# SPECIAL MEETING OF THE MONTVALE PLANNING BOARD

## MINUTES

**Wednesday February 26th, 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.

**Chairman called the meeting to order at 7:45pm**
**ROLL CALL: Mr. Culhane, Councilmember Cudequest, , Mr. Stefanelli, Mr. Teagno, Mr. Fette, Mr. Vogt, Mr. Webber, and Chairman DePinto**

**Also Present: Mr. Regan, Board Attorney, Mr. Hipolit, Borough Engineer, Mr. Preiss, Borough Planner, Ms. Hutter Land Use Administrator, Ms. Rowland, Assistant to the Planning Board**

**Absent: Mr. Lintner and Ms. Solomon**

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER: none**
**ZONING REPORT**: Mr. Fette stated he had no report.
**SITE PLAN REVIEW COMMITTEE:** none
**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Vogt stated K. Hovnanian will be coming for a special meeting on March 10, 2014 and at their regular meeting on March 17th, 2014 it would be Shoppes at DePieros
**CORRESPONDENCE:** placed on back table
**APPROVAL OF MINUTES:** none
**DISCUSSION:** none

**Use Permit: none**

## PUBLIC HEARINGS (cont):

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 Transcript**-Mr. Paul Segretto in attendance for John Segretto attorney for A&P-

## RESOLUTIONS: none

**Other Business-none**
**Open Meeting to the Public-A motion to open to the public was made by Mrs. Cudequest and seconded by Mr. Culhane. No one from the public wishing to be heard a motion to close the meeting was made by Mr. Culhane and seconded by Mr. Webber.**

**Adjournment-A motion to adjourn was made by Mr. Webber and seconded by Mr. Culhane with all stating aye.**

**Next Regular Scheduled Meeting March 4th, 2014 7:30 pm**

**Respectively submitted:**

**R. Lorraine Hutter, Land Use Administrator**

PLANNING BOARD
MONTVALE TOWNSHIP
COUNTY OF BERGEN

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

VOLUME 9

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Wednesday, February 26, 2014
Council Chambers
12 Mercedes Drive, 2nd Floor
Montvale, New Jersey
Commencing 8:15 p.m.

B E F O R E:

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

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

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

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

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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:

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

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

EXHIBITS MARKED 8/6/2013

A-1 Affidavit of Notice Document, Two Volumes
A-2 Site Plan Drawings Prepared by L2A, 42 sheets, 6/21/2013
A-3 Architectural Plans by JP2, Consisting of 8 sheets, 6/18/2013
A-4 Wegman's Elevation Drawings, single sheet 7/24/2013
A-5 Floor Plans Prepared for Wegman's Building, 5/14/2013
A-6 Roof Plan (Wegman's) Single Sheet, 6/20/2013
A-7 RTKL Master Plan Booklet
A-8 Thumb Drive Containing Two Power Point Presentations
A-9 Stone Sample Board
A-10 Split Base Sample
A-11 Material Board, Wegman's

BOARD EXHIBITS

B-1 Letter, 8/5/2013, from Chief of Police, Site Plan
B-2 Letter, 8/5/2013, from Chief of Police, Soil Movement

EXHIBITS MARKED 09/03/2013

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

EXHIBITS MARKED 10/01/2013

A-13 Id. Site Plan Drawings, 32 sheets, Last Revised 9/20/2013
A-14 Id. Storm Water Management Report Revised 9/20/2013
A-15 Id. Storm Water Maintenance Manual By L2A, revised 9/20/2013
A-16 Id. Soil Movement Plan, By L2A Revision dae 9/27/2013
A-17 Id. EIS Report, by L2A, 6/21/2013
A-18 Id. Acoustical Report, 6/26/2013

EXHIBITS MARKED 10/15/2013

A-19 Id. Section of Porous Pavement Including the Vase
A-20 Id. Porous Pavement
A-21 Id. Traffic Impact Analysis 6/20/2013
A-22 Id. Traffic Impact Analysis By Maser Consulting, 3/7/2013
A-23 Id. Technical Appendices 3/7/2013

EXHIBITS MARKED 11/06/2013

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

A-24 Id. L2A Concept Plan, SK-01, 10/29/2013
A-25 Id. Site Traffic Impact
A-26 Id. Sign Package Drawings
A-27 Id. Cut Sheet Booklet, 7/17/2013

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

EXHIBITS MARKED 01/07/2014

A-29 Id. Princeton Logs
A-30 Id. Bridgewater Logs
A-31 Id. Tabulation, Dolan & Dean

B-4 Id. Letter, 1/2/2014, Maser
B-5 Id. Truck Study, Maser

EXHIBITS MARKED 02/04/2014

A-32 Id. Revised Sign Drawings
A-33 Id. RTKL Drawings, Revised 2/4/2014
A-34 Id. L2A Site Plan Package/48 sheets Last Revised 1/24/2014



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

EXHIBITS MARKED 02/26/2014

A-35 Id. Updated Wegman's Architectural Plans, Last Revised 8/4/2014
A-36 Id. Updated Architectural Plans 9 Sheets, 2/13/2014
A-37 Id. Hand-out, Reduced Version of Slides
A-38 Id. Updated Storm Water Management Report, Last Revised 1/24/2014
A-39 Id. Updated Environmental Impact Statement, Last Revised 12/12/2013 By L2A
A-40 Id, Soil Moving Plans, 2 Sheets, By L2A, Last Revised 11/13/2013

(Open Public Meetings Act)

CHAIRMAN DePINTO: May I have a roll call, please.

MS. HUTTER: Mr. Culhane.

MR. CULHANE: Here.

MS. HUTTER: Councilwoman Cudequest.

COUNCILWOMAN CUDEQUEST: Here.

MS. HUTTER: Mr. Fette.

MR. FETTE: Here.

MS. HUTTER: Mr. Lintner.

Mr. Stefanelli.

MR. STEFANELLI: Here.

MS. HUTTER: Mr. Teagno.

MR. TEAGNO: Here.

MS. HUTTER: MR. Vogt.

MR. VOGT: Here.

MS. HUTTER: Mr. Webber.

MR. WEBBER: Here.

MS. HUTTER: Ms. Solomon.

Chairman DePinto.

CHAIRMAN DePINTO: Here.

(Agenda)

CHAIRMAN DePINTO: Okay. Moving on to continued public hearing and the purpose of the meeting tonight is the continued public hearing on



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 movement.

And, just for the record, sir, could you please identify yourself for the record.

MR. SEGRETO: Yes, Mr. Chairman. Paul Segreto, of the firm Segreto, Segreto & Segreto on behalf of objector, A & P.

I'm here on behalf of my brother, John, who was taken ill earlier this evening with a kidney stone problem. And, he asked that I appear tonight with the request that he be able to reserve his cross-examination of the witnesses and carry to the next meeting.

CHAIRMAN DePINTO: Okay. Very good.

And, I'm going to have to ask Mr. Regan, Mr. Regan, in light of those circumstances, would that be something that the Board could do?

MR. REGAN: Yes, I think it would be appropriate.

I understand, Mr. Segreto, that your brother did not have any questions for the landscape architect.

MR. SEGRETO: That is correct. He, in his e-mail, said he would not have any questions of Ms. Bedat.

CHAIRMAN DePINTO: Mr. Del Vecchio.

MR. DEL VECCHIO: I would like an opportunity to address the issue. But, I would suggest that I hold off doing that until we finish with Ms. Bedat and then the next witness who is going to offer direct and then, if we still have time in the evening, then I'm going to ask that we address the adjournment request at that time when it becomes crystalized for this evening's hearings.

MR. REGAN: Do you have an objection?

MR. DEL VECCHIO: I do. And, I think there's case law that supports it and I am prepared to read it. But, I don't believe it's appropriate at this point, unless we get to that juncture.

MR. REGAN: I mean, it's kind of extraordinary, Mr. Del Vecchio, to hear an objection from you, to be honest with you.

CHAIRMAN DePINTO: Yeah. And if that be the case, I take exception to that.

If the man is ill, the man is ill. He certainly did not plan to have a kidney problem.

MR. DEL VECCHIO: I'm not suggesting he



did.

CHAIRMAN DePINTO: We'll hear from your landscape architect and then we'll call it a night.

MR. DEL VECCHIO: Well, that's not what I'm asking.

Let's hear from the next witness. We may not complete that direct, in which case the carry or adjournment request doesn't even have to be addressed.

MR. REGAN: We don't have to do things the hard way but in a cordial and a professional courtesy is what I would have done.

CHAIRMAN DePINTO: We're, apparently, not working under that.

MR. DEL VECCHIO: Unfortunately, unfortunately the witnesses who are here this evening are all out-of-town.

CHAIRMAN DePINTO: And, it's unfortunate Mr. Segreto had some sort of kidney attack.

MR. DEL VECCHIO: I understand that. A & P is represented. Counsel is here. He's qualified. He can proceed.

CHAIRMAN DePINTO: Why don't you proceed and we'll make a decision.

MR. DEL VECCHIO: At this point, I'm going to recall Ms. Bedat.

When we were last here, she had completed her direct testimony on landscaping and we had broken just at the point where we're going to open up for questions from the Board or the public.

So, I am going to remind Ms. Bedat that she was sworn and previously qualified, remains under oath and then allow the Board and it's professionals and anybody from the public to ask their questions.

CHAIRMAN DePINTO: With respect to questions of this witness, start with Mr. Vogt.

Mr. Vogt, you heard the testimony of this witness at the last hearing.

Do you have any questions of her?

MR. VOGT: Yes, I do Mr. Chairman, a few questions, lengthy perhaps.

EXAMINATION BY MR. VOGT:

Q Ms. Bedat, in late 2012, you and Doug Mc Couch made a presentation to the Mayor and Council. During that presentation, words like rain garden and water features were mentioned.

I assumed that those words referred to the four bay and the detention basin. Especially those ponds, that make up of the front.

At a recent meeting Board Member Teagno asked you, the project engineer, Mike Dipple, if there would



be water retained in those ponds or in any one of them.

Mr. Dipple said only during the rain period.

In my opinion, this does not qualified the four day --

CHAIRMAN DePINTO: Excuse me one second. Could somebody shut that light.

I'm sorry. Please continue.

Q In my opinion, this does not qualify for the four bay or the detention basin, rain gardens or water features.

My question to you, are we still speaking of rain garden or water feature?

If so, we nee details.

A We are considering the idea of having a storm water retention system on site. It will not be qualified as a pond. But, it will be acting as a system with water detention at the forebay and the water retention on the second.

CHAIRMAN DePINTO: I'm sorry. I can't hear the witness. Could you speak up, please.

THE WITNESS: Is it better now?

CHAIRMAN DePINTO: No.

THE WITNESS: I'm not sure.

MR. HIPOLIT: Is the green light on?

MR. DEL VECCHIO: If could you raise your voice a little bit.

THE WITNESS: Can you hear me as it is or do I have to use the microphone?

CHAIRMAN DePINTO: Just shut the light.

THE WITNESS: Is it better like this?

CHAIRMAN DePINTO: No, it's not but whatever.

THE WITNESS: Can you hear me if I speak --

CHAIRMAN DePINTO: Speak up.

THE WITNESS: All right.

CHAIRMAN DePINTO: I don't have a voice anymore and I'm louder than you.

You should have heard me when I really had a voice.

THE WITNESS: My apology.

A Basically we were -- initially we called it a water feature but this water feature became a storm water detention pond. So, it will not be retaining any water for a long period of time. It will be during a rain event you will have a series of the forebay and a storm water retention pond that would act as a collection and allowing the water to fill, to filtrate through the soil mix and the lower



detention pond.

Q Okay. So basically what you're saying, there is no standing water in there for any length of time other than when it rains?

A If there is a rain water event or a 10 year rain water event, we could foresee having some of the water retained, at the forebay, the first forebay and having a higher rate of filtration on the second one, the lower one.

Q Okay.

A So, it will be -- we, we call it a rain garden because they do act as a system, natural system that can be incorporated within the design of the landscape design.

Q Okay. Well, if there is any water retained in there for any length of time, perhaps even a fountain. I'm not sure if they're even planning that.

A There is no fountain.

Q There is no fountain in there. So, it will be just standing water for a period of time until that disappears also.

A Until -- this is being captured by the soil mix, on the lower detention pond, yes, I believe that's, you will have some, some kind of a water body

on-site.

Q Okay.

MR. DEL VECCHIO: Just so I can perhaps help the record a little bit, there is a comment that appears in the Borough Engineer's review letter that essentially requires those detention features, rain gardens, whatever label you put on them, to be cleared essentially in 72 hours for any collecting water. So, you know, 72 hours or less, those basins are intended to be devoid of standing water.

MR. HIPOLIT: Right. They're not proposing, they're not proposing a retention basin.

MR. VOGT: No.

MR. HIPOLIT: So, if you travel south to the New Brunswick area and there is some big corporate plazas that have standing water, they are retention ponds. They're supposed to have water there. That's not what they're proposing.

So, the State law requires it to be clear within 72 hours.

Q So, I, in a way, wish that we would not talk about rain gardens or water features because they're detention basins and a forebay period. Right? I can live with that.

