here. We angled this
20 at one time.

21 MR. TEAGNO: If you have a straight-in
22 spot, you need more turning radius to back out than
23 an angled spot so you save space in two different
24 ways. If you didn't have to pull in vertically as
25 the pumps are now, you would only need one return

1 lane by the curb and you wouldn't need another
2 return lane between the store and the pumps. So I
3 think there's opportunity to save the space that you
4 need.

5 MR. NAPOLITANO: We will look at that.

6 CHAIRMAN DePINTO: I think that's a
7 valid suggestion but with the two-way access drive
8 that runs parallel with the facade of the building,
9 you have a 24-foot aisle width, which is required in
10 our code for two-way traffic, but if it were one-way
11 only, you could reduce it down to, what, 18 feet?

12 MR. NAPOLITANO: 20. If you let us go
13 a little less, we can make it a little less. The
14 code says 20.

15 CHAIRMAN DePINTO: Without eliminating
16 parking spaces but eliminate the two-way traffic,
17 you still would get the opportunity closest to the
18 store. If you made that one way going south or
19 west, whatever direction that is, if someone were to
20 drive in and there were no parking spaces in front
21 of the store, they could stay on the property, loop
22 around and do it again. If you did that, you could
23 narrow down that aisle width and you could move the
24 building 6 feet, 8 feet, whatever. I think you
25 would address John Culhane's concerns about the rear

1 yard. By opening up that rear yard, I think you
2 would not --

3 MR. MEESE: Our traffic engineer is
4 whispering all kinds of nasty things.

5 CHAIRMAN DePINTO: That's what she's
6 paid for.

7 MR. LINTNER: They need that building
8 where it is to get a tanker around.

9 CHAIRMAN DePINTO: That may be -- how
10 much of that is controlled by the size of the
11 canopy? It's not a large piece of property. I
12 think, through the site plan review process, what
13 was originally contemplated was far more aggressive
14 than what we are looking at today. I don't want to
15 begin to go where it was going back then. I think
16 there's been a vast improvement. I do think, with a
17 little bit more tweaking, we could make it work so
18 that it meets the requirements of the applicant
19 without negatively impacting the community. I
20 think, in this particular instance, we have an
21 applicant who is willing to cooperate with us. I
22 think those are good points and they have a couple
23 weeks to kick them around or find another traffic
24 expert.

25 You don't have to put that on the

1 record.

2 MR. CULHANE: What time do they expect
3 the gasoline deliveries to occur? I am seeing that
4 truck at 6:30 in the morning and I have seen it
5 knock over one of the signs. I know that happens.
6 I have seen that happen.

7 CHAIRMAN DePINTO: Can we hear
8 testimony from the operator at the next meeting?

9 MR. MEESE: Sure.

10 CHAIRMAN DePINTO: And bring your
11 experts back with you because we have yet to hear
12 from either our engineer with his technical review
13 nor our planner with her comments so I thank you
14 very much and we will see you in a couple of weeks.

15 (The hearing concluded at 10:00 p.m.)

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I, ALISON GULINO, a Certified Court Reporter, Registered Professional Reporter and Notary Public of the State of New Jersey, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

ALISON GULINO, CCR, RPR
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