

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, February 4, 2014 7:30pm

Council Chambers, 12 Mercedes Drive, 2nd Floor, Montvale, NJ

Please note: A curfew of 11:15 PM is strictly adhered to by the Board. No new matter involving an applicant will be started after 10:30 PM. At 10PM the Chairman will make a determination and advise applicants whether they will be heard. If an applicant cannot be heard because of the lateness of the hour, the matter will be carried over to the next regularly scheduled meeting.

ROLL CALL: Mr. Culhane, Mr. Fette, Mr. Lintner, Mr. Teagno, Mr. Webber, Mr. Stefanelli, Councilmember Cudequest, Mr. Vogt, and Chairman DePinto
Also Present: Mr. Regan, Board Attorney, Mr. Preiss, Board Planner, Mr. Hipolit, Engineer

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER: Mr. Regan asked if there could be a change to the agenda and do the resolution at the end. The Chairman complied. Mr. Hipolit stated he was supposed to meet with the county today but due to the snow that we had yesterday it has been changed to next week. Enclave is still trying to close out their project. There is still coordination that has to happen with himself and Mr. Vogt as far as some public improvements that have not been done. They need to bond and they are working on it.

ZONING REPORT: Mr. Fette stated that 8 East Grand Avenue the old 7-11. There are property maintenance issues and a summons has been issued. They have responded to the summons. The trim is falling off and the board had asked when they will be starting their project. The owner had come in and showed Mr. Fette a set of plans but didn't have all the paperwork together and he said he should be submitting within a week. His plan reflected a full basement stated Mr. Fette under a portion of the building but he doesn't recall the board talking about this during the hearing. It is currently on slab on grade and he is proposing a basement. Chairman stated that he should suggest that he come back to the Planning Board. The Exxon Station signage was discussed. There is nothing above the garage doors. He did get a call from an engineer asking questions and referred him to Ms. Hutter. A letter was sent to the property of the Seery Group for the cars that are parked there. Chairman had asked about the old 7-11 when they were seeking approval there was a discussion of the ornamental lights. There are two on the property and they were having difficulty trying to locate the source of the lighting. The lights still are not illuminated. The pylon sign needs to come down.

SITE PLAN REVIEW COMMITTEE: none

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Vogt stated that they have not yet met in 2014. Their first meeting is scheduled for March 17, 2014. Several final landscaping inspections were scheduled but he had to cancel them due to the snow.

CORRESPONDENCE: placed on back table

APPROVAL OF MINUTES: November 6, 2013-A motion to approve was made by Mr. Lintner and seconded by Mr. Webber with a roll call vote with Mr. Teagno abstaining and all others abstaining.

Culhane and seconded by Mr. Vogt. A roll call vote was taken with all voting aye.

3. **Block 1001- Lot 2-** Gus Nadzak-d/b/a Café 155-155 Chestnut Ridge Road (1800 sq. ft.)-David Kessler represented the applicant Gus Nadzak. Chairman read the applicant into the record. Signatures were verified. Mr. Lintner asked if this is just new ownership. Applicant stated yes. Mr. Teagno asked if all the food prepared will be served only there and no catering would be involved. Applicant stated that he would be servicing the people of the building. Mr. Fette asked if they had contacted the Board of Health. Mr. Nadzak stated yes and they have been there already. A motion to approve was made Mr. Culhane and seconded Mr. Webber with all stating aye.

DISCUSSION: ORDINANCE NO. 2014-1382- AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF TREES ON RESIDENTIAL PROPERTIES THROUGHOUT THE BOROUGH OF MONTVALE AND CREATING A NEW CHAPTER 119A IN THE BOROUGH CODE ENTITLED "TREE PRESERVATION" Chairman stated the ordinance has been created and introduced on first reading by the Mayor and Council. The ordinance was gathered by a committee which was charged with researching such an ordinance and it consisted of a member of the environmental commission and council and assisted by Mr. Fette and others. The intent of the ordinance the chairman believes was to eliminate the possibility of clear cutting in the borough. The committee put a lot of time and effort into it but he is not quite sure if what is proposed is really meeting the objective or the goal as set forth in the introduction of the ordinance. Chairman polled the board for their comments:

Mr. Lintner-his concerns that there are exemptions in the ordinance and it looks like there are grey areas that will exist with terms of just general maintenance of grooming of trees. He looks at himself as a homeowner and every year he has a tree guy come in and identify limbs that need to come down and branches that have to come down which apparently do not require permits based upon this but if there is a dead tree that he doesn't know is dead he will then tell him. When will he need to pull a permit for it. Perhaps we need the tree people who do the work might need to have a license by the borough so that they are aware of what the requirements are within the Borough. Finally what can you do by yourself. He thinks the intent is good as he hates the clear cutting.

Mr. Teagno has a recommendation for paragraph 119 a-4 prohibited activities. You cannot remove or disturb a tree of 6 inches. Later on it states 6 inches or more or a maximum diameter of 6 inches not be exceeded. He would recommend that the wording be changed to be consistent and have it read 6 inches or greater. He believes this is a burden on the individual property owners. This states that you need to get a letter from an arborist or some tree person in order to take a tree down and they will not provide that for free. There is a limit of \$500 fee if you are over the limit. There is a fine of up to \$2000 if you take down that doesn't meet the ordinance. These are trees that are own by the homeowner not the borough. He agrees with the intent of not having a property owner clear

cut. The implementation is pretty bureaucratic and over reaching, the town wants to get involved in something that they don't own and legislate on what the homeowner owns and it needs improvement.

Mr. Culhane stated that it seems to be a burden on the property owners the way it is written.

Mr. Fette stated he sat on the committee to help draft. The first thing they wanted to address the committee was the clear cutting issue. Their intent was never to be burdensome. There are several properties where people have come in and try to sway them from clear cutting. He believes it came to head when we had the big storm last year that took down so many mature trees and people wanted to take down the trees that stood closer to their homes. Subdivision, minor or amended site plans come before the planning board and there is guidance. He was in contact with Tennessee Gas and Orange and Rockland because there are a lot of easements and right of ways that go through the borough. They were concerned on how it would impact them. They needed to write the exemption in for them. The maintenance of the right of way affects not only Montvale but other towns as well. They knew from day one that this was only a draft. There was a lot of discussion of this and this is their starting point.

Mr. Stefanelli stated he agrees that the intent was originally to prevent from clear cutting. He does agree with some of the members, he had several large trees after the storm that was over hanging his house and some of them hit his house. He thinks it is too burdensome on the homeowner. Mr. Stefanelli said to Mr. Fette he thanked him as in all the years he has sat here it has never gotten this far he believes it needs to be relooked at.

Mr. Vogt stated that the permit will eventually be charged by the tree company back to the homeowner. Mr. Vogt stated that he believed that if a tree is dangerous it can be removed at any time. He believes it is in the ordinance and that if it isn't it should be. Who will be liable for that if we tell someone that they cannot take the tree down and it false down and doses damage who it is responsible. Mr. Vogt wanted to respond to Mr. Teagno 's stated about the borough wanting this. Mr. Vogt stated that this comes from the residents. He stated that he gets calls 4 or 5 times a year residents complaining that you need to do something you need to come see my neighbor is clear cutting and they want me to stop it. There is nothing he can do as there are no rules or regulations to enforce on this. Mr. Webber stated that he believes it is burdensome on the homeowner. He is not for the way it is written. He understands the clear cutting. It is too much government for him.

Chairman stated that the scope of the ordinance was too narrow by applying only in the r10, r 40, 4 15 zones. It is silent to the other zones. He said it is silent to the commercial properties. There are properties that are residential now but are zoned commercial. He stated that what bothered him the most was the maximum of what could be removed; however, if you want to remove you can pay \$500 per additional tree. IF it is the intent to stop the clear cutting it will not for a builder as they will pay the \$500 a tree for 20 trees to be removed and basically we are now selling variances. He has a greater concern for the commercial property that are now residential

and they sell it and before they even come in for the building permits they clear cut the property. He believes it needs to include all zones. Chairman stated that he believes it needs professional input. He believes that the people of the committee had all good intentions but they are lay people and not professionals. He stated that they have given it a great start and believes that the borough professionals need to get involved. It is his recommendation that the board authorize Richard Preiss, who has dealt with tree ordinances and who has some very specific concerns and recommendations relative to crafting an ordinance that can be enforced. The report that should go back to the governing body, yes they do have the right to proceed and pass the ordinance as proposed without any input from us but they did ask for our input and he believes that Councilmember Cudequest can report the comments that she has heard here and it was the chairman's recommendation again to have Mr. Preiss do a technical review of the ordinance and we then in turn look at and refer it back to the council. He asked if anyone disagreed with that approach. Everyone was in agreement.

Mr. Preiss stated that he has some experience and that the issues that everyone has raised are excellent there are arguments on both sides. It is very controversial and difficult. Mr. Preiss gave some examples of the challenges.

It was decided that the board would have Mr. Preiss, the planner, re-look at the ordinance and try to craft an ordinance that can be enforced. Councilmember Cudequest will report back to the council and it is the recommendation of the board. A vote was taken with all stating.

PUBLIC HEARINGS (NEW):

Block 1505 Lot 1- Rockland Built Homes, Inc., 6 Penn Avenue-Major Subdivision, Major Soil Movement and Variance Application-At the applicant's request this public hearing is being carried to March 4th, 2014 7:30 pm no further notice will be given.

PUBLIC HEARINGS (cont):

1. **Block 2802, Lots 2 and 3 300 West Grand Avenue, Block 1002, lots 3 and 5 159-161 Summit Avenue-Montvale Development Associates, LLC-Shoppes at DePieros-** Application for Preliminary and Final Site Plan Approval, Preliminary and Final Subdivision Approval, Planned Unit Development and Soil Moving –see transcripts.
2. **Block 702- Lots 1 and 39- Ali Enterprises LLC Kinderkamack and Magnolia Avenue- Amended Site Plan Application- Carried to MARCH, 4 2014 -7:30pm** Chairman made announcement of it being carried with no further notice.

RESOLUTIONS:

1. **Resolution Granting a Use Permit To Vitacar, Inc. for Premises designated as Block 2405, lots 1,2 & 3-. Mr. Regan went over the changes a motion to introduce was made by Mr. Lintner**

and seconded by Mr. Culhane. A roll call vote was taken with all stating aye and Mr. Webber abstaining.

2. **Resolution Granting a Use Permit To NJ Energy Inc. for Premises designated as Block 2405, Lots 1,2 & 3** Mr. Regan let the board know that the applicant requested numerous changes in both resolutions which he was not happy about because it left a lot open to interpretation. Mr. Regan went over the changes. A motion to introduce was made by Mr. Lintner and seconded by Mr. Teagno. A roll call vote was taken with Mr. Webber abstaining and all others stating aye.

Other Business-none

Open Meeting to the Public-no public left

Adjournment-A motion to adjourn was made by Mr. Teagno and seconded by Lintner and all stating aye.