A That's correct.



Q Okay. At previous hearings, the words green roof were mentioned several times by some of the applicant's professionals. This was in reference to a planned area on the top of the roof of Building F, I believe.

A That's correct.

Q And, I think we should understand what a green roof or a living roof, if you call it that, we should understand what it is.

Actually, in short, it is a roof of a building that is partially open being covered with vegetation and a growing medium planted over waterproofing membrane.

More important, however, what's the purpose of this and what does it serve?

I guess a green roof, as far as I understand it and perhaps you tell me different, serves several purposes for the building such as absorbing rain water, providing insulation, created a habitat perhaps. And, there are a few other things.

It depends on the construction and depends on how much money the applicant wants to spend, I guess.

The green roof, in this location, has or is of very little esthetic value. There is a four foot parapet around the roof. And, the building is also

screened in with large evergreen trees. So, the, the esthetics of this then is, is nil as far as I am concerned. Although it does have a green roof thus that value as I mentioned.

But, it keeps the heat from penetrating. It keeps the -- it's good in the summer. It keeps it cool. And, so there are several features.

Up until this point, I have not seen any details of how this is being constructed and what is being planted. There are several --

In my time of being in the architectural and landscaping business for like 60 years, I have designed some roof top landings in Manhattan which is not really a green roof. It's a green roof but it's not something you can do on Building F.

The green roofs are roof top plantings, I designed, were useable. They had patios. They had decks. They had Jacuzzis. They had water falls and stuff like that.

You're not going to be -- it's not going to be like that at all?

A No. It's going to be an extensive green roof.

Q With sedum low plants?

A With the 4 to 6 inch depths, soil medium



with a sedum mix. And, they are already pre-planted and can be irrigated. But, it's, it's called an extensive green roof.

Q Okay. I haven't seen any details on this.

A We, we actually are coordinating our efforts with the architect to provide you with details and the layout that might be mimicking some of the pattern that you find off Grand Avenue.

Q So am I getting this straight, you are not designing this, you are not involved in this?

A At this point, I am not. But, I, I will be involved in and out to -- I mean, we are in touch with the architect. And, we are talking about it.

Q Okay. Well, anyway, we need some details.

When the DePiero plans were presented to the Mayor and Council, it was also mentioned to connect the DePiero property with the walkway to the nearby Montvale library --

MR. VOGT: How come all of a sudden this thing is on?

MS. HUTTER: I tried to fix it.

MR. VOGT: Well, so I can hear myself.

Q -- to connect the nearby Montvale library and the adjacent park and environmental learning center with a walkway.

None of the plans, I have reviewed, show such a walkway.

My question to you, are you still planning to connect these features and, if so, we need details.

MR. DEL VECCHIO: I think Mr. Dipple is going to have to answer your question.

He did answer it when he appeared last. We have a connection up by sidewalk up on Mercedes. And, there is a secondary stairwell that drops down off the south corner of the proposed Wegman's building to allow for a connection to the municipal properties to the south.

We have brought our connection right up to the property line. We, obviously, can't make application for or install something that isn't on our property. So, we brought it right to the property line to enable to the connection to happen.

MR. VOGT: So what you're saying is, you're not continuing onto the Borough property. You're providing access towards an area and then, there on, the Borough takes over.

Is that it?

MR. DEL VECCHIO: Well, for this application, we have taken it to the property line which is as far as we can take it because we don't own



any property beyond our property line. But, we have taken it right to the property line to enable the connection to happen.

MR. VOGT: Okay. I understand.

The way it was presented, in my opinion, to the Mayor and Council, it sounded like we are connecting with the library and the environmental learning center which would mean, to me, that you are going to connect with what we already got there.

MR. DEL VECCHIO: Well, in fact, the top connection is being made at Mercedes Drive, the sidewalk connection --

MR. VOGT: That's along Mercedes.

MR. DEL VECCHIO: -- is coming up and tying into Mercedes which drops right into the property that we're sitting here and talking about now.

MR. VOGT: But, there was supposed to be one near Wegman's.

MR. DEL VECCHIO: A secondary connection is being provided to the property line which is as far as we can take it in this application.

MR. VOGT: Okay.

CHAIRMAN DePINTO: Excuse me, Mr. Vogt.

Before we go any further, you asked this witness

a question as to what her role is with respect to this, the design of this project.

Isn't that correct?

MR. VOGT: Yeah. Well, Ms. Bedat was partially involved, I assume, with the layout of the walkways. And, I have not seen that extension going in from Wegman's in --

CHAIRMAN DePINTO: The, the transcript -- your testimony goes back and forth between being involved with landscape design and landscape architecture.

EXAMINATION BY CHAIRMAN DePINTO:

Q Are you the landscape architect or landscape designer?

And, if you are not both, what is the difference between the two?

A I am a landscape architect by trade. So, basically, it incorporates some landscape architecture design. It's a consulting. This is a landscape design. But, I am landscape architect by trade.

CHAIRMAN DePINTO: Okay. So the testimony, Mr. Del Vecchio, that we're hearing from this witness, is she was the landscape architect who prepared these plans that have been presented to us.

MR. DEL VECCHIO: Correct.



CHAIRMAN DePINTO: And, we're relying upon her expertise in that field as to the accuracy of this?

MR. DEL VECCHIO: Correct.

Q Okay. And, what is your consultation with the project architect relative to the landscape?

You turn to Mr. Pett.

A For, for the green roof, for the green roof over Building F. Being the architect, he would be providing a detail section of the system that would go on top of the green roof.

The layout of this green roof, we can do it in tandem or can influence the layout of the green roof meaning the planting design of the green roof because we have been working within a team of professionals.

But -- and, it is, as of now, in the plan that you have seen, the green roof was just a place holder.

Q Okay. So, when you appeared before the Environmental Commission, was that on the 17th, you are going to give them the specifics of what the green roof materials will be.

Is that correct?

A Yes. Yes.

Q And, that will be determined by you as the landscape architect.

A Actually, as of today, you are to see a presentation of the green roof.

MR. DEL VECCHIO: What Ms. Bedat hasn't been able tell you yet is Mr. Pett, who is here, has the details of the green roof with him because he has put it on his drawings because, obviously, it involves structure for the building to hold it.

There are very specialized companies that specialize in designing, maintaining and providing green roof materials. They are usually done in consult with the architect which was done here.

We have gone out to a specialty company who specializes in green roofs and they have provided us with, tell me if the lingo is wrong, the tray arrangement for the roof and the seed mix that goes in that tray.

We have all the details of that in a handout for you this evening when Mr. Pett testifies.

And, Ms. Bedat, obviously, because she is the overall designer of the landscape as she indicated, is influencing how those trays might get laid out on the roof and how they incorporate with the balance of her landscape design.

CHAIRMAN DePINTO: Mr. Vogt, do you find that acceptable?



MR. VOGT: Absolutely.

CHAIRMAN DePINTO: All right. Please continue.

MR. VOGT: I just brought it up because, up until now, I have only heard green roof and planted roof area and have seen no details on the thing.

Although I remember the first meeting we had at the high school, Mr. Pett had mentioned that they were going to hire or involve some specialist to do that. Okay.

That, you know, Ms. Bedat had taught me that it's really not within her -- it's little bit above her usual landscaping so she --

THE WITNESS: As I, as I mentioned, I have done many extensive green roofs. As a landscape architect, you specialize the system. But, the system is being provided by a landscape contractor such as LiveRoof and the landscape contractor will be of light roof, of a different --

They're, they're selling a system. So, you're just -- you have to tell them where you want the green roof to be, you work in coordination with the architect and they bring you that system either by a tray or by a seed mix.

So, it's a bit different than, than just -- you

know, like when you work with a landscape contractor.

CHAIRMAN DePINTO: Right. Okay.

MR. VOGT: As long as I get some details then I will --

CHAIRMAN DePINTO: Please continue with your questions, Mr. Vogt.

MR. VOGT: Well, I have a few comments here based on the latest plans which I've got which were really cleaned up and it's very minor.

Actually, there are some a few minor typos on there. I had talked to Ms. Bedat about it. She knows about it. They are mostly -- there is some inconsistencies on the plans, very minor.

But, the typos are mainly on the plantings.

But, there's also a traffic island and a southwest corner of Wegman's which has light pole and two trees. And, I have talked to Ms. Bedat as well that one tree should be taken out and the light post moved to the opposite side of the island. So, only one tree and one light post in that island rather than two trees and a light post.

There is one other item I have questioned about.

CHAIRMAN DePINTO: Well, has she agreed?

MR. VOGT: Oh, yeah, yeah, yeah. It was just an oversight because, at the meeting we



previously had --

CHAIRMAN DePINTO: Is that changing the lighting plan, Wolfgang?

MR. VOGT: No. No.

CHAIRMAN DePINTO: So, there will be no change to the lighting plan?

MR. VOGT: No. No. No. In fact, I have -- in fact, I had asked for the light posts within the parking lot to be placed directly on the striping model than having them in the middle of a parking spot, you know, on the striped spot and the car pulls in and hits the light post every time they go in there.

And, that has been changed also and that will not change the lighting plan either.

CHAIRMAN DePINTO: Are those reflected, Andy, on the revised plans?

MR. HIPOLIT: There are still a few that need to be moved but, in general -- there is others that need to moved.

CHAIRMAN DePINTO: Why hasn't it been shown, all the changes?

MR. DEL VECCHIO: I have to confer with Mr. Dipple. It probably was just an oversight. They were either missed or didn't come out on the CAD

correctly.

I will confer with Mr. Dipple on the break. It was not intentional.

MR. HIPOLIT: You know, some of the parallel spaces --

CHAIRMAN DePINTO: So that everybody understands, I think, in our lifetime, I think we would like to see this case come to a conclusion. And, if we keep looking at plans that are incomplete or they're missing specifications, we're going to just continue this application ad infinitum.

So, when will the plans be revised to show final determinations or changes as required by board professionals and under board comment.

MR. DEL VECCHIO: We believe they have. There are a couple of light poles that were raised and that's why Mr. Dipple is here. Hopefully, we will get to reach him. Predominantly along the parallel spaces as Mr. Hipolit referred to.

Yes, they are not moved to in between spaces but, instead, what Mr. Dipple did is, he moved them far enough back behind the curb and the sidewalk so that a door swing will not interfere with the lights. It was an alternate means of addressing the comment but still address the comment.



So, when we are able to provide Mr. Dipple's testimony, we believe it will satisfy both the Board and Mr. Hipolit that we did in fact capture the intent of it albeit in a slightly different manner.

CHAIRMAN DePINTO: Okay. Please continue.

MR. VOGT: Thank you, Mr. Chairman.

There's one other item I have a question about.

At present, it was proposed to have a sidewalk along Mercedes Drive, farther back from the road than is normally, than is customary in other applications.

Ever since I became Chairman of the Environmental Commission, I have discouraged tree plantings within the curb and the sidewalk although, in this case, the area between the curb and the sidewalk is relatively large. I still don't think that any of the trees should be within that Borough right-of-way.

It's also a Bergen County policy not to plant within 10 feet of the road. And, when we look at the plan, there are several trees in that area.

I would rather see the sidewalk be located closer to, to Mercedes Drive and the trees planted behind the sidewalk. And, I would like to know if this can be done.

This might be also a question for Mr. Dipple.

CHAIRMAN DePINTO: Well, we'll wait to hear the testimony of Mr. Dipple.

MR. VOGT: So I know Miss Bedat will say, yeah, we can move the trees if the sidewalk is moved and, if not, you cannot.

CHAIRMAN DePINTO: Let's hold the question for Mr. Dipple. And, we'll ask the same question of Mr. Dipple.

MR. VOGT: Okay. Right.

But, that's basically what I have.

All-in-all, I think Ms. Bedat did a very good job in designing the landscaping for the project. She incorporated native trees and plants wherever possible. It is esthetically pleasing and, at the same time, functional.

And, that's what I have to say.

Thank you.

CHAIRMAN DePINTO: Thank you.

Mr. Webber.

MR. WEBBER: I only had one question on the green roof and it was basically answered by Ms. Bedat. Wolfgang had beat me to the punch on that.

So, at this point, I don't have any further questions.

CHAIRMAN DePINTO: Okay. Thank you.



Ms. Cudequest.

COUNCILWOMAN CUDEQUEST: I have no questions.

Thank you.

CHAIRMAN DePINTO: Thank you.

Mr. Teagno.

MR. TEAGNO: Just one question.

EXAMINATION BY MR. TEAGNO:

Q Is the purpose of the green roof, that whatever is planted up there, would be scene from other vantage points around the site?

A The configuration of the planting in the foreground of the green roof makes, makes the green roof not very visible at this point.

Q So, in order to see it, you would have to be up on the roof.

Is that correct?

A Which, which we --

MR. VOGT: You don't see it even when you're close by. You can't see it from Mercedes Drive. You cannot see it from Grand Avenue. You cannot see it from any sidewalk on the property.

And, the green roof is only there for environmental purposes. It keeps it cool in the summer. It keeps it hot, warm in the winter. It

perhaps fill, the rain water slows down the runoff of the water on the roof. That's what a green roof does.

MR. TEAGNO: No. No. I should be addressing my questions to Mr. Vogt.

CHAIRMAN DePINTO: I think we appreciate Mr. Vogt's answer. However, let's hear from the witness.

A This is a, a green roof is in addition to, you know, the resolution. We have problem in the summer to insulate the building in terms of energy, calibration of how it would keep the coolness of the building inside. A green roof can help with that.

There is also the runoff, the storm water runoff, how you would reduce the capacity of the storm water runoff to keep the sewer system of the City, of the municipality; and, a green roof can bring a lot of good and positive aspect to the, to the slow down and the capture of storm water runoff.

Q Okay.

A Insulation, water runoff.

Q No. No. I'm curious as to why it's only done on one of seven buildings.

If that's the beneficial aspect of it and that's why it's being used on Building F, why didn't you do it on A through E?



A That's, that's --

Q Is that an architectural question?

MR. PREISS: Perhaps I can help.

When, when we were reviewing the initial design and, and coming up with the standards for the ordinance, that the Building F has been proposed at that particular time, was going to be, did not have the parapet because there were no mechanicals on that roof or it hadn't been shown at that point. And, it was also going to be, more or less, at the same elevation as the, the land around it.

So, in fact, at that particular point, it was going to be visible. So, it would have had an esthetic value.

There have been changes to the design of the building, the addition of the mechanicals and, therefore, the addition of the parapet to hide those mechanicals and also changes in the elevation of the building such that that particular portion of the green roof is no longer going to be visible.

But, I think the -- you know, part of it was esthetic but part of it was environmental. In fact, the ordinance --

CHAIRMAN DePINTO: Mr. Preiss.

MR. VOGT: The green roof is collapsing.

CHAIRMAN DePINTO: I think Mr. Teagno asked the question.

If it was good for one building, why wasn't it good for all the buildings?

MR. PREISS: Well, let me get back to -- part of the idea was that --

CHAIRMAN DePINTO: Well, I don't think it's yours to answer, quite frankly.

MR. PREISS: Okay.

CHAIRMAN DePINTO: I think we have a witness. The witness testified to the advantages of having a green roof. Not specifically this green roof but in general terms.

Is that what you said?

THE WITNESS: It depends on the structure of the building. If you -- if the building can carry the green roof or not, it can be engineered to do so. I'm not, I'm not aware enough of how the building are being constructed for the other...

CHAIRMAN DePINTO: But, if there's -- I think it was a very simple question.

MR. TEAGNO: Let me put it another way. Let's talk about something that I understand. Let's say windows, there are Low E windows that reflect the sunlight and add to the heating and cooling



capabilities of a house.

But, I don't know if I have 10 windows, that I would only use two windows that are only Low E.

If we have seven buildings, why are we only using one roof that has environmental attributes to it?

MR. DEL VECCHIO: If I can, Mr. Pett was really charged as the member of the project --

MR. TEAGNO: I'll hold my question if he's --

MR. DEL VECCHIO: -- to deal with the green roof issues and to decide where and how it should go. So, I don't what you to struggle for an answer. I want to let you know it's coming.

But, I'm not going to cut off Ms. Bedat if you want to ask her the question.

CHAIRMAN DePINTO: Hold the question for Mr. Pett.

Any other questions for Ms. Bedat?

MR. TEAGNO: That's it.

CHAIRMAN DePINTO: Thank you.

Mr. Culhane.

MR. CULHANE: I was going to ask if the green roof was going to have an LED certification and what level.

EXAMINATION BY MR. CULHANE:

Q With regards to the landscaping, the one concern I had was on Mercedes Drive. Off of Building A there's a retaining wall. On Sheet C-25, there's a detail of that retaining wall.

Based on the detail, my question is, how are you going to do the planting?

There's no dimensions on the particular block retaining wall detail as shown. It also has a qualifier, it's not to scale.

But, by inspection, it looks like you're going to have several feet of very minimum covered underlined by a block concrete and large diameter stone.

A The wall that is existing between the two building, A and B, that is visible from the retail center.

Q I'm not sure I can hear you but what I'm saying is, the retaining wall north of Building A. And, I'm assuming that, if I can understand the plans, that the detail in C-25, for a block retaining wall, is that particular wall.

And, based on not to scale pictures on C-25, I question what kind of planting you can do for several feet whatever the dimension is not shown.



A Are you -- I want to better understand. Are you talking about the view from Mercedes?

Q I'm not talking about a view. I'm just talking about the physicality of doing any plantings when there's no soil to speak of.

MR. DEL VECCHIO: Mr. Dipple, who designed the wall, can explain how much cover there is and, I think, once he does that, it will be obvious that there is enough --

MR. CULHANE: -- block retaining wall which is not to scale has been coordinated with the planting schedule. So, unless it's -- I'll leave that as my question.

Then I also have a question about Building A and it's west wall which, obviously, based on the profile has to act as a retaining wall.

When I look at the Plan A-101(a), on the floor plan, I question if that wall is being designed for the kind of loads that's going to be imposed on it because of the amount of soil fill in back of it.

Again, I'll leave that to whoever you are going to have answer the question.

MR. DEL VECCHIO: Mr. Dipple designed the walls so I would leave it to him to answer the questions.

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

CHAIRMAN DePINTO: Thank you.

Mr. Fette.

MR. FETTE: Nothing at this time, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Stefanelli.

EXAMINATION BY MR. STEFANELLI:

Q Can we just go through the detention bed. I just -- two things, what will be --

I see the plantings around that. But, the actual base of the detention bed, will it be stone? Will it be grasses?

A It's going to be a grass mix.

Q It's going to be a grass mix?

And, the -- did you do the hard scape?

A I've worked on the first preliminary layout. And, then we dispatched the specificity of the hard scape, is going to be on the sedum plan. But, I also influenced the materiality of the sidewalks.

MR. STEFANELLI: I think it's a nice plan. I just wanted to --

I have no further questions. I'll hold it.



CHAIRMAN DePINTO: As always, as far as I'm concerned, I'm going to rely upon the applicant appearing before the Environmental Commission and presenting to the Commission their plans and detail and then carefully consider the recommendations of the Environmental Commission before this Board takes formal action on it.

But, before I open the meeting to the public, I want to go to the Board professionals and start with Mr. Regan.

Do you have any questions?

MR. REGAN: No, I don't.

CHAIRMAN DePINTO: Mr. Hipolit, do you have any questions?

MR. HIPOLIT: I have no questions.

CHAIRMAN DePINTO: And then, finally, Mr. Preiss.

MR. PREISS: Yes, I do have questions.

I, too, want to compliment Ms. Bedat on the landscape plan and also on having made progress on the hard scape plan.

We have had a number of comments which I think have been addressed. But, I do have some questions.

EXAMINATION BY MR. PREISS:

Q For example, with regard to the bike

racks, there are 19 required and there are 20 proposed on the plan. But, if we go to Sheet L4.02, and it shows in the bottom right-hand corner, it shows bike bollard. There's a single bollard with, obviously, two places where the bike can be the tethered to the bollard.

In those situations where you're calling out the 20 proposed bike racks, are those going to be a single pole or multiple poles?

A To be -- it would be the bike bollard detail where you see on L4.02, you will have 22 of those.

Q So, we'll have 22 of the single poles?

A 20, I'm sorry.

Q 20 of the single poles.

So, in the cases where you have multiple lines, each line represents a separate bike bollard?

A That's correct.

Q So, in total we'll have, theoretically, a place for, if, if each pole could be used for two bikes, it would be about 40 bikes. Okay.

With regard to -- this is sort of maybe crossing over into territory related to the Wegman's. But, there, there is detail in the plans for the cart corral for bollards to protect those cart corals and



that design looked very modern and really out of place.

So, I guess the question to the applicant would be, could we not use the same bollard that is shown, not the bike bollard but the other bollard that's on 402, under Item No. 3, could we utilize that detail for the cart coral bollard for the Wegman's, would that be acceptable?

MR. DEL VECCHIO: On behalf of the applicant, we would stipulate to that.

MR. PREISS: Okay. Thank you.

Q The other thing is that there's a significant amount of additional detail on the, on the paving system.

One of the things is, I don't have a color copy of the plans. So, I have some questions about both, and it's difficult to read both the material and the color for the paving system which is labeled as the millstone imports?

A Right. It's, it's colored porphyry, porphyry paver. It's granite.

Q Are you going to provide samples of both of the color and the material --

A Yes.

Q -- for all those?

A I can absolutely provide the samples.

Q Is it also possible to provide me with a set of, of colors so that I can coordinate or match the two, take a look at that?

A As of now, we only have one color for the porphyry paver.

Q Okay. So, it's going to be consistent all the way through the site?

A We'll mix it with the concrete, the cast in place concrete broom finish. So, we have key areas for the porphyry.

Q And, it's all going to be the same color?

A That's correct.

Q Okay. In terms of the -- and, the same question with regard to the, to the material for the retaining walls, particularly on the very last Sheet L501 where it indicates those, those retaining walls, it says fencing and guardrail details and then it has -- the ready rock is the retaining wall and that's the color and the material that's been described already.

A And, the ready rock would have a gray tone. It's a concrete product.

Q Right.

MR. DEL VECCHIO: We do have a sample of



the ready rock wall in a color photograph for the Power Point when Mr. Dipple testifies.

MR. PREISS: Okay. Because, originally, it was going to be a red color. Now it's going to be gray.

Is that correct?

MR. DEL VECCHIO: I don't think so. It's not a gray color Mr. Dipple is indicating. I think the actual sample will be shown on the screen.

MR. PREISS: Okay. And, then the same with regard to the fencing and guardrail details. You have a photographic or color representation of that?

MR. DEL VECCHIO: Yes.

Q Okay. With regard to Sheet L202, one of the things that I notice is you have two sheets labeled L202.

Is that intentional or is that an error?

A The second sheet should be L202(a). The text is in the wrong location. There is a 2(a) but it's not...

Q Okay. One of the things on the first Sheet L202, in the area between retail Building B and retail Building A, there's a, the front of the retaining wall facing into that courtyard area where there's going to be seating is labeled as wall art?

A Yes. We discussed it with the client and the client is willing to provide a public art piece in this location.

CHAIRMAN DePINTO: Provide a what? I'm sorry.

THE WITNESS: It will be -- the client has been, is in agreement with providing a public art piece against this wall, against the veneer of the wall. The surface of the wall will be covered by a veneer of some kind.

CHAIRMAN DePINTO: What is that? Is a painting?

THE WITNESS: It could be a mosaic tile. It could be a, rarely a painting. It could be more of a sculptured wall of a kind.

CHAIRMAN DePINTO: Will there be any lettering on the painting?

THE WITNESS: My, my -- honestly, it would be more abstract than figurative.

CHAIRMAN DePINTO: Let the record be clear, that anything that offers any type of signage will be considered a sign.

THE WITNESS: Absolutely. No, it's not signage. It will be art, public art.

MR. WEBBER: Will it be lighted?



THE WITNESS: Preferably, yes.

CHAIRMAN DePINTO: Is it shown on the plan?

THE WITNESS: It's been called as a place holder.

MR. PREISS: That was my point. It's identified but we have no idea what it's actually going to be. We have no --

Q You haven't depicted it, I assume, at this point?

A No.

Q Is that something --

A We suggested, you know, as being -- the wall will be there. Either we can cover it with planting or we can propose to have a public art piece in this location.

MR. PREISS: I'm supportive of the idea. It's just that we don't know what we're getting and I think we need to at some point.

CHAIRMAN DePINTO: Equally as important is the lighting of this art piece. If it's going to be lit, is it shown on the lighting plan?

THE WITNESS: We have not selected the art piece yet. We were just suggesting that this location receive an art piece but we have not --

CHAIRMAN DePINTO: Is it on the lighting plan? A very simple question.

MR. DEL VECCHIO: Mr. Chairman, what would be envisioned would be simply like you see in a museum, a little, little light. It's not shown on the plan other than being lit.

If it is causing the Board any problem, we agree. It's gone. We remove it.

CHAIRMAN DePINTO: I'm tired of the poetic license of showing goosenecks, not showing -- is it there or is it not there?

You're telling me it's not there.

MR. DEL VECCHIO: We're going to just make that a straight wall in the back. We'll remove the public art piece. There wouldn't be any lighting. We'll just keep it clean and simple.

CHAIRMAN DePINTO: Please continue, Mr. Preiss.

MR. PREISS: Okay. I would have been supportive of it but I just wanted to see details.

CHAIRMAN DePINTO: Yeah. But the point is --

MR. PREISS: I understand.

CHAIRMAN DePINTO: -- they have to tell us what they want to do. And, if they're not prepared to



tell us what they want to do then they'll just have to bring it back to nothing and then let them bear the burden of it looking terrible. I don't care anymore.

MR. PREISS: Okay. Moving on.

Q They're on the same Sheet L202, on the second of Sheet L202 where the furnishing for that space is provided, there's a, appears to be a series of tables and chairs that are going to be provided. However, we don't seem to have a detail on that?