Next Regular Scheduled Meeting March 4, 2014

Special Meeting February 10th, 2014 7:30 pm -K. Hovnanian-Del Ben

Special Meeting February 26th, 2014-7:30 pm- Block 2802 Lots 2 and 3, Shoppes at DePieros

Respectively submitted:

R. Lorraine Hutter

Land Use Administrator

PLANNING BOARD
MONTVALE TOWNSHIP
COUNTY OF BERGEN

VOLUME 8

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

Tuesday, February 4, 2014
Council Chambers
12 Mercedes Drive, 2nd Floor
Montvale, New Jersey
Commencing 9:15 p.m.
- corrected -

B E F O R E:

- JOHN CVIHANE
- THERESA GUDQUEST, COUNCIL MEMBER
- JOHN DEPINNO, CHAIRMAN
- WILLIAM LINTNER
- KARI SOLOWIN, recused
- FRANK STEFANELLI
- DANTE TEAGNO
- WOLFGANG VOGT
- CHET WEBBER

- ROBERT REGAN, BOARD ATTORNEY
- JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL
- ANDREW HITBLIT, BOROUGH ENGINEER
- LORRRAINE HUTTER, BOARD SECRETARY
- RICHARD PREISS, BOROUGH PLANNER

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

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

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

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

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

1	A-19 Id.	Section of Porous Pavement Including the Vase
2	A-20 Id.	Porous Pavement
3	A-21 Id.	Traffic Impact Analysis 6/20/2013
4	A-22 Id.	Traffic Impact Analysis By Maser Consulting, 3/7/2013
5	A-23 Id.	Technical Appendices 3/7/2013
6		EXHIBITS MARKED 11/06/2013
7		
8	B-1 Id.	Letter, 10/25/2013, E. Pimsak
9	A-24 Id.	I2A Concept Plan, SK-01, 10/29/2013
10	A-25 Id.	Site Traffic Impact
11	A-26 Id.	Sign Package Drawings
12	A-27 Id.	Cut Sheet Booklet, 7/17/2013
13		EXHIBITS MARKED 11/25/2013
14	A-28 Id.	Traffic Impact Analysis 11/14/2013
15		EXHIBITS MARKED 01/07/2014
16	A-29 Id.	Princeton Logs
17	A-30 Id.	Bridgewater Logs
18	A-31 Id.	Tabulation, Dolan & Dean
19	B-4 Id.	Letter, 1/2/2014, Maser
20	B-5 Id.	Truck Study, Maser
21		EXHIBITS MARKED 02/04/2014
22	A-32 Id.	Revised Sign Drawings
23	A-33 Id.	RTK Drawings, Revised 2/4/2014
24	A-34 Id.	I2A Site Plan Package/48 sheets
25		Last Revised 1/24/2014

(Agenda)

CHAIRMAN DEFINNO: 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.

Good evening.

MR. DEL VECCHIO: Good evening, Mr. Chairman.

For the record, Andy Del Vecchio, member of the firm of Beattie, Padovano on behalf of the applicant Montvale Development Associates.

This evening I have with me first Frank Christian. If you recall, Mr. Christian previously appeared before the Board and provided most, if not all, of his direct testimony concerning the way finding and other signage packages that are being proposed for the center.

At the time that he did testify, he had indicated that we needed to make a revision to the drawing and that was to remove the text that was appearing on the wagon feature of the signage in order to comply with the ordinance. And, he said he would

1 do that and submit revised drawings to you. He did in
2 fact do that and those revised drawings were
3 transmitted to the Board back in December.

4 And, I would like to mark as A-32 the revised
5 sign drawings bearing the last revision date of
6 December 7, 2013 consisting of 13 sheets.

7 As the Board may also be aware, Maser's office
8 issued a review letter in January making a number of
9 comments and requests including some right-of-way,
10 additional right-of-way requests along the
11 intersection of Grand and Mercedes which had some
12 impact to our signage in terms of how we were going to
13 size some of those sign structures.

14 So, we have made some minor downward revisions
15 to the size of some of those architectural sign
16 features. The size of the signs haven't changed just
17 the features.

18 We have brought with us some revised drawings
19 showing those reduced size, call it structures as
20 opposed to signage.

21 And, I would like to mark as A-33 the same set
22 of RRKL drawings that I made reference to just moments
23 ago. But, this set bears a revision of February 4,
24 2014.

25 And, I'm representing and I'm sure Mr. Christian

1 will confirm in his testimony that the only changes in
2 these handouts for this evening is that we've just
3 reduced the size of those sign structures to match our
4 revisions to our engineering plans so that they would
5 be finalized.

6 MR. REGAN: For the record, Mr. Christian
7 was previously sworn on November 6th and remains under
8 oath.

9 Proceed.

10 F R A N K C H R I S T I A N,
11 testifies as follows.

12 CONTINUED DIRECT EXAMINATION BY MR. DEL VECCHIO:

13 Q Okay. Mr. Christian, as Mr. Regan had
14 indicated, you were previously sworn and remain under
15 oath.

16 A Yes.

17 Q We had gone over the, in your direct
18 testimony, the signage that was proposed both building
19 mounted and free-standing for the various buildings
20 that are proposed in this center.

21 I have represented to the Board that we have
22 made some revisions to that including, first and
23 foremost, removing the text from the wagon.
24 A Yes.

25 Q Do you concur that that was the revision

1 to the set we marked as A-32?

2 A That's correct.

3 Q And, with reference to the sheets or the
4 revised plans that I have handed out this evening, did
5 I correctly represent to the Board that the changes
6 made to the sign structures were downward, downward
7 reductions meaning they were made smaller so as to
8 comply with the various right-of-way changes that
9 occurred in the engineering plans?

10 A That's correct.

11 Q But, the size of the signage haven't
12 changed from your direct testimony?

13 A That's correct.

14 Q And, that they continue to comply with the
15 sign restrictions for the zone in which this property
16 sits?

17 A They do.

18 Q Okay. And, I believe we had left off,
19 when your direct testimony last concluded, we had a
20 discussion concerning the proposed lighting fixture
21 for the monument signs as to whether we were going to
22 use -- I'm going to ask you to describe that light
23 fixture as opposed to some other feature at that
24 location.

25 A We're proposing a dramatic fixture that

1 keeps in character with the design established at the
2 development site and referred to as the Philadelphia
3 fixture. The scale of it, the scale of it was picked
4 or design of it was used to relate to the rest of the
5 scale of the other elements and the site itself.

6 Q And, this fixture essentially would have
7 to be almost custom fabricated --

8 A It would have to.

9 Q -- In order to meet the scale for the use
10 that you're proposing.

11 So, this is not an inexpensive solution that you
12 have picked?

13 A No, I'm afraid not. There's, exactly,
14 Andy is exactly right. It more than likely would be a
15 custom fabricated fixture to match the design we're
16 proposing. It's not what we refer to as an off the
17 shelf fixture.

18 Q And just, again, since some time has
19 elapsed since your direct testimony, with regard to
20 the building mounted signage that you have shown in
21 your drawings, the signage proposed is essentially
22 sample signage types that would be permitted within
23 this center.

24 And, you have demonstrated several different
25 varieties that could be used for wall mounted signage,

1 each of which would comply with the ordinance
2 restrictions?

3 A Correct.

4 Q And, the applicant would propose that, as
5 the buildings are tenanted and this community has
6 what's commonly referred to as a use permit process,
7 that we would agree to complete a sign permit
8 application when we do the use permit, provide a
9 visual sign picture plan to demonstrate the proposed
10 sign and allow the Board an opportunity to review that
11 sign to ensure it complies with not only, with the
12 thematic designs that Mr. Christian has testified to
13 but also that it complies with the ordinance so that
14 the Board will actually see how the signage develops
15 as it comes in and is put into place as tenants are
16 actually selected.

17 But, these are the types of signs, Mr.
18 Christian, that the landlord or the owners is
19 proposing to permit at the center?

20 A Correct.

21 MR. DEL VECCHIO: I don't have any further
22 questions of Mr. Christian.

23 He was not subjected, I don't believe, to the
24 Board's questions or cross-examination last time. So,
25 I make him available, at the Board's discretion, for

1 both.

2 CHAIRMAN DEPINNO: Okay. Thank you.

3 I guess we'll be starting with Mrs. Cudequest.

4 Mrs. Cudequest, any questions of this applicant
5 with respect to the signs that are proposed and shown
6 on the revised plan?

7 COUNCILWOMAN CUDEQUEST: No, I have no
8 questions.

9 CHAIRMAN DEPINNO: Okay. Thank you.

10 Mr. Teagno?

11 MR. TEAGNO: Nothing from what I have seen
12 so far Mr. Chairman.

13 CHAIRMAN DEPINNO: Okay. Thank you.

14 Mr. Culhane.

15 EXAMINATION BY MR. CULHANE:

16 Q May I -- just looking at that signage
17 where he indicates potential for having three tenants,
18 I guess it's not really clear to me how that's going
19 to be worked out.

20 In other words, obviously, it's going to be more
21 than three tenants. Is it going to be determined by
22 size, first come first serves?

23 Exactly what is the process of how a tenant's
24 name is selected?

25 A Generally, the tenants that are allowed to

1 place their identities on a primary element are those
2 that, in the lease agreement, or have reached an
3 agreement with the developer and is based on square
4 footage.

5 As long as the tenant does not exceed the height
6 or I should say the area of what's indicated on these
7 drawings, they're in compliance.

8 So, for example, a tenant with a longer name may
9 have a smaller copy height in order to maintain or fit
10 within that area. But, a tenant, such as The Gap, may
11 be able to take advantage of the full copy height and
12 maximize that based on the square footage.

13 But, it's all bound by the limitations and the
14 Code defined in the ordinance.

15 MR. CUIHANE: No other comments at this
16 time, Mr. Chairman.

17 CHAIRMAN DEPINTO: Okay. Thank you.

18 Mr. Fette.

19 EXAMINATION BY MR. FETTE:

20 Q My only comment is that when a tenant
21 comes in with a logo, and we've come across this
22 before, and the logo exceeds the allowable number of
23 colors, okay, then, obviously, the tenant's sign
24 would not be in compliance.

25 A Again, generally, that's handled from the

1 developer' side.

2 We're proposing that all identities, regardless
3 of the logo or if it's a word mark or a logo mark, is
4 made of the same material, finished in the same
5 finish, whether an antique or all bronze appearance,
6 weathered appearance and, again, fits within the zone
7 of the area.

8 Right now, as we propose, it's just the identity
9 itself not necessarily a brand mark that would be a
10 part of it. But, that's something that's generally
11 handled from the leasing side.

12 And, I'm -- unfortunately, I don't believe I
13 have control of that.

14 MR. DEL VECCHIO: I think, on behalf of
15 the applicant, the answer is simply that the
16 application that we're demonstrating this evening, as
17 part of the larger application, is one that
18 demonstrates compliance.

19 If, for some reason, somebody needs to have a
20 sign which does not meet the three color limitation or
21 the Code, then they would have to seek and obtain the
22 necessary variance from this Board.

23 We are not asking for that type of variance
24 relief at this point. We are saying the tenants will
25 have to comply. And, if they don't, it's going to be

1 their obligation to get the necessary approvals and
2 variances either through your office or through the
3 Board.

4 MR. FRYTE: Okay. No further questions,
5 Mr. Chairman.

6 CHAIRMAN DEFINTO: Thank you.

7 Mr. Stefaneli.

8 EXAMINATION BY MR. STEFANELI:

9 Q On the signs for the directional signage,
10 single post with three formats. And, it says, how
11 does that get maintained, you know, over the course of
12 bringing additional tenants, you know, maintenance
13 wise?

14 Is that, is that the developer or -- because, I
15 see that it's in, it's a routed sign. So, I have
16 tenant -- you have three tenants. It looks like you
17 have three tenants on each sign, section of sign.

18 So, how does that get, how does that normally
19 get changed and who maintains that?

20 A Hopefully there won't be too many
21 opportunities for that to happen.

22 Q Yeah, me, too.

23 A It's generally done by the panel, by the
24 panel vendor, would take care of the changing
25 opportunities.

1 Q The developer, I would say that's the
2 responsibility of the owner or the company that is
3 actually maintaining the property's responsibility?

4 A Yes.

5 Q I guess I'm just worried about the
6 elements and when do they get replaced and how do they
7 get replaced in a timely fashion.