Or, are you proposing to use the same table and chairs that is shown on L403?

A Well, those would be the dining table for the retail/restaurant. So, those would be specifically coming out from, from the tenant.

Q So, at the time that the tenants occupies the space, they will provide --

A Usually, usually it's not in the -- it's in coordination with the tenant.

Q Let's say if it was a Star Bucks, they will select their own particular chairs and tables?

A That is my understanding.

CHAIRMAN DePINTO: But, is that what we want, Mr. Preiss?

MR. PREISS: Well, we are encouraging that to be a sitting area.

CHAIRMAN DePINTO: I understand that.

But, are you suggesting or recommending to us, as our planner, that the table and chairs, the architecture of the design of them should be consistent with the architecture and design of the site or, once again, are we going to rely on a prospective tenant and what kind of a formica table he wants to put outside his store.

MR. PREISS: No. What I'm suggesting, before they move forward with that, the Board be given an opportunity to review the selection to make sure it's consistent.

CHAIRMAN DePINTO: Let the record be very clear, we're not going to have testimony similar to that of the sign expert who said that the tenants will dictate to the Board what the signage will be.

This is the same type of thing you're telling me, that the tenants typically will determine what types of tables and chairs, is that what you're saying?

THE WITNESS: Usually we work in coordination with a tenant.

CHAIRMAN DePINTO: Usually you don't work in Montvale.

Now either you present to us the tables and



chairs that you intend to use or there won't be tables and chairs.

MR. DEL VECCHIO: Mr. Chairman, what we suggest is that we only, at this point, seek approval for the number of tables and chairs.

CHAIRMAN DePINTO: No, I don't want to go there. I don't want to go there.

If it's good planning and design to present the type of tables and chairs, if we're talking about light fixtures, if we're talking about sign posts, if we're talking about landscaping, why would not we talk about the exterior furniture that you're putting on the site?

MR. DEL VECCHIO: Certain tenants may prefer a rectangular table compared to a round table.

CHAIRMAN DePINTO: Then let it be nothing, then let it be nothing until each tenant comes back before the Board for a use permit.

We'll simplify it. Let's bring this thing down to its simplest form.

MR. DEL VECCHIO: That's exactly what I was going to suggest. We're suggesting to you that we have shown you an appropriate number.

CHAIRMAN DePINTO: No, location, not numbers.

MR. DEL VECCHIO: Location, generally we think we have provided an appropriate number.

CHAIRMAN DePINTO: Location as to where tables and chairs will go. I'll accept that.

But, no tenant will be permitted tables and chairs until upon their application for a use permit they present to the Board the design of the tables and chairs. If you're not prepared to do it now, we'll do it at some point in the future.

MR. DEL VECCHIO: That was going to be my very suggestion.

CHAIRMAN DePINTO: Then good, great minds think alike.

MR. DEL VECCHIO: We're in agreement.

CHAIRMAN DePINTO: Please continue.

MR. PREISS: Okay.

CONTINUED EXAMINATION BY MR. PREISS:

Q Moving along. On Sheet 4.01, there is detail provided, I believe, under No. 8. It says unit paver to concrete paving plan.

But, what it appears to show is a, is a railing design for a stair, for the stairs.

Is that correct?

A That, that should be available.

Q And, again, what is the material and the



color of the metal that is proposed?

A Black enamel, galvanized paint.

Q Okay. And, with regard to No. 9, the picket fence section, is that also the same material?

A Same, same color.

Q So, that will be consistent with, for example, like the same color and material as the bollard.

Is that correct?

A That's correct.

Q Okay. Sheet 4.03, the same with respect to the, chairs and tables.

The color and the material of those, if you can just indicate that.

A It wold be black enamel to match the bollard and the railing.

Q Okay. And, then there's also, on Page 4.04, there's an illustration of the barn filled pavilion. It says, under the note, picture intended to demonstrate build pavilion only for site furnishing specification, Sheet 4.02.

My question is, is this the specific pavilion that's going to be provided or is this just a sample and the actual pavilion will be designed at a later point in time?

A It's just a sample.

Q So, again, you're going to provide the details of --

CHAIRMAN DePINTO: It's called, use your imagination, Mr. Preiss.

MR. PREISS: Well, that's why I'm raising the question.

CHAIRMAN DePINTO: Good.

MR. PREISS: Because, you know, we don't, we can't approve something that we haven't seen.

MR. DEL VECCHIO: For the record, my client will consent to build what's in the picture.

CHAIRMAN DePINTO: Mr. Preiss, is that what you're recommending?

MR. PREISS: No. I just wanted to know. I mean, that's, that's fine with me. I think it's a perfectly good structure. But, I just wanted to get some clarification on that because I wasn't sure if that was actually what was going to be proposed or if we were going to see a design at a later point in time.

CHAIRMAN DePINTO: There is no later point in time. And, if there is something they want different than what the plans were that were submitted and part of the record, now is their time to speak.



This is not go as you grow, or grow as you go here.

They submit what they want. If they don't want it, resubmit it.

We have to bring an end to the never ending application.

Anything else, Mr. Preiss?

MR. PREISS: Those, those were all of my questions, Mr. Chairman.

Thank you.

MR. CULHANE: Mr. Chairman, a question, please.

CHAIRMAN DePINTO: Yes, Mr. Culhane.

MR. CULHANE: On that last item, the barn built pavilion, as I understand it, the applicant said what's illustrated is what they're going to build.

And, my only question is, I don't see any dimensions. So, it's not clear how we determine the size.

MR. DEL VECCHIO: The size is shown on plan view in the engineering drawings.

Mr. Dipple can put the dimensions verbally to them when he testifies. But, it is shown to scale in the engineering drawings.

MR. CULHANE: Thank you.

CHAIRMAN DePINTO: Okay. Anyone else have any questions?

MR. WEBBER: Mr. Chairman.

CHAIRMAN DePINTO: Yes.

MR. WEBBER: Staying with the same pavilion, will this be lighted?

Is there a lighting plan on it?

MR. DEL VECCHIO: No, there are no lights to be installed underneath.

There are lights in the pavilion area where this will be located. But, there are no separate lights to be installed under the ceiling, if you will, of the proposed pavilion.

MR. WEBBER: Wasn't this going to be a meeting area at one time, like a multipurpose, other than just seating. It could be a setup of some sort.

So, there wouldn't be electric to this pavilion at all. It will just basically be a free-standing.

MR. DEL VECCHIO: We're not showing any lights to be installed. Whether or not somebody is going to install a plug there, nobody has designed the electrical plans to determine if there's a plug to plug an I-phone in to charge or not.

But, there's no lighting proposed underneath that canopy.



MR. PREISS: I have just have one other question.

CONTINUED EXAMINATION BY MR. PREISS:

Q Do you show what appear to be benches there?

Is that what's going to be proposed as well?

Are you going to provide benches?

A No. No one will be providing the furnishing.

MR. PREISS: Okay. Thank you.

CHAIRMAN DePINTO: Mr. Webber, are you suggesting, based upon the testimony that you heard, that there should be lighting?

MR. WEBBER: If this, if this site and this specific area is going to be considered a meeting area or a gathering area and our site is going to be used more than just 9:00 to 5:00 during the day, it almost feels as though it should be lighted in some way somehow. I wouldn't necessarily say absolutely not.

But, I just find it curious that we're not going to decide, a consideration.

MR. DEL VECCHIO: I guess just to clarify the use of that signature open space, as defined by the ordinance, is an open space area for use of those

tenants on the property. It's not necessarily a general public gathering place to hold public events.

We have designed that to essentially provide a passive area for whether it be dining or somebody who wants to sit on a bench and read a book or take a walk through the amenities that were on the site.

We didn't feel the need to light the underside of that given the intended use of it. That was the decision made.

It's not shown on our lighting plan. We are not asking for approval of it at this point. That was just a decision that we made with the design team.

MR. WEBBER: Okay. I thought that this was going to be more of an active space more than just to sit and have lunch. That was my understanding, when it was first presented, that this area was going to become, I don't want to say a flea market area.

But, if somebody were to set up to have a demonstration or a showcase, that this was going to be more intensive of a location. This, obviously, is not going to be.

MR. DEL VECCHIO: It's not -- I mean, it could be used that way but it's not intended, at this point, to be used that way.

CHAIRMAN DePINTO: Okay. Anyone else



share Mr. Webber's concerns about the lighting with respect to this shaded, shaded area?

Okay. Any other questions, comments?

With that said, the Chair will entertain a motion to open the meeting to the public.

MR. TEAGNO: So move.

MR. FETTE: Second.

CHAIRMAN DePINTO: Okay. Mr. Teagno, seconded Mr. Fette.

Anyone from the public wish to be heard?

Mr. Segreto, do you have any comments? No questions --

MR. SEGRETO: No questions.

CHAIRMAN DePINTO: -- of the testimony that you have heard this evening.

MR. SEGRETO: No questions.

CHAIRMAN DePINTO: Okay. Thank you.

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

MR. CULHANE: So move.

MR. WEBBER: Second.

CHAIRMAN DePINTO: Mr. Culhane, seconded was Mr. Webber.

All in favor.

(Aye)

1 CHAIRMAN DePINTO: Mr. Del Vecchio, back
2 to opening discussion, what do you want to do?
3 MR. DEL VECCHIO: At this point, I would
4 like to call Mr. Pett.
5 CHAIRMAN DePINTO: And, what do you want
6 to do as far as Mr. Segreto not being present to, to
7 cross-examine any witnesses?
8 Are you still maintaining your position that you
9 stated earlier?
10 Because, if you are, then the meeting is over as
11 far as I am concerned. It's your call.
12 MR. DEL VECCHIO: We understand that Mr.
13 Segreto is ill. And, we appreciate that and don't,
14 you know, we wish him well on whatever illness he is
15 suffering this evening and hope he recovers quickly.
16 We don't be to malicious. We don't mean to be
17 aggressive. We do have a witness who is here, a
18 second witness this evening who is here from out of
19 State.
20 If we're forced to bring him back, we would ask
21 that at least the cost to have him, bringing him back
22 unnecessarily be reimbursed by A & P who is causing
23 the need to bring him back in the first place..
24 I would like to try to get through his direct
25 testimony and see where we end up at that point in



1 terms of time.
2 But, I think, at a bare minimum, we should at a
3 bare minimum be reimbursed for the cost.
4 CHAIRMAN DePINTO: Mr. Segreto, do you
5 want to respond to that?
6 MR. SEGRETO: My brother had an unexpected
7 illness tonight. A kidney stone came on, pain, it was
8 late afternoon. I was in court this afternoon. I
9 didn't even know about the meeting.
10 We had sent, I believe, an e-mail to Mr.
11 Regan --
12 MR. DEL VECCHIO: Mr. Chairman, we
13 withdraw our request. We'll just bring him back.
14 It's not worth the loss of time.
15 CHAIRMAN DePINTO: Okay. Thank you.
16 MR. SEGRETO: All right. Thank you.
17 CHAIRMAN DePINTO: Please continue.
18 MR. DEL VECCHIO: Mr. Pett.
19 While Mr. Pett gets set up, I would like to mark
20 as A-35, which I believe is the next marking, the
21 updated. Dan, don't turn that on yet please -- the
22 updated Wegman's drawings for the Wegman's building.
23 They are prepared by Bignell, Watkins & Hasser
24 on their title block. They were last revised --
25 CHAIRMAN DePINTO: I'm sorry. I'm going

to interrupt you. We're going to take a five minute break. I have to get something to drink. I'm losing my voice.

MR. DEL VECCHIO: Mr. Chairman, I know the projector was bothering you. We will need to use the projector or we can try to do without it if it's a problem.

CHAIRMAN DePINTO: For as short a period of time as possible.

MR. DEL VECCHIO: Okay.

(A recess is taken, 9:00 to 9:10 p.m.)

CHAIRMAN DePINTO: Okay. The meeting will come to order, Mr. Del Vecchio.

MR. DEL VECCHIO: Yes. Mr. Chairman, I would like to mark as A-35, I believe we had left off the updated Wegman's architectural plans consisting of four sheets last revised August 4, 2013.

The updated architectural plans prepared by JP2 consisting of 9 sheets bearing a date of February 13, 2014 as A-36.

And, then A-37 is the handout that I placed in front of each Board Member during the break which is essentially a reduced version of what the slides we're going to see are so that you have them in front of you and don't have to turn backwards. They are prepared



by JP2.

As I said, they're prepared on 11 by 17 sheets entitled site plan review architecture, DePiero Farms dated February 26, 2014. And, that would be A-37.

With those markings, I am going to recall Mr. James Pett.

MR. REGAN: Mr. Pett was initially wore August 6th.

MR. DEL VECCHIO: Correct. He was previously sworn and qualified.

I reminded Mr. Pett that he remains under oath this evening as he provides the additional testimony.

Just to set the stage for Mr. Pett's return because, as you indicated, Mr. Regan, it's been sometime. There were certain revisions that have been requested both by virtue of Mr. Pett's initial appearance, ala further details of the green roof suggested by Mr. Vogt as well as certain design embellishments that were required through the review letters that we received through your professionals during the course of this application.

So, Mr. Pett's appearance here this evening is intended to pick up those revisions that have been made and to provide the additional details on the green roof that was requested of us.

1 REDIRECT EXAMINATION BY MR. DEL VECCHIO:
2 Q So, Mr. Pett, first of all, the drawings
3 which I have attributed to JP2 or the handout, they
4 were prepared by you or under your supervision?
5 A Yes, they were.
6 Q And, the architectural plans prepared by
7 Wegman's, you have reviewed those and are prepared to
8 provide professional testimony concerning those
9 drawings?
10 A Yes, I am.
11 Q Okay. Let's start, if we can, I guess,
12 with your presentation and we'll go in that order.
13 A Okay. Thank you.
14 I think, for the sake of expediency and because
15 everyone is quite familiar, if we could, if I could
16 ask you to turn forward in your book or if we could go
17 forward on this slide show, I think we're all very
18 familiar with the plan.
19 If you could go one more forward. Let's go back
20 one.
21 Just to refresh everyone's memory in terms of
22 the nomenclature, these are Buildings A and B, C and
23 D, E and F, just so everyone is, is completely clear
24 on that.
25 You can go forward one slide.



1 So, a number of revisions have been made to
2 these buildings although, at first glance, I think
3 you'll agree that they look substantially as they did
4 before. We haven't changed the conceptual or
5 fundamental approach to the project in any way. But,
6 we have tried to address both functional and physical
7 constraints of the site and some of the issues that
8 either the Board or the professionals have raised.
9 These buildings that we're looking at on this
10 slide are Buildings A and B. And, this is the
11 shopping center side of them, if you will, the side
12 that faces the parking. The rear of these buildings
13 is up against Mercedes Drive.
14 So, the end of these buildings would be this
15 image down here at the bottom, this No. 2 image.
16 And, one of the most significant issues that
17 came out of my earlier testimony was a concern from
18 the Police Department regarding the passageways that
19 previously existed behind these buildings.
20 A second item that has occurred through the
21 course of the development of these buildings is that
22 the length of Building B was slightly increased in
23 footprint. And, so we've, we've addressed that rear
24 issue. So, the buildings are actually a little bit
25 deeper and this building is a little bit longer than

it was before. And, those are physically the fundamental changes.

If you could go to the next slide.

These are the facades of the buildings. Both of them are virtually identical at this point.

They continue to have the three bay compositions. For the other things that I have presented in my earlier testimony, they have sloped roofs and other components that are all in conformance with the requirements of the ordinance.

And, one of the small changes that was made on these buildings is, the professionals recommended -- we previously had this composition accented, these stone bases. And, we have the stone bases up a little bit higher.

And, one of the comments that came back from the professional review was to lend a consistency to those and to pull them all down to the same height. And, so you'll see that they're all the same height now.

If you could advance one slide.

This, again, is the side of that building. And, the importance here, these are the same gables.

The other thing obviously that we've done is we've studied the coloration of these buildings. And, we did update the sample board. We are proposing to



make these buildings sort of a rich chocolate brown. We think it gave them a somewhat more dignified and a somewhat more up-scale look in terms of the appearance in the center.

So, the colors have been modified just a little bit from the last time you saw it.

This is that stone water table wrapping the building. And, I will note that one of the professional comments was to hold that height all the way back. You're going notice that we didn't in fact hold it here. We stepped that stone up.

The reason for that is, we also, as I mentioned, elongated the buildings and enclosed that passage. And, this door right here is into a service corridor. So, this would be a door accessible only by key for the tenants to service, from the rear, to remove trash and to take product in and out of the stores through an enclosed service corridor, thus eliminating the police concern and the security concern of the alleyway that previously had provided that function.

If you could hit the advance button.

So, up here, this is the previous scheme. There was another change requested from your design professionals. In the previous scheme, you'll notice that there was a kind of implied cornice. It looked

like a little cross design that was, that was part of the design motif of the building fenestration. We were asked to reconsider that and to make the buildings feel a little bit more like equestrian or agricultural buildings to eliminate that detail and to take the siding all the way up to a very simple trim up at the top. And, we have also incorporated that.

There was also some discussion about the sloping of the roof and the height of these parapets. These parapets are a little bit, a little bit taller now to make sure that we're concealing the HVAC. That, again, was a comment from your professionals, a request from them to study that.

And, as they got taller, they asked us to introduce some details like this to add interest. This is the sort of implied barn door up at that second story elevation.

If you could go forward, please.

This upper slide is the Mercedes side of those buildings. And, you can see here, the reason for that stone being held at a higher elevation as a it grasps the corner. We don't think there's an alternate solution for that. We certainly didn't want to hold it down low and then have the smooth siding coming all the way down to the grade.



If you could go forward again.

This is, this is that Mercedes elevation. And, here you can see the street trees that I know there was a discussion about earlier.

These do sit actually outward of the sidewalk. So, these are between the sidewalk and the road bed.

If you could go forward.

I'm going very quickly. I know the Chairman wants to get this projector off. So, slow me down if I'm going too fast for you.

These buildings are C and D. So, these are the buildings that are sort of more in the center of the site, if you will. There's, there's a barn form buildings. They have, they have full gambrel roofs. They're exactly as you saw them before. They're, there were a few minor requests.

Again, I think if you advance one slide for me, looking at one of these buildings up a little closer, we were asked again to incorporate that same water table at a consistent elevation on these buildings. We did make that change.

The other change that was made here, and I failed to mention earlier, some of the buildings previously had this transom light with divided lights above it, at the upper edge of the store front, if you

1 will. We were asked to take the detail and carry it
2 through all the buildings. And, so you'll see that.
3 In fact, we have done that in every instance here.
4 If you could go forward one more.
5 So, that detail does in fact turn the corner on
6 these buildings and also curves on the, on the sides,
7 the store front that wraps the building facade.
8 Advance please.
9 Building E, the same changes here. I won't
10 dwell on them. If you go forward one more slide --
11 pardon me. I'm sorry. Go back.
12 Let's stay on Building E just for one second.
13 These stone bases again were adjusted downward. The
14 transom lights with individual pains of glass and
15 Muntins within them were introduced into the building.
16 Otherwise, this building remains as you saw it
17 previously.
18 Finally, if you advance, please, this is the
19 junior anchor building. This building does have both
20 a combination of modifications that we've made due to
21 some leasing feedback and some owner directed changes
22 in order to accommodate potential tenants.
23 So, one of the things that's been done is the
24 central bay of this building has been elongated
25 somewhat and the side bays have been somewhat modified



1 in order to accommodate a single tenant here.
2 Again, the stone bases were all pulled down to a
3 consistent elevation.
4 And, if you go forward for me.
5 This, this building again, on the side of this
6 building, the elongated or deep end of this building,
7 pardon me, not really elongated but made the building
8 deeper and enclosed the alleyway that used to run
9 behind it. Again, an alleyway that there was some
10 concern about security on is now actually an internal
11 corridor of the building and would be secured with
12 doors and its ends would be locked and keyed with only
13 the tenants having access.
14 So, those were service environments that are
15 inside the building.
16 If you go forward one more for me.
17 This is the rear of that building. This is the
18 building that has the green roof on it behind this
19 parapet. This is sort of a Day 1 vision of that
20 landscaping.
21 There is some height to this wall. I think it's
22 something on the order of 10 or 12 feet off grade
23 here. Of course, it varies as the grade slopes away.
24 So, you, from a flat elevation point of view in the
25 parked area, would not see that green roof. And,

1 really the principal reason for it is environmental.
2 We, we left the green roof on the building
3 because it does reduce the heat, heat sink effect of
4 the project and it does reduce runoff from the
5 building by absorbing some of the rain that falls on
6 it.
7 There was a question about, well, if it works
8 here, why didn't you do it on the other buildings.
9 The candid answer is the other buildings are too small
10 to make it worthwhile.
11 This building is significant in footprint. And,
12 the green roof here is almost 12,000 square feet which
13 has a genuine contributing amount of space in terms of
14 the water it actually catches. The other buildings
15 are less than a quarter of this size, some of them and
16 because they also have gabled roofs and other
17 fenestration treatments on them.
18 The actual flat roof area that's left on those,
19 after you put the HVAC equipment up there, is so di
20 minimus that it's pointless to put a green roof on it.
21 It's going to have virtually no effect whatsoever
22 because it's such a small area. And, that's really
23 the answer.
24 If you could go forward for me.
25 This is the material pallet. It's the same



1 material pallet you saw before with the only exception
2 being that we did introduce this slightly darker
3 chocolate brown color so that the building colors
4 evolved a little bit. We had a dark green before that
5 went away and we have gone more to this chocolate
6 color.
7 Otherwise, these are the same exact materials
8 you saw before, natural wood, masonry bases, synthetic
9 stone with siding, synthetic with siding that would be
10 done in a Hardie Plank or cementitious board.
11 You can go forward.
12 There are some lights proposed on the buildings.
13 These are typically sconced, sort of sconced type of
14 locations on the piers. Those lights -- if you go
15 forward one more -- are these kind of farm and
16 equestrian type fixtures that we have identified for
17 those buildings.
18 And, these are all in a dark bronze finish.
19 If you go forward one more for me.
20 Moving to the Wegman's building, a number of
21 changes were instituted in the Wegman's building at
22 your request or at your professionals' request.
23 I think the, the height of this tower was
24 studied very carefully and I believe there was a
25 weather vane or something which was exceeding the

1 actual cap on the height in this location. That was
2 taken off.
3 The windows were introduced across the facade in
4 a number of locations.
5 There is a new roof that was introduced in this
6 location to the right end of the main facade. And, it
7 turns the corner and wraps that facade for some
8 distance.
9 On the left end or what would be the north end
10 of the building, an additional roof canopy was added.
11 So, there are two roof canopies here, down low, one
12 here, one there. And, these are all recommendations
13 that came from your professionals and that were
14 introduced into the building, accepted by Wegman's and
15 introduced into the architectural.
16 So, I think we have satisfied all the requests
17 that were, that were put forth.
18 If you could go forward one more.
19 This is just a larger version of that.
20 Again, here you can see a little bit better the
21 windows that were introduced, the roof that wraps the
22 corner and other features.
23 Go forward for me.
24 In terms of the green roof, we're going to jump
25 back to that now, on Building F.



1 The green roof was retained. It is a passive
2 green roof so it is, it is not a roof deck that's
3 occupiable. And, it does not support active
4 functions. It's really there for the environmental
5 purpose of absorbing rain water reducing the heat sink
6 effect.
7 And, we've designed it -- and, I do think there
8 is a chance that you will catch some glimpses of this
9 when you are up the hill, like far into the
10 intersection of Mercedes and Grand, like on the far
11 side of that intersection at the light, for example.
12 Whereas, the grade continues to go up, you know,
13 you're up pretty high. And, while I haven't done
14 careful site studies of it, you may in fact see some
15 glimpses of this roof. So, we did want to make it
16 esthetically pleasing in the event it is visible.
17 We didn't want to just sort of throw anything up
18 there.
19 To that end, we have proposed forebays. And, we
20 discussed this with Claire and consulted with her and
21 the idea was to get a sort of rhythmic striping,
22 rhythmic banding that mimics some of the agricultural
23 approaches to the ground cover and landscape that are
24 done along Grand Avenue. So, these are alternating
25 bays of sedum mixes. And, you can see the mixes

1 listed here.
2 I will confess to you that these were provided
3 to us by a green roof expert. His name is Robert
4 Erklin. And, the consultancy is a group called
5 Hydrotech USA out of Chicago USA. And, we contacted
6 them to get sedum mixes that are appropriate for your
7 locale and climate. So, these are, these are those
8 sort of menus of sedum mix. And, what they result in
9 is a ground cover that has a different color,
10 coloration through the seasons.
11 You can see how Mix 1 and Mix 2 provides a very
12 green and a very sort of reddish umber color.
13 And, this is actually a view of what, these
14 little photos are actually a view of what those mixes
15 look like during those seasons.
16 And, then, in the winter time, naturally, as the
17 winter weather comes on, they change character. They
18 become browner. They become tanner. But, you can see
19 that the maintenance of that banding still occurs with
20 these two sedum mixes.
21 So, that's currently what we're proposing for
22 this green roof.
23 If you can go forward one slide.
24 This is not -- because of the size of it, this
25 is not currently proposed as trays. So, this would be



1 done as a, as Claire mentioned, in a 3 to 6 inch deep
2 medium with the sedum mix planted in it. And,
3 essentially, each of those large rectangular areas
4 gets kind of curbed off with a plastic system type
5 curb and then the sedum mix is simply put into the
6 soil bed.
7 It does sit on top of insulation and a
8 protection board and a drainage area.
9 So, this is the, this is the specific section
10 that is currently envisioned for that, for that roof.
11 Here you can actually see a photograph of the
12 actual system.
13 You can go --
14 And, that really is all of the changes on the
15 architecture. So, if you could turn that projector
16 off.
17 With that, I'll entertain questions, I guess.
18 CHAIRMAN DePINTO: Do you have anything,
19 Mr. Del Vecchio, of this witness?
20 MR. DEL VECCHIO: No further questions of
21 Mr. Pett.
22 He is available to the Board for their
23 questions.
24 CHAIRMAN DePINTO: Okay. Thank you.
25 I guess I'm starting with Mr. Webber.