8 So, that's all up to the property owner and
9 maintenance company?

10 A The intent was to create an identity, I
11 should say, a way finding element that's not overly
12 complicated and would allow an ease in changeability
13 for that. And, hence, the three panels rather than
14 one large panel.

15 Q Well, I think with today's signage, I see
16 a lot of things coming back and I see digital signage.
17 And, I'm just -- I know the Chairman doesn't like
18 digital signage but I --

19 MR. VOGEL: Me, either.

20 MR. STEFANELI: I didn't say neon.

21 MR. HIPOLITE: LED.

22 MR. STEFANELI: Digital signage.

23 Q But, I'm just curious, I would like to
24 know what's the trend for digital signage on the
25 exterior. Because, I see it all the time?

1 A I think it has its place. I don't think,
2 it's my personal opinion, I don't think it's
3 appropriate for this, this sign type and any of the
4 elements.

5 CHAIRMAN DEPINTO: Would you like a job?
6 I have a position available for a sign consultant for
7 the Borough of Montvale.

8 MR. DEL VECCHIO: Which Board member said
9 none before?

10 MR. STEFANELLI: I think that was
11 Wolfgang.

12 MR. WEBBER: Good to see you.

13 A But, I, I think a static, a dimensional
14 static element that's keeping in character with the
15 design established through the architecture, through
16 the landscaping, through the signage and way finding
17 and that's more appropriate for what we're looking at.

18 MR. STEFANELLI: I guess -- Jeff, how do
19 get people to change signs?

20 Because, I drive by CVS. I still see the same
21 old names for people who moved out.

22 And, how do we keep signs up to date?

23 MR. VOGT: Once the new ones move in.

24 MR. STEFANELLI: We have new ones moved
25 in.

1 MR. WEBBER: The old sign still says spa
2 or whatever, Sunset or Spa. That's still on the sign.

3 MR. FEYWE: Okay. I'll send the landlord
4 a notice because they're supposed to remove it within
5 30 or 60 days.

6 MR. STEFANELLI: We have something in the
7 ordinance that changes so we have teeth in our
8 ordinance to change.

9 MR. FEYWE: Yes, we do.

10 MR. STEFANELLI: I have no further
11 questions.

12 Thank you.

13 CHAIRMAN DEPINTO: Okay. Mr. Vogt.

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

15 I was asked by the Planning Board to do a review
16 and did a review in July.

17 And, as a Board exhibit, I don't think so, but
18 my comments haven't changed. Here is a copy if you
19 don't have it.

20 CHAIRMAN DEPINTO: Review on signage?

21 MR. VOGT: Signage. Yep.

22 CHAIRMAN DEPINTO: I don't recall that.

23 MR. VOGT: It was July 24 when this was
24 written.

25 CHAIRMAN DEPINTO: Okay. Let's -- would

1 You pass that down? I don't remember that being
2 entered as an exhibit.

3 MS. HUPPER: -- the signage.

4 MR. VOGT: I thought they had it. It

5 wasn't, it wasn't actually mailed to you guys.

6 MS. HUPPER: Bob, do you have it?

7 MR. REGAN: No.

8 MR. VOGT: I think this way mailed out --
9 e-mailed.

10 MS. HUPPER: I think it was e-mailed, too.

11 MR. TEAGNO: I have a copy.

12 MS. HUPPER: It was distributed.

13 MR. VOGT: I'm not accusing you.

14 CHAIRMAN DEPINTO: I would prefer,

15 Wolfgang, go over.

16 MR. TEAGNO: You said June 28th.

17 MR. VOGT: July.

18 CHAIRMAN DEPINTO: I think you should go

19 over the seven points noted in your report --

20 MR. REGAN: Mark that.

21 CHAIRMAN DEPINTO: -- and, allow the

22 applicant to answer any of the questions or respond to
23 any of your recommendations.

24 So, rather than just rely upon that document,
25 let's hear what they have to say about it.

1 Okay?

2 MR. VOGT: Bring it back.

3 CHAIRMAN DEPINTO: Could you pass that

4 back?

5 MR. LINNBER: Are you going to put this in

6 evidence?

7 CHAIRMAN DEPINTO: No, I don't think so.

8 I think I would prefer that we just do it in the way
9 of testimony, Wolfgang.

10 EXAMINATION BY MR. VOGT:

11 Q Okay. My comments were, I have reviewed
12 the proposed signage plans for the Shops at Depleros
13 Farm and compared them with the proposed landscaping
14 plans?

15 The following are my comments.

16 1) In my opinion, both the primary and old tree
17 entrance monument signs are too large.
18 2) --

19 CHAIRMAN DEPINTO: Give them a chance to
20 respond.

21 Mr. Del Vecchio, he's indicated that the signs,
22 in his opinion, are too large.

23 What's your response to that?

24 MR. DEL VECCHIO: Well, I'll let Mr.
25 Christian answer in a moment. But, our initial

1 response is, one, we just, as I indicated in our
2 opening remarks, made the sign structure smaller.

3 I'm not sure if it's small enough for Mr. Vogt
4 or not. But, we've made them smaller due to
5 engineering concerns.

6 MR. VOGT: Don't forget this is July 24,
7 with the original plans.

8 MR. DEL VECCHIO: In fairness.
9
10 Secondly, they are fully compliant with the
11 ordinance requirements for this zone.

12 And, we are not seeking any relief in terms of
13 signage size or location.

14 And, in terms of how they relate to the rest of
15 the center and the magnitude of the center, I will ask
16 Mr. Christian to respond to that because he is better
17 equipped than I am.

18 THE WITNESS: Yes, they are reduced. We
19 reduced the sign size.

20 These, these -- when I say the structure itself,
21 again the signs themselves are within the ordinance.
22 They match the Code requirements.

23 Just responding to the first question here,
24 hopefully now, because of the landscaping, looking at
25 the landscaping, looking at the setback, looking at
all of the conditions that are in place, they better

1 relate, from a scale standpoint, to what's happening
2 on the site.

3 One thing to keep in mind is, once it comes --
4 I'm sure you're aware of this, when you're designing
5 elements and place them in an open field, in an open
6 area, they reduce in size, or the perceived size.

7 It's just an issue of scale of human nature. It's
8 just the way to perceive if something is relatively
9 large, in an open area it's not quite as large as you
10 originally anticipate.

11 MR. DEL VECCHIO: Mr. Christian, I just
12 reminded myself.

13 You, in fact, prepared a couple of sheets, in
14 the back of your set, which dropped those signage into
15 current conditions just so their size could be related
16 to the property and the environment.

17 THE WITNESS: Correct.

18 MR. DEL VECCHIO: And, I think that, as
19 they say, pictures usually are worth a thousand words
20 of explanation.

21 THE WITNESS: If we are able to turn to
22 the first sheet with the photographic representations,
23 towards the back, and, again, these are initial
24 studies done to give us an idea of the scale of the
25 size.

1 You can see, for example, the existing sign at
2 Mercedes and Grand which -- now I don't want to speak
3 out of turn but I believe it's roughly four plus feet
4 tall. I'm afraid I cannot tell you the width.

5 But, you can see, just to the right, the
6 proposed signage with its setback is not quite as
7 overpowering as it may appear in traditional
8 elevations.

9 The same thing as we look through the other
10 elements at Phillips and Grand and the corner. And,
11 it is an element that has a slight radius to it, again
12 take advantage of the viewing angle. And, it, too,
13 reduced in size in its environment and within the. It
14 doesn't quite have that mass that was originally
15 perceived.

16 CONTINUED EXAMINATION BY MR. VOGT:

17 Q Okay. I'm happy that you reduced it
18 anyway regardless. So, that answers No. 1.

19 No. 2, the hay wagon at the primary monument
20 sign at Mercedes Drive could be better utilized if
21 positioned in a strategic location and incorporated
22 into the landscaping other than being part of the
23 sign.

24 A The intent for that wagon was to work with
25 the sign and the landscaping together. Unfortunately,

1 our illustrations don't reflect the landscaping that
2 is proposed at the time. But, they would work as a
3 unified element together.

4 There's positions and slightly turned at an
5 angle. It's just a feature added element to act as an
6 attraction to the sign but it is -- they all should
7 work in harmony.

8 I agree with that.

9 MR. PREISS: Could I just interject?

10 CHAIRMAN DEPIRTO: Yes.

11 MR. PREISS: Just kind of a reminder. One
12 of the things that's happened over -- the sign plans
13 have changed.

14 Originally, the representation of the wagon,
15 which was really a sort of a replica of a wagon, was
16 proposed -- and part of the sign was going to go on
17 the replica of the wagon.

18 Two things have changed. One is the letters,
19 the actual signage has been removed from that wagon
20 and actually put on the wall.

21 And, the second thing is that the applicant has
22 agreed to actually go out and buy wagons, you know,
23 wherever they can get them, that are actual farm
24 wagons which were used. So, that's going to be the
25 real thing and placed in that location. So, the

1 replica is going to disappear.

2 So, when you consider those changes, I think
3 it's pretty much in keeping with the intent of what
4 Wolfgang is asking.

5 MR. VOGT: Well, my No. 3 gets actually to
6 that which says, in addition, the lettering, which is
7 proposed on the wagon, could be mounted on the taller
8 part of the monument sign to the left which has also
9 changed.

10 MR. PREISS: So, that's been done.

11 MR. VOGT: That's been done.

12 CONTINUED BY MR. VOGT:

13 Q No. 4, likewise, pertaining to the
14 monument, there is no esthetic gain having a timber
15 planter in front of the monument.

16 A Planting bed with seasonal plantings would
17 enhance the sign much more effectively.

18 I don't know what I should add to it because you
19 have beautiful stone and you're hiding it with timber.
20 You're putting a timber box in front of it.

21 I, I don't see any gain in that.

22 It could be -- that, that monument could be
23 enhanced by just having something on the ground.

24 A Well, the intent was to take advantage of
25 the timber. We were, again, inspired by the

1 equestrian center behind it with the jumps and gates
2 and so forth and the timber posts. That was the
3 inspiration behind the use of the timber with the
4 stone and some of the other metal work that's going on
5 with the sign.

6 The landscaping that, that is illustrated in our
7 sketches are not three dimensional drawings, are just
8 illustrative. By no means reflect the actual
9 landscaping that may be proposed.

10 Again, that was -- it's a planter box of sorts
11 where there's an opportunity for lush, beautiful
12 landscaping, seasonal plantings to be installed and in
13 place. Again, all working together as one.

14 But, the goal, our design intent was to just
15 keep that timber because it's used in the
16 architecture. It's used in our sign elements
17 elsewhere. And, it was to have it all relate as a
18 unifying element and not independent from the work
19 that's happening elsewhere on the site.

20 Q Well, I don't believe in -- wood is wood
21 and eventually it will rot. Sometimes faster than
22 anticipated even though that might be a 40 year
23 guaranty on something.

24 But, carpenter ants, for example, don't ingest
25 wood. So, once they get into it, they can, they can

1 rage havoc on lumber.

2 I, I -- there is -- there are rail fences
3 throughout the property which enhances what you said
4 and, and get that look you desire other than the
5 planter box.

6 It's my opinion. So that's, that's basically --
7 And, I don't like to -- there's a lot of money
8 in this monument, beautiful stone and you're hiding it
9 with lumber. That's a no-no as far as I'm concerned.
10 Enhance it with some landscaping in front of it, some
11 lower things rather than having lumber on top of it.

12 There's the No. 5 and the No. 6.
13 No. 5, the timber planter and fence at the
14 Phillips/Grand Avenue primary monument location serves
15 no particular purpose.