EXAMINATION BY MR. WEBBER:

Q Just a couple of quick questions.

A Sure.

Q The, in the packet, the last rendering, is that -- that's not current because you were able to see the green roof with no parapets?

A Well, there actually is a parapet there. And, it's just the --

Q All right. I see it. Yeah.

A It actually is there.

I mean, the rendering is, candidly, I mean, we don't update these every single time we make a little change. So, the rendering is an artist's conception. I think it is very close in character to the -- it's really exactly in character with what we're proposing.

I'm certain, if you took a magnifying glass to it, there would be spall discrepancies here and there.

Q Well, there would be because there is no mechanical shown.

A Actually, there are. If you look, for example, on Buildings A and B and that, and that sort of long, thin rectangle on Building F, those are mechanical roof top boxes or the screen walls associated with those.

Q Okay. A question for you on, you say



you're making Buildings A and B longer and deeper, enclosing that?

A Only, only building, I believe only Building B got longer.

Q But both got deeper?

A Both got deeper by about 6 feet.

Q And, that's enclosed?

A That's enclosed.

Q So, that changes your square footage?

A Yes, it would.

Q All right. So then that would need to be shown on the plans and calculations?

MR. DEL VECCHIO: Those are already shown on the revised engineering drawings that were submitted.

A Those are, are shown.

Q Okay.

A And tabulated and coordinated between the various disciplines.

Q And then, how is the green roof accessed for planting and the maintenance?

Just curious, how do they get up there?

A Well, first off, I'll tell you that this type of green roof is an exceptionally low maintenance item once it's kind of installed and stabilized.

Having said that, there would be a typical roof access to these buildings. Right now we're planning hatch and ladder type access that would go up out of one of the exit stairs and basically allow maintenance access to the roof which is typical not only for that but for the mechanical equipment.

MR. WEBBER: Okay. Thank you. That's all I have.

CHAIRMAN DePINTO: Okay. Thank you. Ms. Cudequest.

COUNCILWOMAN CUDEQUEST: Yes. Just a couple questions. I'm not sure if you're the right person to answer them.

EXAMINATION BY COUNCILWOMAN CUDEQUEST:

Q With the changes that were made in the buildings, in making them longer and deeper and enclosing the, the backs of them, is that going to effect delivery of merchandise to those buildings now?

Because I'm looking at, I'm looking actually at, I guess, the third page.

And, if I look at Building A, there's access from the north side, I guess, where they would be able to get delivery because there's a door to the back there.

A That's correct.



Q But, on Building B, I don't know where they would be accepting deliveries because it looks like there's landscaping between Building A and B and then to the side of Building B.

A And, I think there was actually some extensive discussion about this. At one point a loading area was studied south of Building B and that was rejected because of its proximity to the primary entrance and really nobody wanted, nobody wanted to see sort of a loading area as you came into the project.

And, also, we have a potential tenant who actually wants to do an outdoor seating area in that location.

So, I think the owner has stipulated that deliveries to Building B will come out of that same loading dock or the bay and it would go through the service corridor behind A. So, you will have to sort of open a door, close a door and open a door. You would actually go through Building A, across the courtyard and into Building B to deliver to Building B.

Q And, where do they have seating you said?

A Building B is proposing some seating. It's that small rectangular area just south of it

where you see, in this drawing, it looks sort of like six little dots. And, that's intended to be an outdoor seating area.

Q Okay. So, I would presume that they're going to be bringing food or something over there looking for seating?

A Yes.

Q That would be that type of a retail?

A Yes.

Q So they would, they would physically walk behind Building A, open the door, go through that little courtyard, open the door to Building B?

A Yeah.

Q And go into Building B?

A It's a bit circuitous. But, I have to tell you this, on a larger regional project, and I have worked on quite a few of them, this is not uncommon at all.

In fact, the distance that's being traversed here is nothing compared to what might happen in say a regional mall where sometimes goods and services are moved literally two and three floors and hundreds and hundreds of feet through a building to get to the tenant.

So, it's really a question of operations and



enforcing that and making that happen.

Q Okay. And, the question with the green roof. I notice that, I guess it's broken up into four sections.

Those would be four separate trays, plantings?

A Again, they're not really, actually -- it's kind of hard.

When we say trays, there's two types of systems. And, the actual tray systems are fairly small plastic units that could be sort of lifted out and dropped in.

These are actually kind of curbed areas on the roof that just have a layer of soil in them with a single curb all the way around the outside. That's what we're currently, we're currently being advised to go with.

Q Okay. And, the breaks in between --

A The breaks are intended --

Q For maintenance?

A Yes.

Q Okay.

A But, it was also a bit of a design element to just kind of have these different seed mixes in each one so you get that visual banding.

Q And, I would imagine, just like with any natural plantings, you have a, there would be an

occasional die off of the landscape.

So, how difficult would it be to get up there then and replace what's --

A It's, it's actually very easy only because it's a seed mix. It's almost like casting grass seed. They go up and reseed it.

But, these are, these are exceptionally tolerant plants. Mr. Boyd (sic) could speak to this better than I could.

But, these are like desert plants because a rooftop environment is really kind of harsh.

And, once you get them established, they usually do quite well.

COUNCILWOMAN CUDEQUEST: Okay. Thank you. I have no further questions.

CHAIRMAN DePINTO: Thank you.

Mr. Teagno.

MR. TEAGNO: Thank you.

EXAMINATION BY MR. TEAGNO:

Q You answered all of my questions from the last time.

A Thank you.

Q Just one other question regarding maintenance on this.

You said they're drought tolerant, and, you



know, rain and everything else, once you plant them they just kind of grow and take care of themselves.

Is there a height -- do they, do they grow to a certain height and then stop?

A Yeah. And, they're really like, they're ground covers, they're really short. They're like, they're like barely, you know, I would say they're --

MS. BEDAT: 6 to 8 inches.

A 6 inches on average. They're 3 to 6 inches.

Q And, would they survive if they get covered with snow like we have had this past winter?

A Yes.

Q Okay. And, the only maintenance is, every periodically take off the dead stuff?

A And, you do get some dead areas occasionally that need to be reseeded.

Q Okay. Thank you. I appreciate all the answers.

CHAIRMAN DePINTO: Thank you.

Mr. Culhane.

EXAMINATION BY MR. CULHANE:

Q Yes. I have a question with the green roof.

Are you going for the LEAD certification on

these designs?

A No. We currently are not. LEAD is actually a system where you can't, you can't certify a single component. You have to certify the whole building. And, that's particularly difficult to do in a building where we don't control the interior.

So, right now we are not anticipating pursuing LEAD in this project.

Q A question on Building A, the west wall, at the top of Mercedes Drive, how is that wall being designed to accommodate the --

A It's a retaining wall. Your observation is right. And, it's hard to cull from these drawings but it's actually a foot thick. And, we're anticipating that's going to be a poured concrete wall, a reinforced poured concrete wall.

Q So, not too technical, cantilevered wall?

A Yes. Yes.

Q And, are you familiar with the proposed wall north of Building A? Because, I made reference earlier in the testimony on the landscaping and I questioned, the landscaping can be accommodated based on the details on drawing C-25.

A I have to confess. I have to defer to Mr. Dipple on that one because he drew those details and



he's more familiar with it than I am.

Q One other general question dealing with all the buildings, A to F.

Did you go into detail how the refuse and recycling are going to be handled?

A Only to the extent that we have established the pathways and the locations of the service areas. So, each of those service areas is accommodated with a, with a dumpster zone and an enclosure for those dumpsters. And, and there are service corridors that run behind each of the tenant locations and enable those goods and trash to be moved in and out.

We, we haven't got any, any farther on that from an architectural point of view.

MR. CULHANE: No other questions.

A Are you looking more for operations? I guess I'm not sure what your question is.

Q No. I just want to make sure that, basically that the system provided for the trash and the recyclables and it works.

A We believe that the capacity and the sizes that we're proposing here is more than adequate for the size of these buildings.

MR. CULHANE: No other questions, Mr.

Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Fette.

MR. FETTE: Nothing for me, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Stefanelli.

MR. STEFANELLI: The questions I had have been answered.

CHAIRMAN DePINTO: Thank you.

Mr. Vogt.

MR. VOGT: Same here, my questions have been answered.

CHAIRMAN DePINTO: Thank you.

I have a question questions of Mr. Pett.

EXAMINATION BY CHAIRMAN DePINTO:

Q You said that the weather vane had been eliminated.

What was the reasoning for that?

A I think that was a, a small finial on the top of the tower at Wegman's. And, it was my understanding that it was over the height that was mandated in the ordinance for that particular location.

Q So, why did you choose to eliminate it versus lower the supporting mechanism for it?



I think it's a nice feature.

A Candidly, it was, it was a Bignell, Watkins design. And, that was, the approach they took was to take it off.

I think, honestly, again, this was a somewhat sculptural, small finial. I think that it was 2 or 3 feet in height. It's 80 feet in the air.

And, I think they, when they reconsidered it they felt like it really doesn't have that much visual impact up there, let's remove it and solve the problem of having it stick over the height cap.

Q Frankly, I thought it was a nice feature. I'm sorry to see it go.

But, it's gone?

A It is.

Q Okay.

A Never coming back.

Q Never coming back. What a shame.

Your elevations, in previous submissions, the elevations showed gooseneck lighting and then it also showed these sconces that you referred to.

Have you eliminated all gooseneck lighting?

A We have architecturally eliminated that gooseneck lighting. And, at the risk of opening a can of worms here, we, we would like the same approach, if

1 the Board is amenable to it in terms of a use permit,
2 affording a tenant the opportunity to bring the
3 gooseneck lighting back.
4 But, I can't legitimately design it and put it
5 on the buildings now because, without knowing the
6 location and the size of the signage, I would be
7 shooting in the dark in terms of no pun intended.
8 Q But, it was shown on earlier submissions?
9 A It was.
10 Q So, why were you able to do it then and
11 not able to do it now?
12 A It was shown as a, as essentially a place
13 holder. And, we are acknowledging the fact that we
14 don't know if the tenant is going to have an 8 foot
15 sign or a 12 foot sign in length. We don't know if
16 their letters willing be 18 inches high or 3 feet high
17 or whatever your ordinance allows.
18 And, so, we, we couldn't position and locate
19 that lighting in a manner that, that made sense for
20 that signage.
21 But, the, the tenant could choose to do that and
22 will, if you allow them that latitude. And, we
23 believe that mix --
24 Q Well, I think -- I'm sorry. Please
25 continue.



1 A We believe that mix of, of lighting is, is
2 positive for the project. I would prefer not to say
3 we're taking it all out and it will never come back.
4 I prefer to give the tenant the latitude to come in
5 here and show you how they want to do it at the time
6 that they're permitting their signage and their fitout
7 for their store.
8 Q It reminds me of the testimony that the
9 sign expert gave, that the tenants will dictate what
10 the signs are going to be.
11 A Well, no, sir. I'm not suggesting that.
12 Q I think you are.
13 Now, architecturally, I thought the gooseneck
14 light fixtures were quite attractive. And, I think
15 that opinion was shared by many of the Board Members.
16 And, quite frankly, Mr. Lintner, who is not here
17 this evening, had made a very strong recommendation
18 that all of the fixtures above the stores, where the
19 lights were to be constructed, would be gooseneck?
20 And, now you have eliminated all of them saying
21 the tenant will dictate, in essence.
22 A Respectfully, I'm not suggesting that the
23 tenant would dictate anything to you. Because,
24 clearly, you're a Board that would not allow that.
25 So, what we, what we --

1 Q So, do we take the same position, the
2 elevation is now absent the gooseneck light fixtures
3 and also absent any sampling of signage.
4 So, these stores are not going to have signs?
5 A Yes, sir, they are going to have signs.
6 Q Why can't that be presented in some sort
7 of reasonable, comprehensive fashion?
8 It's -- we continue with the moving target, Mr.
9 Pett. I'm a little confused.
10 A We, we -- I believe we never showed signs
11 on the architectural submissions.
12 Q I'm sorry. What?
13 A I believe that my submissions did not
14 include signage but I would --
15 Q Well, RTKL's exhibit, that I'm looking at,
16 was marked A-32 --
17 A Right.
18 Q -- marked into evidence on February 4th of
19 this year --
20 A Which is --
21 Q -- showed gooseneck lighting and signage.
22 A Yes.
23 Q And, now, Exhibit A-37 shows neither of
24 those features.
25 So, one could only assume you're going to have a



1 retail shopping center without signs.
2 MR. DEL VECCHIO: Mr. Chairman, the
3 signage we had shown early on for demonstrating how
4 the signs could comply with the PUD aspects of the
5 ordinance, we did that to demonstrate the ability of
6 the project to comply.
7 We heard the Board's concerns about not being
8 able to provide any definitiveness, one way or the
9 other, on where the signs were going to go and how
10 they were going to be lit. And, obviously, that has
11 to be recognized as a problem that, I shouldn't say a
12 problem, a question that isn't capable of being
13 answered with definitiveness at this time until we
14 understand who the tenants are and how many are going
15 to be in each building.
16 Obviously, if you have one tenant in a building,
17 you're going to have a particular size sign.
18 If a building gets broken up into multiple
19 tenants, two, three or four, then the signage
20 opportunities are going to change drastically. So, we
21 can't tell you right now whether Building A, B, C, D,
22 E or F are going have one or multiple tenants.
23 We took our best guess in the RTKL drawings, or
24 at least Mr. Christian did, as to how it might, to
25 give you a flavor and a sampling. We understand the

Board doesn't want flavoring and sampling. You want definitiveness.