16 The planter and the fence obscure some of the
17 beautiful stone work. That's what I just said.

18 A Yes. Yes.

19 Q 6, the timber planters at both entrance
20 monument signs and Phillips Drive and Phillips Parkway
21 are of little esthetic value. The proper landscape
22 setting would be more appropriate. Again, my opinion.
23 The interior box shape appears to be it. That's
24 it. That's what this review says?

25 CHAIRMAN DEPINTO: Okay. Very good.

1 Thank you.
2 Mr. Webber.

3 EXAMINATION BY MR. WEBBER:

4 Q My only question was on the building
5 signage.

6 Will all the fonts be the same or will each
7 tenant be allowed to change their own font?

8 A I -- the intent is to have each tenant be
9 allowed to use their own brand identity.

10 MR. WEBBER: Okay. That's it. That's
11 all.

12 Thank you.

13 CHAIRMAN DEPINTO: Okay. Thank you.

14 Mr. Linthner.

15 MR. LINTHNER: No questions at this time,

16 Mr. Chairman.

17 EXAMINATION BY CHAIRMAN DEPINTO:

18 Q Okay. With regards to the signs proposed
19 on the buildings, it appears that some of the signs
20 will be illuminated externally and others internally.
21 Is that correct?

22 A That is, that is correct.

23 Q And, in no event will a sign be
24 illuminated both ways?

25 A The intent is to have --

1 Q Either/or.
2 A Either/or.
3 Q Okay. So if, by way of example, on the
4 junior anchor store, it is showing three tenants,
5 three fascia signs, all externally illuminated.
6 And, therefore, if in fact this is approved,
7 that is what the Board is going to expect to see when
8 an application comes in.
9 A I believe what you're looking at, on the
10 junior anchor, the, the external light fixtures that
11 are in the elevation are an architectural
12 representation, an illustrative.
13 They're -- we did not -- basically, I think it's
14 just a tool to indicate the area for the size.
15 Q See, I don't like tools. I don't like
16 representations. I want fact.
17 On junior anchor you're proposing, at this time,
18 three tenants, three fascia signs.
19 I cannot determine whether they are internally
20 illuminated or not. But, there appears to be external
21 illumination.
22 Now, when an application is submitted, and as
23 Mr. Del Vecchio said, with each use permit
24 application, an application for signage will accompany
25 it, I can expect to see Montauk or someone other than

1 Montauk seeking a sign of varying fonts, based upon
2 the answer that was given to Mr. Webber but externally
3 illuminated.
4 Can I expect that?
5 MR. DEL VECCHIO: They can be either or.
6 CHAIRMAN DEPINNO: But, it doesn't say
7 that, Mr. Del Vecchio.
8 MR. WEBBER: Excuse me, Mr. Del Vecchio.
9 On the plan it says illumination to be one or a
10 combination of the following.
11 MR. DEL VECCHIO: Well, that's correct.
12 The combination is meant that, let's use the
13 tenant names that are on here to demonstrate, Montauk
14 may choose to have the external goosenecks that are
15 shown. But, L. J. Peretti may say, you know what, we
16 don't want the goosenecks. We're going to pick the
17 internally illuminated sign, painted metal face, with
18 acrylic return.
19 So, they may differ between one tenant and the
20 other but no one --
21 CHAIRMAN DEPINNO: That's what I find
22 objectionable. If in fact we're saying junior anchor,
23 and as an architectural feature the signage will be
24 externally illuminated, and if there are three or four
25 tenants in that building, to me that consistency is

1 attractive.

2 But, if Montauk chooses to go with gooseneck and
3 Peretti chooses to go internally illuminated, then I'm
4 looking at something that I had not anticipated.

5 Now, what is it? Do you want that option of
6 doing whatever you want to do or do you want to comply
7 with some sort of uniform lighting plan that this
8 Board agrees to?

9 MR. WEBBER: Then the problem becomes what
10 happens when, if Peretti leaves and now the new
11 company comes in and says, well, I want external.

12 MR. DEL VECCHIO: The question has to be
13 focused in just a little bit more because, are we
14 talking about each building having a single method of
15 external sign illumination or are we talking about
16 every sign within the center having to have a single
17 method of sign illumination?

18 CHAIRMAN DEPINTO: I can appreciate using
19 the junior anchor as an example.

20 If there are three tenants and all three signs
21 will be illuminated in uniformity with gooseneck on
22 these channel letters that are applied to the fascia
23 of the building, I think that's attractive.

24 But, if I'm going to leave it to the option of
25 either the landlord or the tenant as to whether or not

1 he wants gooseneck or internal or IBD framed channel
2 letters or some other form of lighting, then I think
3 I've got a pretty ugly shopping center.

4 MR. DEL VECCHIO: Well, that's why I -- I
5 understand your concern. I'm just trying, in order to
6 say yes or no, I'm trying to ascertain whether you're
7 referring to a single building.

8 For instance, the junior anchor you just
9 illustrated, if you were to turn the page two sheets
10 and we look at Buildings C and D, they also have
11 signage proposed.

12 So, are we saying that the lighting selected for
13 the junior anchor needs to match the lighting selected
14 for Building C and needs to match the lighting
15 selected for Building D or can that vary between
16 buildings?

17 So, for instance --

18 CHAIRMAN DEPINTO: I think if you relied
19 upon the architect, as Mr. Christian said, by putting
20 these tools on the rendering, let's take that page
21 with Building C and D, there is the building with
22 three tenants Luigi, Coloro and Accessory.

23 It appears that the tenant in the center portion
24 of that building has the gooseneck lighting. And, it
25 appears that the other two don't.

1 Well, that sort of makes some kind of sense to
2 me. And, I could live with that.

3 I wouldn't want to hear an application for light
4 to come in and him say, I want like Mr. Coloro got and
5 I want goosenecks, too.

6 It's going to be whatever you present to us.
7 And, if your architects are saying, in the best
8 interests of the overall development, the sign plan
9 should look as such, well then so be it. It will be
10 reflected in the approved plans and pity the poor soul
11 who comes in seeking something other than what we
12 approved.

13 MR. DEL VECCHIO: Well, what I would
14 suggest, Mr. Chairman, is, since the signage needs to
15 come in as part of a sign permit attached to the use
16 permit, that we deal with the method of lighting based
17 upon the first tenant in each of the buildings; and,
18 that we approve the lighting as part of that sign
19 permit, that way -- because, I can't say right now,
20 because I don't know who the tenants are, that, and
21 let's say stay with the example that we're looking at
22 that maybe Mr. Coloro doesn't want goosenecks and he's
23 going to be a big tenant, he's going have 80 percent
24 of that building, he wants channels.

25 CHAIRMAN DEPIETRO: Then seek relief, then

1 seek relief from what this Board required.

2 MR. DEL VECCHIO: Well, that's what I'm
3 trying to, I think --

4 CHAIRMAN DEPIETRO: So, let's establish the
5 requirements because I think the signage has to be
6 consistent with the architecture and the wisdom of
7 that architecture.

8 And, if we find a combination of goosenecks and
9 internally illuminated signs, smattered in some sort
10 of pattern throughout shopping center, that makes
11 sense to me.

12 And, if you have a prospective tenant who feels
13 it should be something other than that, then come in
14 and seek relief from the requirements of site plan
15 approval that have been previously granted to the
16 developer.

17 To say that you could do it on a case by case
18 basis, that a tenant will come in and when he submits
19 for his use permit approval, decide whether he's going
20 to go gooseneck, internal, LED, fluorescent or some
21 other form of lighting, I don't think that's
22 appropriate because, in the end, we're going to end up
23 with a big mishmash of all these tenants and that's
24 not what my intention was.

25 MR. DEL VECCHIO: Hearing and

1 understanding your concerns, Mr. Chairman, what I
2 would suggest we do is the following.

3 I think the goosenecks and the other method of
4 lighting that are demonstrated in Mr. Christian's plan
5 are all code compliant. But, I understand we're
6 taking it to the next level, if you will, to try to
7 get to an architectural consistency that everybody is
8 comfortable with.

9 I would just like the opportunity, just to take
10 this back to the architect and make sure for certain
11 that he has -- because I don't know that he has taken
12 it to that level. I want to make sure he's done that
13 architectural consistency.

14 It doesn't change compliance. And, we will, if
15 it isn't as demonstrated here, we will resubmit a
16 drawing that has goosenecks picked for this space
17 versus that space so that we can then say yes to your
18 request and everybody is happy with what the plans
19 show.

20 CHAIRMAN DEPINTO: So, therefore, at least
21 at this point, we'll disregard your last exhibit as to
22 its accuracy, as it relates to the signage on the
23 buildings?

24 MR. DEL VECCHIO: Well, I'm not -- I think
25 that's a little overstatement, if you will.

1 CHAIRMAN DEPINTO: It's a simplification
2 because I'm a pretty simple sort of a guy. Show me
3 what you want and I'll let you know whether I like it
4 or not.

5 MR. DEL VECCHIO: I think you can
6 disregard it for purposes of the lighting. And, we
7 will confirm the lighting.

8 I think everything else in the plan remains true
9 and accurate.

10 MR. PREISS: Can -- Mr. Chairman.

11 CHAIRMAN DEPINTO: Yes.

12 MR. PREISS: The way that I did the review
13 is, my understanding was that the actual signs which
14 were shown on the plan were done for conceptual
15 purposes only. And, you'll see, in my review letter,
16 in the compliance table it says compliance to be
17 determined.

18 And, I had a discussion with the applicant.

19 And, the agreement was that as each individual sign
20 came in, they would, you know, seek approval of it.
21 But, they certainly, insofar as the illustrations are
22 concerned, the location, the size and everything is,
23 is compliant but the actual sign detail will be
24 determined at the time that it's submitted.
25 So, I just want to make, I just want to

1 understand what the applicant is offering and what you
2 agree to.

3 Are you suggesting, Andy, that you're, the
4 applicant will go back and will show on the plans the
5 methodology of lighting for each sign and that will be
6 approved and then, if there's a variation, when the
7 actual applicant comes in, you'll seek a variance from
8 that or a change of the plan?

9 Or, are you going to specify these buildings,
10 all signage will have internally illuminated or all
11 signage will be gooseneck lighting?

12 What are you proposing for us to approve at this
13 point?

14 MR. DEL VECCHIO: We're in one of those --
15 let me answer the question and then I'll put my caveat
16 out there.

17 I think the answer is simply, we're going to try
18 to determine whether it's going to be gooseneck or one
19 of the other illustrated methods of internal
20 illumination.

21 MR. PREISS: For each sign?

22 MR. DEL VECCHIO: Well, for each building.

23 MR. PREISS: For each building?

24 MR. DEL VECCHIO: For each building.

25 I don't know if there's going to be five signs

1 on a building or three. It all depends how it's
2 tenanted. So, we'll decide for the building.

3 And, if there's natural architectural breaks in
4 the building as in Buildings C and D, that we were
5 just looking at, it may be that tenant signage in the
6 middle bay is gooseneck and the tenant signage at the
7 end bays, which are recessed, are internally
8 illuminated. We'll try to make those determinations
9 or guesses at this point.

10 And, if there is a need to change that when the
11 building actually gets tenanted and we have real facts
12 to deal with, then we will seek the necessary
13 approvals from this Board either by way of a sign
14 permit amendment or through the use permit process to
15 allow something different to take place, so that this
16 Board is always fully informed of each building and
17 how each tenant's sign is being handled.

18 MR. PREISS: So, is that going to be
19 illustrated or are you just going to specify in
20 writing. In other words, are you going to --

21 CHAIRMAN DEPINTO: It has to be
22 illustrated.

23 MR. PREISS: That's why I'm asking the
24 question.
25

CHAIRMAN DEPINTO: It has to be. It's not

1 at the option of the applicant.

2 They're making representations to the Board.

3 MR. PREISS: I agree with you, Mr.

4 Chairman.

5 CHAIRMAN DEPINTO: As to the esthetics of
6 the project.

7 The esthetics are not just the roofing or the
8 siding or the glass. It's, a major part of the
9 esthetics of the project will be the signage.

10 They have to be prepared to show us what they're
11 going to do.

12 And, quite frankly, I don't like an answer
13 where, as Mr. Christian said, the tenant will dictate
14 the signage. I don't find that acceptable.

15 We will dictate to the tenant the signage. And,
16 if he doesn't find approved signage in Montvale
17 acceptable, go elsewhere. We are not going to wind up
18 with Route 46. We're not going to wind up with Route
19 3 and newly constructed shopping centers where the
20 signage is abominable, in my opinion.

21 I am expecting to see plans and the only thing
22 different, in my opinion, should be, if it's not
23 called Peretti's. It's called Boutique's. But, the
24 signage will follow the format that was presented to
25 this Board for approval.

1 Otherwise, let's take all signage off of all of
2 the buildings and deal with them individually as they
3 come in on use permit applications. And, let's just
4 deal with monument signs which are part of the site
5 details.

6 That's a simple way to deal with it.

7 But, you can't expect us to sit here and say,
8 we'll allow the tenants, based on their needs, to
9 dictate to us the type and quantity and illumination
10 of the signs that they require. Unacceptable by my
11 standards.

12 MR. VOGT: Mr. Chairman.

13 CHAIRMAN DEPINTO: Yeah.

14 MR. VOGT: May I make a comment?

15 CHAIRMAN DEPINTO: Sure.

16 MR. VOGT: Some of the architectural links
17 itself to have gooseneck lighting and some of it does
18 not.

19 CHAIRMAN DEPINTO: I agree.

20 MR. VOGT: Why can't we stick those two

21 which are presented tonight, right here?

22 CHAIRMAN DEPINTO: Because he's not
23 willing to commit to that.

24 MR. VOGT: If he changes then --

25 CHAIRMAN DEPINTO: I think what he

1 indicated was the architect used his poetic license to
 2 show on the plan some gooseneck and some internally
 3 illuminated but does not want to be compelled to do
 4 that or be limited to that on actual application.

5 That's my understanding of what he is saying.
 6 Mr. Del Vecchio, we need a solution.

7 MR. DEL VECCHIO: I think the solution I
 8 offered is, is the best one which is, this may, in
 9 fact, be a well-thought out choice by the architect as
 10 to where to use goosenecks or not. It seems to me, as
 11 a lay person, that he put them in the right places and
 12 chose internal illumination. I just want the
 13 opportunity to confirm that with him before I tell
 14 this Board, yes, we can live with what's depicted
 15 here.

16 So, what I'm suggesting for this evening is,
 17 everything but the lighting I think is correct on
 18 these sign drawings. And, the lighting may very well
 19 be correct. I just want to confirm that with the
 20 architect before I make that --

21 CHAIRMAN DEPINTO: For now I'm going to
 22 disregard this document.

23 MR. DEL VECCHIO: I think it's only the
 24 lighting that we need to be concerned with.

25 CHAIRMAN DEPINTO: I'm going to disregard

1 It. Because, you're representing the applicant and
 2 you cannot attest to, and that witness is not here, I
 3 don't think.

4 MR. DEL VECCHIO: He'll be here.

5 CHAIRMAN DEPINTO: He cannot attest to
 6 what the applicant intends to do with the lighting of
 7 the signage.

8 So, to me, this document is -- Mary, throw that
 9 away for me.

10 MR. DEL VECCHIO: Mr. Pett, who is the
 11 architect, had surgery and is recovering. He was
 12 going to be here but he will be back on the 26th
 13 which, I believe, is hopefully our next meeting and
 14 we'll be able to confirm the lighting at that point.

15 CHAIRMAN DEPINTO: We should not have
 16 heard any sign testimony this evening if you were not
 17 prepared to present all the facts and be in a position
 18 to answer all of our questions.

19 Why don't you continue, though.

20 MR. DEL VECCHIO: I think you were going
 21 through Board member questions, Mr. Chairman. And, we
 22 remain available.

23 CHAIRMAN DEPINTO: I was the last one to
 24 ask questions of the Board Members.

25 Mr. Preiss, do you have anything you would like

1 to add at this time?

2 MR. PREISS: Yeah. I just want to -- It's
3 more by way of commentary and kind of to let the Board
4 know where things stand.

5 We talked about the wagons and that change. So,
6 I think the Board is aware of it.

7 One of the things that the applicant has
8 changed, over the course of time, is the light fixture
9 which is on one of the signs.

10 And, if you look at third sheet and the fourth
11 sheet, you'll see there's a light fixture on one of
12 the columns which is designated as the Philadelphia
13 fixture. This was after going through a couple of
14 different choices.

15 And, so, if the Board is reviewing the signs,
16 they should -- the Board Members should weigh in as to
17 the appropriateness of that particular fixture.

18 So, that's a question.

19 The other question is, I have reviewed all of
20 the signage for its compliance in terms of size and
21 letter size and so forth.

22 The table that is presented in the sign plan
23 does not have the, the setback from the property line.

24 I don't know if this is the correct witness
25 because he's, you know, focusing on the signs itself.

1 But, at some point, Andy, are you going to have
2 Mr. Dipple,

3 MR. DEL VECCHIO: Yes. Mr. Dipple is
4 prepared to testify.

5 MR. PREISS: Okay. We need that detail to
6 determine whether the setback of the primary monument
7 sign, the entrance monument sign, and the pedestrian
8 way finding signs are compliant with the ordinance.

9 So, that's outstanding.

10 The other thing is, as we have discussed is the
11 wall signs on all of the Lifestyle Retail are
12 compliant as to size, location, it's for illustrative
13 purposes only. They're going to return for the actual
14 sign itself.

15 I would note for the record that the signs on
16 the Wegman's building are, in our opinion, compliant
17 with all respects.

18 So, I think that's, that's where we are in terms
19 of, in terms of the signage.

20 And, in terms of the items that I have listed to
21 be determined, those are all still outstanding and
22 would only be determined when the actual sign
23 applications are made with the exception of the
24 setbacks which I believe we're going to hear from,
25 from tonight.

CHAIRMAN DEPINTO: Question for Bob.

Bob, with respect to the statement made by Mr. Del Vecchio that all prospective tenants, as we know, are required to submit an application for a use permit before the Planning Board?

MR. REGAN: Correct.

CHAIRMAN DEPINTO: And, he also indicated, at that time, that prospective tenant will submit a proposed sign for the Board to approve.

The Board does not have jurisdiction over signs unless they're at variance with code.

MR. REGAN: Right. Signage approvals are issued by the construction official.

CHAIRMAN DEPINTO: By the construction official.

So, how would we have that authority absent an ordinance that gives us that authority.

MR. REGAN: You would have, assuming --

Well, they could voluntarily submit the sign for your review.

CHAIRMAN DEPINTO: And, if they chose not to, after their first denial.

MR. PREISS: Or, the other alternative is to put it in the resolution that, you know, all of the following in terms of signage is compliant but on each

individual wall sign, that the applicants will return to the Board for a determination of, of compliance.

MR. REGAN: For each application or use approval by a tenant.

MR. PREISS: Right.

MR. REGAN: That the applicant or the applicant, at that time, will submit signage details for the Board for review.

MR. PREISS: Right. So, I believe that can be made --

MR. REGAN: That can be done. But, ordinarily, signage goes to Jeff.

MR. PREISS: Correct.

MR. REGAN: And there's --

CHAIRMAN DEPINTO: So, the Board would have control through its resolution?

MR. PREISS: They would maintain jurisdiction over it.

CHAIRMAN DEPINTO: And, that is a legal control?

MR. REGAN: Right.

CHAIRMAN DEPINTO: Okay. With respect to Mr. Preiss's question on the Philadelphia light fixture or the Philadelphia style light --
Is that the name of it, Mr. Christian?

THE WITNESS: Yes.

CHAIRMAN DEPINTO: The Philadelphia style light fixtures on the monument sign, I want to poll the Board as to their opinion of that particular fixture.

That is not consistent with the recommendations that Mr. Preiss had made earlier.

Is that correct, Mr. Preiss?

MR. PREISS: Well, things have changed.

What happened is they submitted a sign that we determined was not sort of in keeping with the rural farm kind of ambience. It was more nautical.

Our urban design consultant had suggested either eliminating the sign altogether, the lighting fixture altogether or doing a rounded globe sign which the applicant had a problem with that in terms of it being a target of vandalism.

And, we also had a stone ball instead that could be externally lit but that was another recommendation.

And, they didn't like that and they have

proposed this light fixture as the alternative.

And, I think the choices are either to approve it or ask for an alternative or to recommend that no lighting be provided on that.

CHAIRMAN DEPINTO: That was the question.

Starting with Mr. Teagno.

MR. TEAGNO: I like it.

CHAIRMAN DEPINTO: Is the Philadelphia fixture, are you okay with that?

MR. TEAGNO: Yes, that's fine.

CHAIRMAN DEPINTO: Or prefer eliminate or change?

MR. TEAGNO: I like it the way it is.

CHAIRMAN DEPINTO: Okay. Very good.

Thank you.

Mr. Culhane.

MR. CULHANE: I agree. I like it the way

it is.

CHAIRMAN DEPINTO: Okay. Thank you.

Mr. Pette.

MR. PETTE: I'm okay with the way it is.

CHAIRMAN DEPINTO: Okay. Thank you.

Mr. Stefanelli.

MR. STEFANELLI: I'm okay with the light fixture. But, my question is, how are we lighting that sign?

I see the upper sign is going to have, says monument to be lighted by external fixtures.

So, is the main sign going to be lighted by external fixtures?

1 MR. CHRISTIAN: Um-hum.
 2 MR. STEFANELLI: Then I'm okay.
 3 CHAIRMAN DEPINTO: Mr. Vogt.
 4 MR. VOGT: That lamp, it's just a
 5 decoration on top of a, sort of makes an ending on the
 6 pillar. I'm fine with it.
 7 CHAIRMAN DEPINTO: Okay. Thank you.
 8 Mr. Webber.
 9 MR. WEBBER: I'm fine with it also, Mr.
 10 Chairman.
 11 CHAIRMAN DEPINTO: Thank you.
 12 Mr. Lynner.
 13 MR. LYNNER: I would agree with Mr.
 14 Preiss. Mr. Preiss's, as our expert's recommendation
 15 is it should be different than that, I would tend to
 16 agree with him. But, I'm certainly way in the
 17 minority on that.
 18 CHAIRMAN DEPINTO: Okay. I, I, frankly, I
 19 agree with Mr. Preiss and I agree with you. I think
 20 we could have been a little bit more creative in terms
 21 of the sign.
 22 It, it may be Philadelphia by design. To me,
 23 you could have named it the pedestrian sign because
 24 it's, I think, a very pedestrian design.
 25 But, if the majority is in favor of it, I'll go

1 along with it.
 2 And, then one last polling, starting with Mr.
 3 Cuhane.
 4 Chairman Vogt does not like the timbers in front
 5 of the monument signs. Would you agree to eliminate
 6 it and replace it with just landscaping or an
 7 alternate material, maybe a concrete to look like
 8 timber or something along those lines?
 9 MR. CULHANE: Well, as the man says,
 10 beauty is in the eyes of the beholder. And, I would
 11 be curious what Mr. Preiss's recommendation would be
 12 because I view that more as his expertise than mine.
 13 MR. PREISS: I, I don't have a strong
 14 feeling either way. I think that the, in, in so many
 15 respects the applicant has gone along with our
 16 suggestions that I think if they proposed a planter
 17 here, it's okay with me.
 18 I understand what, what Mr. Vogt is, is saying.
 19 I think either way is fine. I don't have a particular
 20 preference.
 21 MR. CULHANE: That's exactly the position
 22 I'm in. Either way is fine.
 23 CHAIRMAN DEPINTO: Okay. Thank you.
 24 Mr. Fette.
 25 MR. FETTE: I, I would go with some

1 plantings in front instead of the, instead of the
2 wood.