Mr. Pett has indicated, in his testimony, that he can't give you that definitiveness without knowing the tenancy of the buildings either.

Without being able to do that, we have removed the gooseneck lighting. We, obviously, haven't shown channel lighting either because we hadn't shown signs.

Both of which, while being permitted by the ordinance, I think we have demonstrated how we can comply.

If the Board wishes to see the lighting at the time that the sign comes in for sign approval, at the use permit stage, which we agreed we would do during Mr. Christian's testimony, we will provide that level of detail at the use permit stage and allow the Board the opportunity to review the sign, the sign lighting at the time it looks at the particular signage.

We'd like to give you definitive answers. We would like to say it's all going to be "X" or "Y".

We're not trying to withhold that or be difficult about it. It's just outside of our control to give you that answer, to be honest about it.

We don't want to misrepresent to the Board what we can do.



CHAIRMAN DePINTO: I understand. But, you have opted to submit an application for simultaneous, both preliminary and final site plan approval.

Now, maybe if we were just dealing with preliminary, I would say, okay, fine, we'll deal with that when we deal with final. This is it. It's all said and done. There's nothing else that can be done after the fact.

When this Board grants its approval, we can't go making changes thereafter.

So, now, what I'm looking at is a plan that does not show that gooseneck lighting which, all along, we were led to believe, from an architectural point of view, that it was consistent with the theme of this planned development.

Now that has disappeared since February 4th.

And, further, we were led to believe that we -- this would be addressed.

I mean, Mr. Lintner made a statement at that meeting about perhaps going with goosenecks everywhere.

That was never answered. I recognize that.

So, to the alternative of what he proposed, you have eliminated all of it.

MR. DEL VECCHIO: Well, our options were

twofold. And, I just -- as the RTKL drawings showed goosenecks, it also showed the channel lit, the back lit and the other methods of illumination and signage types permitted by the ordinance. We showed them all.

CHAIRMAN DePINTO: Right.

MR. DEL VECCHIO: Just as we couldn't then, we can't now.

CHAIRMAN DePINTO: So then, therefore, if you were to be granted site plan approval, it would be with the understanding that no signage would be permitted for your retail shopping center.

Is that what you're saying?

MR. DEL VECCHIO: That's not what I'm suggesting at all.

CHAIRMAN DePINTO: So then you're going to come in and flash the ordinance in front of us and it says, this is what the ordinance permits. So, the signs dictate what will be and the signs will be dictated by the tenants as Mr. Christian said.

MR. DEL VECCHIO: We have -- we don't believe that, except for the free-standing signs, that wall mounted signage is a subject for site plan approval.

CHAIRMAN DePINTO: Oh.

MR. DEL VECCHIO: We have, however, agreed



with the Board --

CHAIRMAN DePINTO: Okay.

MR. DEL VECCHIO: -- to allow the Board to process the sign permit application in concert with the use permit as it's submitted for each tenant. That way the Board can see who the tenant is, where they are and evaluate whether or not what's being proposed not only meets the intent of the ordinance but also the design objectives that, hopefully, we all share.

CHAIRMAN DePINTO: In my opinion, you're trying to take a short cut once again.

MR. DEL VECCHIO: I don't think so.

CHAIRMAN DePINTO: So, rather than resolve the question and say with definition we believe, as professional architects, design engineers, whatever witnesses you present, that the best impression can be made and, for the marketability of this project, it should be this or it should be that or it should be a combination thereof. And, these are all the reasons why, in our professional opinion, it should be that way.

So, rather than address that, you have eliminated everything and say, you know what, we'll just rely on the ordinance when we do find a tenant.

MR. DEL VECCHIO: That's not what we're saying.

Mr. Pett --

THE WITNESS: We're saying, we're saying exactly what you just said, that it is a combination thereof. And, that's what you have heard from both.

CONTINUED BY CHAIRMAN DePINTO:

Q Then why can't you show it?

A Because I don't know whether there's one sign or three. So, I could show something and you would say to me, is it exactly like this. There's a set of goosenecks, then there's not a set of goosenecks and there's not a set of goosenecks. And, I would have to say to you, honestly, I don't know yet because we might not have three tenants.

Q But, can't that be a goal?

A It certainly can be a goal.

Q And, if that's the goal, can't we memorialize it on the plan?

Because, now, with the understanding that it might change, we could expect each of these tenants to come in and each tenant is going to say, well, our sign demand is this or that or whatever?

But, that's not consistent with what's here. Because, we've given them -- this document, A-37, is a



blank check.

A It's not intended to be.

Q But, that's, that's my interpretation. It's a blank wall so, therefore, it's a blank check.

It's like the art exhibit. You can't tell me what it is, then you're asking me for a blank check.

Who issues blank checks?

A But, aren't you, aren't you also and haven't you also reviewed the signage program that Mr. Christian presented that basically says the tenants will have halo illuminated letters or they will have gooseneck illuminated letters.

Q But, now you show none.

There was some sort of combination on the exhibits that Mr. Christian used when he testified.

A And, those are the exhibits that would be consistent with what we intend to deliver to you.

Q But, why isn't it on A-37? A-37 is a blank check.

A I can certainly apply them to it if you would be more comfortable with that, with the understanding that, that they are representative of what would be delivered but the final determination of the location of those letters and those gooseneck fixtures is a function of when the buildings get

leased and we know how many tenants there are and where they're located.

Q I can't, I can't -- I understand, I understand realty. Okay. But, I also understand that, when this was presented to the governing body, in connection with the PUD, and what I referred to, many, many times as the pretty picture book, they bought the pretty picture book and the details contained in the pretty picture book.

A And, we intend to --

Q And, we keep, we keep going astray of the pretty picture book. We keep chipping at the edges.

A We're not intending to.

Q Nor when the, the governing body, through the passage of the PUD ordinance, instructed this Board to work out the details, and I quote the Mayor, consistent with presentation that was made to them.

With every meeting, it just keeps kind of slipping away from us.

And, at some point, when we got to bring this back to the Mayor and Council, to show them, hopefully with pride, what we have accomplished, I kind of think one or two of them might say, what happened to this and what happened to that.

And, what am I going to say? We have gave the



applicant a blank check.

Is that an appropriate answer?

A No, sir.

Q I don't think so.

I think you intentionally eliminated those details so that we could do exactly what Mr. Christian said should be done, signs should be dictated by prospective tenants, not the Borough. And, I take exception to that.

MR. DEL VECCHIO: Mr. Chairman, if I could ask Mr. Christian just a couple questions -- Mr. Pett a couple questions along Mr. Christian's testimony because we did have a discussion about it. And, I want to share the discussion with the Board through questions because I think it will be helpful.

I do have a copy of the picture book. It doesn't show signage other than ink blots. You can discern from the pretty picture book whether they're channel letters or goosenecks.

CHAIRMAN DePINTO: A-32 clearly shows --

MR. DEL VECCHIO: I'm getter there. A-32 wasn't before the governing body when it adopted the PUD ordinance.

CHAIRMAN DePINTO: You're splitting hairs.

THE WITNESS: We're not trying to, we're

not trying to split hairs, we're really not.

I think we all want the same goal here. We all want a project that looks great. And, I think we all want the diversity of signage that we're talking about.

And, there, there certainly was not an intent, on my part, in removing those details from the drawings that are before you today to in any way suggest that they were being eliminated from the project. And, I will be happy to reintroduce them on to the drawings for you.

But, my dilemma is that, if I show them now, in fixed locations and they have to move to accommodate the leasing in the future, I am not sure, in your town, in your process how to do that satisfactorily to you.

And, if you can help me with that, we'll do it exactly as you want it.

But, we're trying to achieve the same thing. We really are.

REDIRECT EXAMINATION BY MR. DEL VECCHIO:

Q Mr. Pett, I specifically asked you, prior to this meeting, can you definitively show where the signs and lighting type for those signs are going occur and how they occur.



Is that not a correct statement?

A That's correct.

Q And, I asked you, your original drawing that is somehow interpreted or reflected on the RTKL sign drawings, was there a design intent or theme or rhythm or pattern created by why certain lights are shown along certain signage, in certain places?

Or, how do they end up in that fashion?

What was your response?

A My response was it was, it was an artistic version of what might happen under one recent scenario.

Q And, I asked you, could you produce a plan today that definitively sets out the hows and whats so we can present it to the Board and have a definitive statement everybody can rely on?

A We can't do that and achieve the, the diversity that we're looking for because we don't know, again, where the tenants will be within a given building and we don't know how large their sign would be or that they'll come forth with in terms of where the lighting should be placed on that building.

So, the only way in which we could do that is if we took a monochromatic approach, if you will, and said all of the signs will be channel lit letters or

1 all of the signs will be goosenecks.
2 And, in my professional opinion, that would be
3 worse for the project, will be worse visually and will
4 be a difficulty in terms of leasing because you will
5 have some tenants that simply do not want that sign
6 type.
7 Q Now, are you familiar with projects where
8 the diversity of lighting type, that you refer to in
9 your testimony, exists and how they function around
10 it?
11 A It's quite common and there are some, even
12 in this region.
13 I was in a project this morning, The Shops in
14 Nanuet. It's a new Lifestyle Center that's just
15 opened. There's a diversity of lighting there.
16 And, I believe there's a local center. I want
17 to say it's Tices, I believe, is the name, down the
18 street here. Both of which have, have both a
19 combination of, and you can go and look at them,
20 there's a combination of channel lit letters and
21 gooseneck letters, lit signage there.
22 And, that really, genuinely, I think, is a great
23 thing for the project.
24 So, the question is how, how do we, how do we
25 make that happen as a group which we all want the same



1 thing.
2 CONTINUED EXAMINATION BY CHAIRMAN DePINTO:
3 Q Well, it's not shown now with your latest
4 exhibit.
5 Did you ever give any consideration -- if it's
6 the number of tenants and the location of those
7 tenants in the various buildings that may dictate what
8 type of signage will ultimately wind up on the
9 building, why can't you take the building, all of the
10 buildings and say, if there's a single tenant in the
11 building, this is the signage we propose.
12 Obviously, the name will be whatever the name
13 is. But, the illumination will be whatever, as a
14 single tenant.
15 And, if it's a two tenant building, it will be
16 whatever or three or four or six. What are the
17 alternatives?
18 Or, you're going to try to handle this on a case
19 by case basis whereby, let's say, one perspective
20 tenant comes along and he opts to rent three-quarters
21 of the space in one building and he wants gooseneck
22 lighting and the remaining quarter of the building
23 will be another tenant, he wants some sort of channel
24 lettering.
25 We have to accept that?

There's no model. There's no model to guide either prospective tenants or the Board or the Building Department as to what it should be under any given set of circumstances.

Now, can you deal with those circumstances or those potential tenancies? I think you can. You have done this before.

How often do you go in and ask a Board or a town for a blank check?

A We ask for the latitude that we're requesting.

Q You call it latitude. I call it a blank check.

I have sat here for a few years and I have had a few applicants come before us and swear, under oath, that they're going to do certain things that just don't happen, particularly when it comes to signage.

So, it's a very, very sensitive issue in the Borough of Montvale.

MR. DEL VECCHIO: That's one of the reasons --

CHAIRMAN DePINTO: We made ourselves clear on that issue. And, certainly, Mr. Del Vecchio, you know the feeling of this Board with respect to signage. You've been to this party before.



MR. DEL VECCHIO: And, that's one of the reasons I don't want to show something on the drawings that I can't promise you that I'm the person standing up here with that use permit potentially and say, Mr. Del Vecchio, you stood in front of me and told me X, Y and C and now you're doing A, B and C. I don't want to eat that crow.

I'm not going to make a promise to you that, as a Board, that I can't deliver or I can't promise you will be so in the future. I am trying to be honest through the process, honest to what we can deliver.

We're not looking to strip this Board of any of its abilities to have its input on this property.

CHAIRMAN DePINTO: Mr. Del Vecchio, I expect, at all times, and I know I always get it from you, I expect your honesty. It's not a question of your honesty.

MR. DEL VECCHIO: Well, we're struggling. We can't --

CHAIRMAN DePINTO: The question is, show the Board potential alternatives but show it pictorially, not just in testimony.

If it's a one tenant building, this is what the applicant would like. If it's a two tenant building, this is what the applicant would like. And so forth.

Is that so very difficult to do, Mr. Pett?