3 CHAIRMAN DEPINTO: Okay. Thank you.

4 Mr. Stefanelli.

5 MR. STEFANELLI: I like Mr. Vogt but I
6 disagree. We have a plan on equestrian. This is part
7 of the design. I think it's integral as part of the
8 design so would I say leave it in there.

9 It's a maintenance headache but it's not our
10 headache. It's the owner's headache.

11 CHAIRMAN DEPINTO: Okay. Thank you.

12 Mr. Webber.

13 MR. WEBBER: Particularly, I'm -- I agree
14 with Mr. Vogt. I don't think the timber planter, I
15 think it's kind of arbitrary and it doesn't seem to
16 have any permanence. If it's a different material, I
17 think that would work better than the timber or it
18 could just be planted straight out.

19 But, I'm not a fan of the timber planter.

20 CHAIRMAN DEPINTO: Okay. Thank you.

21 Mr. Lintner.

22 MR. LINTNER: I really need to see how it
23 ties in with the landscape. To just throw this out
24 right now and find out that there is some plan with
25 the landscape plan around it, I would be interested to

1 see what the landscaping is around it before I condemn
2 the, if it's the planter or not.

3 So, I'm either way right now.

4 CHAIRMAN DEPINTO: Okay. Thank you.

5 Mrs. Cudequest.

6 COUNCILWOMAN CUDEQUEST: I like it the way
7 it is. I wouldn't change it.

8 CHAIRMAN DEPINTO: Okay. Thank you.

9 Mr. Teagno.

10 MR. TEAGNO: I agree with Mr. Vogt. I
11 think the timber is kind of a distraction and ruins
12 the facade of the wall. However, I do like the
13 timbers on the ends.

14 CHAIRMAN DEPINTO: I like the timber
15 appearance. I think it offers a certain uniqueness to
16 the sign.

17 And, we have many other monument signs in town
18 with plantings in front or behind or along the side.

19 But, I can't think of any planters with timbers.
20 I like the uniqueness of it. And, and if we're trying
21 to develop a unique life style center, I think that
22 this goes in that direction.

23 All right. With that said, Mr. Hippolit, do you
24 have anything before I hope to the public?

25 MR. HIPOLIT: I have nothing on the signs,

1 Mr. Chairman.

2 CHAIRMAN DEPINTO: Thank you.

3 Mr. Preiss, anything.

4 MR. PREISS: No, Mr. Chairman.

5 CHAIRMAN DEPINTO: And Mr. Regan.

6 MR. REGAN: No, Mr. Chairman.

7 MR. FETTE: Mr. Chairman.

8 CHAIRMAN DEPINTO: Yes.

9 MR. FETTE: One quick question.

10 CHAIRMAN DEPINTO: Sure.

11 MR. FETTE: The colors of the stone, is
12 that representative of what the final color is going
13 to be?

14 THE WITNESS: The color of the stone is,
15 as illustrated, with the tools that we have
16 illustrated, would be identical to the stone on the
17 site for consistency.

18 MR. DEL VECCHIO: If you recall, Mr. Pett
19 had conceded, as a concern to the Board, that the
20 stone used on base of the Wegman's building, he would
21 match that as the base for the Life Style buildings.
22 The Life Style buildings were intended to match the
23 sign materials.

24 So, all three of those stones will now be the
25 same.

1 MR. FETTE: Will have consistency for
2 that.

3 MR. DEL VECCHIO: Yeah. On the base
4 stone, those will all now be consistent.

5 MR. FETTE: Okay. Thank you.

6 CHAIRMAN DEPINTO: Okay. Thank you.

7 Anyone else?

8 MR. LINTNER: I have one thing.

9 CHAIRMAN DEPINTO: Sure, Mr. Lintner.

10 MR. LINTNER: Perhaps we could get an
11 opinion.

12 One thing I would suggest with the signs on the
13 building, since we've been doing this equestrian, this
14 farm, this little retro look back to maybe 80 or a
15 hundred years ago, maybe at this point in time we
16 should plan on having all the signs externally
17 illuminated such as was the case 60, 70, 80 years ago.
18 Therefore, we eliminate the modern sign without them
19 coming before us and requesting a change in what the
20 plan shows.

21 And, then we could have some consistency with
22 all the buildings. They could all be externally lit.

23 Let the applicant decide what kind of sign he
24 wants to put up that is externally lit. But, then
25 it's giving the applicant some direction and it's

1 given us a spot to at least work off of.

2 Because, I agree. I think, if we put a, put a
3 modern sign next to an externally, with an ice cream
4 or a bank or something, I think we'll have a jumbled
5 mess and I know we're not trying to do that.

6 So, that's just one suggestion.

7 CHAIRMAN DEPINTO: I think it's a good
8 suggestion.

9 MR. CULHANE: I agree.

10 CHAIRMAN DEPINTO: The applicant should
11 take it under consideration.

12 I mean, I think it's apparent, based upon the
13 comments I have heard from the Board Members, we do
14 have concerns about those building fascia signs and
15 the appearance that it's going to offer to this
16 overall shopping center.

17 It's important. And, we're just not going to
18 gloss over it.

19 Okay. With that said, the Chair will entertain
20 a motion to open to the public.

21 COUNCILWOMAN CUDEQUEST: So move.

22 MR. CULHANE: Second.

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

25 All in favor.

F. Christian - Cross - Mr. Segreto

(Aye)

1 And, I'm going start this evening with Mr.
2 Segreto.
3 Segreto.

4 Mr. Segreto.

5 MR. SEGRETTO: Mr. Chairman, I have a few
6 questions. But, I think it may be for Mr. Dipple if
7 he's going testify about that, that's about setbacks
8 and size of the bases of the sign. I don't believe
9 Mr. Christian has testified to that.

10 So, those are my questions.

11 CHAIRMAN DEPINTO: Anything with respect
12 to the testimony you have heard tonight?

13 MR. SEGRETTO: No. Other than just, I'll
14 just --

15 CHAIRMAN DEPINTO: The size of the
16 lighting and the things of that nature.

17 CROSS-EXAMINATION BY MR. SEGRETTO:

18 Q Mr. Christian, that all of the signs that
19 the applicant is proposing complies with the sign
20 table in the Ordinance 2013, 1374, on Pages 26 and 27.
21 Is that correct?

22 A As I have it in front of me, yes. Yes,
23 they do.

24 Q Right. Maximum number you comply.
25 Correct?

1 A Correct.
2 Q Total area --
3 A Yeah. Hold on. Let me back up.
4 In some instances, we did not take advantage of
5 the maximum number allowed. We are fewer than what's
6 allowed and fewer than allotted square footage as
7 well.
8 Q My question is, are you exceeding --
9 A No, we're not.
10 Q -- any of the criteria?
11 A No, we're not.
12 Q And, that's with regard to maximum number
13 of signs, total area.
14 Is that correct?
15 A Correct.
16 Q Maximum area of each sign?
17 A Correct.
18 Q Maximum height?
19 A Correct.
20 Q The setbacks Mr. Dipple is going to
21 testify.
22 Is that correct?
23 A Correct.
24 Q And, what about the maximum letter height?
25 A Correct.

1 Q You're going to comply?
2 A We'll comply.
3 MR. SEGREGO: Mr. Chairman, other than
4 that and other than the setback and the size of the
5 bases.
6 CHAIRMAN DEPIWTO: Very good.
7 MR. SEGREGO: I'll hold on for Mr. Dipple.
8 CHAIRMAN DEPIWTO: Anyone else from the
9 public have questions of the testimony we heard this
10 evening with regard the signage? No.
11 The Chair will entertain a motion to close the
12 meeting to the public.
13 MR. VOGT: So move.
14 CHAIRMAN DEPIWTO: Mr. Vogt, seconded Mr.
15 Stefanelli.
16 All in favor.
17 (Aye)
18 Mr. Del Vecchio, do you have another witness you
19 wish to present this evening?
20 MR. DEL VECCHIO: Yes. Ms. Bedat is here
21 to commence her testimony on the landscaping.
22 Mr. Chairman, the landscaping drawings were
23 attached to the large engineering sets that were
24 recently submitted. We would propose to put them up
25 on the screen if that helps the Board.

CHAIRMAN DEPIRO: Yeah. It's cooled down a little bit. You can set up here.

MR. DEL VECCHIO: Mr. Regan, I'm going to propose to mark as A-34.

MR. REGAN: I don't believe she's been sworn yet.

MR. DEL VECCHIO: No. But, I want to mark the drawings in.

MR. REGAN: All right.

MR. DEL VECCHIO: They are A-34. It is the L2A site plan package or sheets. They consist of 48 sheets. They're last revised January 24, 2014.

And, that's a set of --

MR. REGAN: January 4th?

MR. DEL VECCHIO: January 24, '14 is the revision date.

MR. REGAN: Okay.

MR. DEL VECCHIO: And, those 47 sheets include the landscape drawing that is Ms. Bedat is responsible for and will be testifying to this evening.

So, with that said, you are correct, she does need to be sworn.

MR. REGAN: Do you swear or affirm that the testimony you will give in this proceeding will be

C. Bedat - Direct - Mr. Del Vecchio

1 the truth, so help you God.

2 THE WITNESS: Yes, I do.

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

5 THE WITNESS: Claire Bedat, B E D A T.

6 MR. REGAN: Sorry.

7 THE WITNESS: B as in boy, E as in --

8 MR. REGAN: B E --

9 THE WITNESS: B E D A T.

10 MR. REGAN: A T. Okay. Thank you.

11 CLARE, C L A R E. Thank you.

12 THE WITNESS: C L A I R E.

13 DIRECT EXAMINATION BY MR. DEL VECCHIO:

14 Q Ms. Bedat, can you give the Board the
15 benefit of your educational and professional
16 experience?

17 A I graduated from the University of British
18 Columbia in Vancouver, Canada back in 2000. I worked
19 for a multidisciplinary firm called Downing Thorpes
20 and James in Boulder, Colorado from September 2000 to
21 April 2002, and then moved to Washington, D.C. in 2002
22 to acquire a continued experience in landscape
23 architecture.

24 I join RWKL in 2011 and moved to AECOM in this
25 year, December of 2013. I am -- I was President of

1 the Potomac Chapter of the American Society of
2 Landscape Architects last year and I belong to (I am
3 still active on the executive board members. I am
4 also sitting on the Board of Directors of Casey Trees)
5 here in Washington, D.C.

6 Q And, Ms. Bedat, in your professional
7 experience, you have had familiarity and have in fact
8 designed landscape plans for retail, office and other
9 mixed use type projects?

10 A That's correct. I worked with a studio
11 for 9 years when we were implementing large mixed use
12 environment, streetscape and a lot of amenities, very
13 complex structure and on building system/

14 Q You have been involved in the landscape
15 design of this project from the start of the project?
16 A That's correct.

17 I worked with Doug Mc Coach in the envisioning
18 stage of the project and I'm here to continue the
19 implementation and, of the landscape.

20 Q And, just for those who may have been
21 present when the ordinance that was put in place known
22 as Ordinance 1374, that included this property, the
23 time you testified before the governing body, you had
24 indicated you were with RYKL and Mr. Mc Coach.

25 And, as you indicated in your opening remarks,

1 you're now with ACCOM.
2 Correct?

3 A That's correct.

4 Q And that merely is, you have changed your
5 employment but you have remained as the project
6 landscape architect for this project?

7 A That's correct.

8 Q And, the drawings that I have just marked
9 as A-14, those drawings that or portions of those
10 drawings that are designated as I drawings followed by
11 a number, those are the landscape drawings for this
12 project.

13 Is that correct?

14 A Correct.

15 Q And, they were prepared by you or under
16 your supervision?

17 A That's correct.

18 Q You have made yourself familiar with the
19 property which is the subject of this application?

20 A Yes.

21 Q As well as the ordinance and its
22 requirements governing landscaping and other features
23 for the project?

24 A I did.

25 Q I would ask that you please, I guess,

1 start with the vision for the landscaping and then how
2 you proceeded to kind of fill in that vision with
3 actual plant material for the center using your
4 drawings as kind of a guide to take us through that.

5 A We were invited to design a life style
6 center for the Borough of Montvale that encompassed a
7 large retail component but also recreational
8 activities throughout the site. We, with Doug Mc
9 Coach, we envision a set of three acres of open space
10 recreational centers and a little bit more than 8,000
11 linear feet of pedestrian trail, pedestrian bicycle
12 trails throughout, linking the perimeter of the site.
13 This was connecting a life style center, that you can
14 see it now located off of Grand Avenue. The pocket
15 park at the intersection of Mercedes and Grand Avenue.
16 And a center, we're connecting various retail zones at
17 the offset of the Mercedes Drive.

18 The entrance leading to the Wegman's store was
19 to be a celebration, kind of a monumental entrance
20 towards a large anchor retail store. And, this kind
21 of, type of planting, we're going to lead you into a
22 succession of retentions, large pond systems that you
23 find on the garden site center on the lower right.

24 So, we, we basically composed a, diversified the
25 activities we have accompanying the, the economy of

1 the site and preserving as much as we could of the
2 open space.

3 MR. REGAN: Mr. Del Vecchio, before you go
4 any further, with the witness, are you offering her as
5 an expert in the field of landscape architecture?

6 MR. DEL VECCHIO: In the field of
7 landscape design, yes.

8 MR. REGAN: Landscape design.

9 She should be so qualified, Mr. Chairman.

10 CHAIRMAN DEPIWTO: The Chairman accepts
11 recommendation of counsel.

12 Please continue.

13 Q Ms. Bedat, let's, I guess, start with, I
14 guess the fundamentals and that is the plant material
15 that is proposed to go in here. Where is, at least to
16 this layman's eye, a definite rhythm and design that
17 was created, that you envisioned.

18 Can you explain it and explain how you in-filled
19 it?

20 A Right. The setting of the planting and
21 the landscape plan was kind of imbued by the agrarian
22 character of the place being a farm land. We, we
23 replicated a pattern of planted field that you find in
24 this zone right there.

25 This was going to start implementing a gateway,

1 a threshold into the site, leading you into garden
2 style town center with sitting under the shade of the
3 trees.

4 So, this was really the signature piece that
5 leads you into the town center.

6 Then we incorporated some artifacts, agrarian
7 artifacts. Initially we had a silo surrounded by
8 large shade trees and, and lower the width plantings
9 that was replaced later on by, by Frank's Andromeda
10 Design Group by monumental signage.

11 The path was going to lead you into an entry
12 limitation right there. And, this was going to be a
13 set of concrete lined with shaded trees that have some
14 four seasonal aspect.

15 So, we, we basically planted as much as we could
16 the, the Edwardian lifestyle where we have kind of,
17 the equestrian was kind of a play of, of detail where
18 the fence, the, the masonry was going to be tied into
19 giving a sense of a statistic that was tied to the
20 equestrian statistic of what you find on barn or barns
21 and equestrian centers.

22 But, initially, the landscape was going to be
23 imbued by the Edwardian farmland character.

24 Q Now, let's start up at the signature open
25 space at the corner of Mercedes and Grand.

1 In addition to the signage that Frank had
2 testified to earlier this evening, that area also has
3 a variety of plant material, benches and pathways.

4 Could you just give us an overview of that?

5 A At the right at this pocket park here, we
6 have a monumentation of the section that is surrounded
7 by low evergreen plantings but by tall evergreen
8 trees. And, a little pocket lawn that is surrounded
9 by shade trees and framed by evergreen on both sides
10 with backup edges that you don't see. So, fully
11 contained, sitting, picnicking area that would be
12 connecting you -- it's kind of a concentration of a
13 planting that will lead you into a trail system that
14 leads you into the entrance of, into the site and some
15 view of the, the upper promenade into the lower space
16 that you find within the retail zone.

17 Q Now, if we go to the larger signature open
18 space in the center of the property, just behind the
19 two life style retail buildings and north of the
20 proposed Wegman's building, that is much larger green
21 area or signature open space?

22 A Correct. This, actually, what I omitted
23 to, to mention, is that we really played, of the
24 reality of the difference in topographic that we have
25 on the site. And, we created a series of terraces.

1 So, you have the higher terrace here, looking down
2 into the planting views, into lower zone where the
3 retail is setting.

4 And, this was going to be connected, via
5 equestrian, via, into a lawn that was being framed by
6 a series of red maple that was going to form a key
7 shape element right there. And, was going to frame
8 your lawn with the center piece of an old, kind of a
9 remnant of an old barn that was going to be used.

10 Q That feature that you describe is a, I
11 guess for us, a very large gazebo that you have
12 detailed in your drawings that forms one of the
13 structures in that signature open space.

14 A The detail is found at I4.04.

15 Q Essentially, a very timber structure meant
16 to match the agricultural and equestrian themes that
17 are being played out?

18 A That's correct.

19 And, this was going to be a shade structure as
20 much as...

21 Q 4.04.

22 MR. STEINHAGEN: I just can't read on
23 there.

24 THE WITNESS: Keep going. It's at the
25 end.

1 A So, it was going to be, proposed to be a
2 shade structure with some element of architecture that
3 remind us of an old barn. And, we were hoping to find
4 a standing structure that can be just a, a shape that
5 we don't have to...

6 Q And that, that area including the pathways
7 that dissect that signature open space, those are
8 porous pavers that cross there or some other material?

9 A Those are actually, the pavement that we
10 are using as the crosswalk, the pedestrian crosswalk
11 is called Porphyry paver. It's, it's a granite stone
12 that, actually it comes from either Argentina or
13 Mexico. It has a very compressive capacity. It's
14 used all across Europe and nowadays in the U. S.

15 And, it's really resilient to moisture. There
16 is no, there is no problem of unsettling the pavers.

17 So, we were indicating we would like to use it,
18 more pavers, in key areas where the pedestrian cross
19 the same amenities at the site and use concrete, place
20 concrete either, either ways.

21 Q I'm just looking for the detail for that
22 stone, I201?

23 A The details.

24 Q For the material.

25 A I202.

1 Q 202. If you could go back one. There.

2 A What the -- the hatching does not really
3 read on that screen. But, it basically would be right
4 there. The pedestrian spine that links the three
5 terrace together. The -- this one being elevated
6 slightly and the lower one and the third, linking to
7 Grand Avenue.

8 So, this, I don't know if you can follow my
9 trembling hand. But, it would be the porphyry paver,
10 you see the porphyry paver in front of key entrance to
11 the retail zone. And, they would also be found around
12 the method connection when there is major crossing
13 happening.

14 The porphyry paver that you have on the upper
15 corner, there, with the concrete just in place and the
16 asphalt.

17 Q Now, for that signature open space in the
18 middle of the property, did you show or propose the
19 potential that there could be seating provided under
20 that structure in the shade for whatever recreational
21 use, whether it be sitting and reading, sitting and
22 having lunch or sitting and people watch, whatever --

23 A That's correct.

24 Q -- It would be.

25 A That's correct. On Sheet I2.02 we have a

1 series of sitting areas. At the pocket park, we have
2 located the sitting around the monumentation area.

3 And, then, as you come down into the retail site, it
4 would be, you would have some dining zone right here,
5 restaurant dining with some table and chairs, facing a
6 public art piece right there, attached to the wall.

7 And, that series of dining and sitting will lead
8 you, it would release, you would have a pedestrian
9 population corridor right there and then another
10 sitting area between the two retail buildings. Then
11 you would be descending your way into the town green
12 or the village center there where you would have some
13 sitting under the shaded canopy and then another four
14 benches under the shade of the trees framing the lawn.
15 You also have some sitting by the edge of this
16 retail place here.

17 Q Since you touched upon it, let's -- we
18 might as well cover it. You mentioned benches.

19 And, there is a requirement, and I think you
20 have it detailed in your table on Sheet I1.00 that a
21 certain number of benches be located within this
22 center.

23 A That's correct.

24 MR. DEL VECCHIO: Dan, if you could go
25 back, it's the first landscape sheet. Right there.

THE WITNESS: It's right there.

Q There we are. That is Sheet H1.0 that we referred to.

The ordinance does require a certain number of benches to be located within the center.

Does your plan comply?

A We, we met the ordinance and exceeded it.

We basically have provided up to 38 benches

where we were required to have 35 of them. We also added some bike racks. We were, I believe 19 are

required and we have up to 20. And, I think we could add a few more.

Q Now, with regard to the benches, you have shown them to be located in a variety of places across the retail Lifestyle Retail Buildings and the pathways that are intended to circle the site.

A Yes.

Q And, I believe there is even a few benches located in the Wegman's portion of the development as well.

A That's correct. We, we, what we, we made sure of is to really locate the benches where we think it's most appropriate place for the pedestrian to sit. So, there is no benches along Mercedes Drive. We don't believe this is, this is the actual area for

pedestrian to sit. So, we went to the lower end of the site where you have kind of a recessed space where you can yourself, and have some rest.

We located them, along the retention pond and retention pond, this, we think, would be quite appropriate for a more intimate setting by the garden center and mainly by the retail town square.

Q Now, with regard to the benches, you did propose a detail that's shown on Sheet 4.02?

A Yes. And, those benches are proposed to be from Victor Stanley. Victor Stanley is providing very robust structure for those benches. They're, I believe, 85 percent recycled metal. And, we, we believe this is really, the furnishing for this place. The color can be amended.

Q Now, you also mentioned bike rack. I must compliment you on your selection of bike rack because it's the first of it's kind I have ever seen. You actually proposed a bike bollard that is detailed on this sheet as well.

A That would be something of a play off, this is, the bike bollard is right here. It is a play off the equestrian lifestyle that we thought we are going to, wherever we can, we went and found the detail that can connect to this characterization.

1 Q Now, since we're on this page, the
2 receptacle part of the hard scape requirements that
3 you are charged to --

4 A Right.

5 Q -- design. Can you just describe how we
6 achieve garbage and recycle with your fixtures?

7 A They are combined. This is a new feature
8 from the litter standard and basically you have the
9 litter receptacle, litter on one side and recycling on
10 the other.

11 Q The location of the bike racks are
12 generally required to be located in clear visibility
13 of the, of the Lifestyle retail buildings.

14 Have you met that requirement?

15 A We did.

16 Could you go the next, the next one. I can stop
17 on this one.

18 We have a bike rack, is just in this area right
19 there. So, we, in view of the 1a entryway. We have
20 another bike rack between the two building under the
21 lower edge of the retail center. We also place some
22 bike rack in this zone. And, we have another set on
23 the south end right there. And, by the wayman, we have
24 15 bike rack.

25 Thinking that you certainly have, use those

1 coming in, shopping.

2 So, if you go back to the previous page, thank
3 you, you will have a set of bike rack right there and
4 a large line of bicycle rack in this location.

5 And, we have three more bike rack in the garden
6 center located near the entrance.

7 MR. DEL VECCHIO: Dan, if we can jump to
8 Sheet 4.01.

9 Q Again, sticking with the hard scape
10 discussion at this point. You were also charged with
11 designing a hard scape feature for the fence detail
12 around the tree wells and the handrail to service the
13 various stairs that may exist on the site.

14 Can you just review what those are?

15 A So, they get, the tree guardrail is right
16 here, picket fence style that would be running on
17 three side of the tree planter, when they are aligning
18 on the edge of the trees.

19 And, this will be a very simplified by just a
20 typical picket fence that you find with, without the
21 round edges. It's more of a square octagonal design
22 that you will find, again, in the guardrail on the
23 upper right which will bring us to No. 8, Detail No.
24 8.

25 You can have a crisscrossing that you will find

1 in the equestrian lifestyle. So, we thought that this
2 would be a custom made handrail. It's not a standard
3 handrail. It would have to be custom.

4 MR. DEL VECCHIO: Dan, if you could switch
5 forward to sheet 4.05.

6 Q Again, sticking with the hard scape, you
7 were asked to offer advice on where either accent
8 lighting or pedestrian scale lighting would work well
9 with the landscaping you proposed. And, you have
10 prepared sheet 4.05.

11 Can you tell us what that illustrates?

12 A Right. This will be done in coordination
13 with I2A's team. And, we basically connected a series
14 of lighting elements that could be furnished
15 throughout the landscape plan. And, we had a set of
16 bollard on the upper left, uplights for the trees,
17 niche lights for the steps. Light for the pedestrian
18 zone and some luminaire.

19 I can go back to the main plan if you want me to
20 locate those elements on the plan directly.

21 Q Before we do that, the post lamp that you
22 made reference to, that specifically was meant to keep
23 in character with the lighting that Frank had
24 referenced on his site signage keeping with the
25 colonial theme to tie the center together?

1 A Right. Very traditional silhouette and
2 will be 12 foot tall. So, pedestrians can...

3 MR. DEL VECCHIO: Dan, if we can switch
4 back to 11.02. Yep.

5 Q Claire, if you can just give us a sample
6 of where the bollard light would be used and where the
7 post up lights, as you described them, would be
8 traditionally used in this layout.

9 A The post top lights we thought could be
10 located on the pedestrian edge of the retail, perhaps
11 45 feet on center. They would be 12 feet tall, again,
12 at the human scale. They will also be located on the
13 edge of the upper lawn. So, where ever you have the
14 nucleus of pedestrian activities, this is where you
15 will find the pedestrian post top lights. You could
16 also start locating them along the edge of the
17 pedestrian paths as needed, some around the monument
18 so you have, you allocate some are sitting in the
19 evening.

20 Q And those, those lights, the actual
21 locations are shown on Mr. Dipple's lighting plans as
22 to the exact location of where they're, they are to be
23 installed.

24 Now, with regard to the bollard lighting where
25 would those be typically used and what are their

1 purpose?

2 A The bollard would be just for safety,
3 safety light. It's to light up the pathway. And, we
4 felt that this crossing will be needed to reinforce
5 the pedestrian presence when you have it in
6 conjunction with the activities.

7 So, you have a set of bollard at every crossing
8 that you the pedestrian cross. And, you will have
9 another set of bollard system lighting up these paths
10 here at each intersection.

11 Q I think I have run out of the easy stuff
12 to ask you. And, now we're going to delve into the
13 actual landscape material itself.

14 If we can start with the soft scape of the site
15 that you were charged to design.

16 The ordinance was provided to you, that being
17 Ordinance 1374. And, that ordinance is very specific
18 on landscaping, among other things, is it not?

19 A Right. It is.

20 Q And, your design is laid out in these
21 drawings, in fact, was designed to comply with the
22 requirements of the ordinance?

23 A That is correct.

24 Q And, do you believe that what you have now
25 produced and are about to testify to does in fact

1 comply with the ordinance requirements?

2 A I think we met the ordinance requirements.

3 Q Generally, let's start -- my method of
4 questions, so you follow me, let's start with the big
5 stuff and work our way down.

6 So, if we can start with the trees and tell us
7 how you addressed the shade tree planting or tree
8 planting throughout the site as required by the Code.

9 A It's, it's a typically three tiered

10 landscape planting. You have the hierarchy of the
11 street trees are going to create something with them
12 and concentration of shaded area. So, basically, we,
13 we -- what, what I was trying to do in this landscape
14 plan is to really plant diversity of space creating,
15 how to create a space with vertical and horizontal
16 layering of the landscape.

17 So, we, we mixed it up as much as we could to
18 create some seasonal change through, throughout the
19 year. So, we basically --

20 I don't know how much detail you want me to
21 give.

22 Q I don't know if we're going to get into
23 Latin spellings tonight. We'll leave that for a
24 different meeting.

25 Perhaps you should talk about flowering trees

1 versus why you chose certain types of trees over
2 another.

3 A Along the edge of the Grand Avenue and
4 Mercedes, we located a lot of oak trees. Those oak
5 trees will have changing fall color season but not as
6 much as the key planting that we've done on the town,
7 town green which is framed by Red Maples and those are
8 going to be scattered throughout. We are still

9 entrusted this plantings with the cover trees that we
10 have on each side. The Zelkovias trees, we kept them
11 for the parking. And, they are going to be -- they
12 are great street trees. They are drought tolerant.

13 They are site tolerant. We are maximizing the shaded
14 area, the concentration of sequestration and then
15 dividing them by having a lane of planted trees that's
16 different.

17 So, you have the marking of one species divided
18 by another specie. And, then you reinforce this
19 cluster of this zone, in this area, with another type
20 of trees.

21 The oak trees will, will frame your pedestrian
22 paths along the Grand Avenue and then you will have a
23 concentration of specimen here with evergreen and
24 shade trees. And, you come back down and start
25 breaking it up on the very narrow pathways here with

1 some evergreen and deciduous on one side, some
2 ornamental flowering, a set of shade trees, another
3 set of flowering that leads you into the celebration
4 of the commemorative plant of entering into this.

5 Q Now, if we can switch back one, to I.01,
6 the parking lot planting of trees is mimicked here in
7 the parking lot that is intended to serve the anchor
8 retail building.

9 A Right. Initially, this was going to be
10 another strong connection, pedestrian connection that
11 was kind of calling the one on I2.02. So, you have
12 two, that was going to lead the pedestrian activities
13 toward the retail zone.

14 This is, again, a line of sycamore trees that is
15 breaking up the zone massing. And, you have the lane,
16 double planted lane of trees that is going to be
17 connected in the fall, fall of the colors.

18 Q Now, obviously, in addition to the street
19 trees, there are evergreens that are massed in certain
20 locations to provide screening.

21 One such area is the rear loading area for the
22 anchor retail.

23 A On the back?

24 Q Yes.

25 A Yes. We have tall evergreen specimens

1 that are broken up with one deciduous trees, a set of
2 evergreen again, deciduous trees, and we are creating
3 a lane of repetition and redundancy but we create a
4 wall effect view from, from the Grand Avenue property.
5 Q And, that, in fact, is planted in front of
6 a fence that is located along the back of that
7 building?

8 A Right. We have a very strong mass,
9 feature, double set of retaining wall. And, on top of
10 the upper retaining wall you have, which I believe was
11 up to 6, 7 feet tall opaque timber concrete fence
12 system. And, behind this, you will have a line of
13 evergreen in, in, broken up by, you know, portulacated
14 planting of shade trees.

15 MR. DEL VECCHIO: And, Dan, if we can jump
16 down to 1.03.

17 Q Right behind the walls that you just
18 described in the tiering effect of those walls, each
19 of those tiers are then, in turn, planted with
20 additional varieties, deciduous trees and evergreens
21 and bushes and grasses and flowers.

22 A Yeah. We basically loaded up with those,
23 those planting areas with ornamental grasses and just
24 path with evergreen edges. These are shrubs, the
25 dogwoods that, that are going to contrast, in the fall

1 season, with the fall color. And, those were going to
2 lead you into this lower zone with a garden center.

3 So, it's, it's an entrance to one of the most
4 complex setting for mixed ornamental ground and
5 evergreen, ground cover and shrubs.

6 It's a tree surrounding, again, the full bed and
7 detention pond that we have a seed mix. It would be
8 assigned to each other.

9 Q One final question. And, that's just to
10 tie back to Mr. Christian's testimony, the landscaping
11 around the various signs, the monument signs that are
12 proposed, those were prepared by you as well?

13 A The location of them.

14 Q And, the type of materials?

15 A The type of material we, we actually
16 reenforced the ordinance, the writing of the ordinance
17 and the characteristic of those ornamentation and in
18 accordance with the planting.

19 Q And, in fact, you do, you do actually have
20 plantings called out on your drawings for the areas
21 where those signage's are proposed to be installed?

22 A We did, we did initially, yes.

23 Q And, they will be the planter beds in
24 those timber boxes as we discussed earlier. If they
25 are to remain, those will be tied in with seasonal

1 materials to also match the equestrian and
2 agricultural theme of the center?

3 A I believe, we will make sure of it, yes.

4 MR. DEL VECCHIO: At this point I don't
5 have any further questions of Ms. Bedat and make her
6 available to the Board for their questions.

7 CHAIRMAN DEPINTO: Okay. It's -- the hour
8 is late needless to say. And, the Board does have two
9 other items that they have to deal with this evening.

10 And, that is resolutions.

11 Is this witness able to return for our next
12 regularly scheduled meeting, Mr. Del Vecchio, for
13 questioning by both the Board Members and by Mr.
14 Segreto and any members of the public that have any
15 questions?

16 MR. DEL VECCHIO: If we could just confirm
17 the date of that meeting, I believe it's yes.

18 MS. HUTTER: Special meeting for the 26th,
19 the next regular meeting is the March 4th.

20 MR. LINTNER: The 4th is very busy.

21 MS. HUTTER: They have a special meeting
22 also already scheduled for February 26th.

23 CHAIRMAN DEPINTO: And, aren't --

24 apparently, we have already agreed to a February 26th
25 special meeting.

1 Is that what your records indicate, Mr. Del
2 Vecchio?

3 MR. DEL VECCHIO: Yes, because of the
4 cancellation of the 18th. That was my understanding.

5 CHAIRMAN DEPINTO: Mr. Segreto, are you
6 available for the 26th?

7 MR. SEGRETO: Yes.

8 CHAIRMAN DEPINTO: Of February.

9 MR. SEGRETO: Yes.

10 CHAIRMAN DEPINTO: And, you have confirmed
11 all persons are available?

12 MS. HUTTER: Except for one.

13 CHAIRMAN DEPINTO: So, therefore, this is
14 meeting will be carried to February 26th.

15 I'm showing it at 7:00.

16 MS. HUTTER: 7:30.

17 CHAIRMAN DEPINTO: At 7:30. That's 7:30
18 p.m.

19 Members of the public that have an interest,
20 please be advised that no further notice will be
21 provided to you other than this announcement and what
22 may be posted on the Borough web site.

23 Board Members, I ask that you please hold your
24 questions of this witness.

25 Mr. Segreto, I'm sorry to give you an

1 opportunity to ask her any questions. But, the hour
2 is late and the snow is coming so...

3 I think it's time to go.

4 MR. WEBBER: More ice than snow?

5 CHAIRMAN DEPINTO: More ice than snow. Is
6 that what you're saying?

7 MR. WEBBER: Upgrade the ice to a third.

8 MR. HIPOLIT: They already declared a

9 State of Emergency.

10 CHAIRMAN DEPINTO: Okay. Folks, thank
11 you. Have a good evening.

12 (The hearing adjourns at 11:00 p.m..)

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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.
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