MR. DEL VECCHIO: If that were the only variable, it would present a fair challenge to do it but probably is doable. But, the, the other -- there are multiple variables that come into play as to what the lighting will be and how it can be. It depends on the name of the tenant, how big the sign is in comparison to the space that it's taking.

There are some tenants that have that first letter like Wegman's that are very large compared to the rest. There may be a tenant who comes in, who has a trademark name. I am not going to even try to pick one out of the air but a trademark name that has to be a certain way and is a super desirable tenant, do we want to then tell that tenant they can't come to the Board and at least present in the use permit process; this is why we need this type of sign, in this location, with this light and it complies -- and, by the way, it complies with your ordinance?

I don't think that's a thing that we want to just cutoff. I think it potentially detracts from who we might want to attract to the center and what we do at the site.

We don't, just as we don't want to strip the Board of its ability to have its continued input on



the signage, we don't want to discount potentially a tenant that everybody may say is desirable in this location or should be here because they see a tenant package that they can't live with.

And, we all know, signage is stupid but it's what drives tenancies sometimes. And, unfortunately, we have to deal with it.

And, I want to deal with it honestly with the Board. I don't want to tell you something I can't deliver.

If I tell Mr. Pett to go back, tell me how many iterations of how this space could potentially be carved up and design a sign package, he will come back with probably a dozen or more different plans as to what it could be. And, there probably would be little, real, design rationale as to why they're showing channel or gooseneck.

If that's what the Board wants, we can give it to you. But, just as you found the gazebo comment or notation objectionable that it was a depiction of what could be but not exactly as is, I'm not sure that what we produce for you, if that's what you want us to produce is more valuable.

CHAIRMAN DePINTO: But the experts, and I am certainly not an expert relative to signage or

lighting. But, I presume Mr. Pett and Mr. Christian are the experts.

There is some relationship between the architecture of the building and the lighting of that building and the signage of the building. It has to blend.

This is not a 1956 strip mall where you just smacked up signs on top of store fronts. I believe it's going to be much nicer than that.

There's got to be some connection, some rationale between them.

And, I'm only asking the professionals to present that so that the Board can look at it and say, you know, this seems to represent the intent of the governing body. Otherwise, I'm going to have to just assume that the governing body erred when they set forth the standards in the ordinance for the signage that we did it.

It was probably a mistake on the Borough's part. And, maybe we have to address that. I'm not quite sure.

But, right now -- the other thing I object to, Mr. Del Vecchio, you brought this witness in, he presented A-37, he did not say a word about the illumination of the goosenecks. He only addressed it



when I raised the question.

CONTINUED EXAMINATION BY CHAIRMAN DePINTO:

A Again, sir, they weren't intended to be de facto eliminated from the scheme. They are not intended to be eliminated.

They are intended to be done in concert with the tenant sign so that they can be placed and numbered with the appropriate fixture count and location to support that given sign.

Q So, do I disregard A-37 or A-32?

A I'm not sure what those are.

No, sir. I don't think you disregard them. I think those are illustrative of the result that you would get. But, they may not be the exact result.

CHAIRMAN DePINTO: And, therein lies my problem.

MR. DEL VECCHIO: It's a shared problem, Mr. Chairman. We're struggling.

A And, I will tell you that we struggle with it frequently.

Q As professionals, be creative. Go put on your creative hat.

You have done this worldwide. I can't believe that little old Montvale is that much different than other places.

Be a little more creative than the 1956 strip mall with the sign above the store front. That's all I'm asking. A little creativity would go a long way.

It's not there. It is not there, in my opinion.

My Board Professionals. Mr. Regan.

MR. REGAN: No questions.

CHAIRMAN DePINTO: Is it unreasonable or illegal for the Board to be asking of the applicant alternative lighting plans?

MR. REGAN: No.

CHAIRMAN DePINTO: Okay. Mr. Hipolit, do you have any questions or comments or concerns with regard to this?

MR. HIPOLIT: No.

CHAIRMAN DePINTO: Mr. Preiss.

MR. PREISS: I have a couple questions on the architecture, if that's okay.

CHAIRMAN DePINTO: Well, my question first, with regard to the signage, is it unreasonable to be looking for alternatives rather than blank checks?

MR. PREISS: I understand the dilemma on both sides. I think that they're, there may be a solution that is, there may be some middle grounds.

CHAIRMAN DePINTO: Of course there's a



solution.

MR. PREISS: There may be a middle ground that we can --

CHAIRMAN DePINTO: Of course there is. And, it's not our requirement to present that.

It's, the burden is upon the applicant. I would like to see some creativity from the applicant. That is not unreasonable.

MR. PREISS: No, it isn't.

CHAIRMAN DePINTO: I'm sorry. Please continue.

MR. PREISS: Can I move on to some other areas?

CHAIRMAN DePINTO: Yes. Yes.

MR. PREISS: Okay. Thank you.

EXAMINATION BY MR. PREISS:

Q With regard to the windows, I noticed that the upper band of windows, in all of the buildings, you have introduced the transom windows as you had indicated.

A Yes.

Q However, in Buildings A and B, in the central bay --

A Yes.

Q -- that was not done.

1 You created a single pane of glass.
2 Was there any reason, particular reason why that
3 was not carried through?
4 A Just simply because they were arched
5 windows in that location and we felt they were a
6 little more distinctive the way they're shown.
7 We would have no objection making those divided
8 lights if that would be a matter of consistency that
9 you feel is important.
10 Q Okay. Is, is the, is the arches part of
11 the, of that --
12 A It's the actual store front system.
13 Q It's actually the actual store front
14 system.
15 So, I would leave it to the Board to determine
16 whether they wanted the transom windows carried
17 through that particular location.
18 The other thing is that, as before, I do
19 compliment you on the overall architecture and I
20 appreciate the changes that you have made.
21 And, you, in terms of the height of the stone
22 base and, you know, carrying through consistently with
23 the work table, I think you have done that.
24 I do want to share, because this is the first
25 time I'm seeing it, particularly the color version,



1 there are a couple of places where, for example, on
2 Buildings A and B and in the rear section where you
3 have the door, where you have taken that stone base up
4 so that you can carry it around the corner where the
5 building is, is slightly above the, above grade. I'd
6 like to have that reviewed by our architectural sub
7 consultant to just confirm that that's okay because I
8 am seeing it for the first time.
9 And, I do actually have some questions related
10 to the lighting fixtures that are shown on -- there's
11 the series of lighting fixtures --
12 A Yes.
13 Q -- that are shown on -- the pages are not
14 numbered.
15 And, what you have indicated, let's start with
16 No. 3, it says light fixture Type C, typical wall
17 sconce, Buildings A, B, C, D and F and you show a
18 single fixture which I think is fine.
19 And, then, under No. 4, it says light fixture
20 Type D shown for Building E.
21 A Yes.
22 Q And, then, under No. 2, it says light
23 fixture, Type B, Building F.
24 However, you have two sets of, you know, rather
25 than what you have done in 2 and 3, you have a series

of fixtures and a series of designs which vary fairly, to, to a great degree.

So, I'm not quite sure which of those fixtures you're proposing.

A With apologies, there's only one fixture being proposed there and it is the single headed fixture that's on the cut sheet to the right. But, additional information associated with that fixture was on the first page that happens to show alternative models.

So, we're only proposing a single headed fixture that's on the right.

Q Okay. So, in the second set of, of details, it says Lifestyle Series and there's a single fixture to the right of that, that's what's being proposed?

A That's correct.

Q All right. And, that's also consistent with the bronze finish?

A The bronze finish is throughout.

Q Okay. And, then I hate to raise that but, with regard to the light fixture Type A for signs, option for non illuminated signs, are you suggesting that this would be the gooseneck fixture to the extent that you would utilize gooseneck lighting for the



signage.

Is that correct?

A Yes, we are.

Q And, that would be a single fixture consistent throughout all the buildings where, if it's used?

A That's correct.

MR. PREISS: Okay. I don't have any questions with regard to the Wegman's building.

I think we analyzed it before and you have done everything that's been required.

I think those were all my questions. I did want to reserve --

As I said before, some of this I'm seeing for the first time, the ability to confer with the, with our urban design sub consultant just to make sure that he is in agreement with some of these changes.

Other than that, I think, as I said before, I think the design is very good and you've come a long way.

So, thank you.

A Thank you.

CHAIRMAN DePINTO: Okay. Any other questions of Mr. Pett?

Hearing none, the Chair will entertain a motion

to open the meeting to the public.

COUNCILWOMAN CUDEQUEST: So move.

MR. CULHANE: Second.

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

All in favor.

(Aye)

Anyone from the public have any questions of this witness?

And, Mr. Segreto, we are going to allow your brother to ask questions at the next hearing and this witness will return.

MR. SEGRETO: Thank you very much, Mr. Chairman.

CHAIRMAN DePINTO: Okay. And, please extend our regards to your brother.

MR. SEGRETO: Thank you.

CHAIRMAN DePINTO: We hope he feels better soon.

MR. SEGRETO: Thank you.

CHAIRMAN DePINTO: That's it. The Chair will entertain a motion to close the meeting to the public.

MR. VOGT: So move.

CHAIRMAN DePINTO: Mr. Vogt, seconded Ms.



Cudequest.

All in favor.

(Aye).

Mr. Del Vecchio, do you have another witness you would like to present this evening?

MR. DEL VECCHIO: Yes. I would like to recall Mr. Mike Dipple.

And, as Mike gets set up, I would like to mark some additional documents that will be referenced during his testimony.

Okay. We previously marked the site plan drawings at the last meeting. They were marked as A-34.

At this point, I'd like to mark the updated storm water management report prepared by L2A. That report is last revised January 24th, 2014.

And, that would be A-38.

We also need to mark the updated environmental impact statement report that was last revised December 12, 2013, again prepared by L2A as A-39.

All right. As A-40 the soil moving plans consisting of two sheets prepared by L2A. Last revised November 13, 2013.

I believe that will take us through all of the submissions that were submitted prior to Mr. Dipple

1 reappearing here this evening.
2 My notes reflect that Mr. Dipple was previously
3 sworn. He remains under oath.
4 REDIRECT EXAMINATION BY MR. DEL VECCHIO:
5 Q Mr. Dipple, you were previously sworn and
6 qualified. You remain under oath as you provide
7 additional testimony this evening.
8 I just attributed to L2A a number of documents.
9 Were they prepared by you or under your
10 supervision?
11 A Yes, they were.
12 Q And, you have had an opportunity, since
13 you last testified, essentially to issue a revised set
14 of drawings and reports?
15 A Yes. The latest dated January 24th, 2014.
16 Q What was the primary reason for issuing
17 revised plans and reports?
18 A We received a comment letter from the
19 Board professionals and, and there were some changes.
20 They have already been described by Mr. Pett and by
21 Ms. Bedat. And, they were incorporated into the civil
22 plans; also some requests by the County.
23 Q Would it be fair to say that the two most
24 significant requests that caused revisions to your
25 drawing were, one, the enclosing of the open service



1 aisles behind Buildings A, B and F as well as the
2 additional road improvements requested along Mercedes
3 Avenue -- Mercedes Drive and the site?
4 A Yes.
5 Q And, these essentially caused you to shift
6 some of your improvements and buildings ever so
7 slightly on the site to accommodate those changes
8 which, of course, sets off a set of dominos in your
9 world which requires your drainage and everything else
10 to kind of be re-looked at and just recorrected to
11 make sure it now reflects those revisions?
12 A That's correct.
13 Q Can you give the Board a brief overview of
14 the revisions that were made and explain their impact
15 to the project?
16 A Sure.
17 I'm going to direct Dan, when the projector
18 comes up, to go to Sheet CO-6 which is entitled
19 overall site and phasing plan, if you could.
20 That looks, that looks like it. I can't read
21 it.
22 Okay. I'll highlight the two major changes that
23 Mr. Del Vecchio just requested.
24 And, as Mr. Pett indicated, this is Building A
25 and this is Building B. And, there used to be a

1 service corridor in the rear of this building that was
2 open and then there was a separate retaining wall.
3 And, that service corridor was enclosed making the
4 floor plan of those buildings a little bit larger.
5 He also indicated that Building A was also
6 increased in the size of it.
7 Also, there was an improvement to the roadway
8 here in Mercedes Drive to accommodate a right turn
9 lane for vehicles. I, I believe Ms. Dolan gave
10 significant testimony about that right turn lane.
11 And, that came at the request of the Borough Engineer
12 and it's been incorporated into the plan.
13 There have been a couple other minor
14 improvements. I think most of them have been
15 testified to already. And, and Mr. Del Vecchio is
16 correct, as things change, this may look ever so
17 slight on the plans, it does create a lot of grading
18 changes and, and other minor changes, kind of a domino
19 effect across some of the plans.
20 So, I'm going to spare you with every little
21 detail but everything was associated with those
22 changes.
23 Q Mr. Dipple, the systems of the site --
24 when I say systems, the drainage, the lighting, the
25 landscaping, the location of the buildings, other than



1 shifting, and would it be fair to say they shifted
2 slightly to the east on the site, other than that
3 shift, will they continue to operate and function just
4 as you previously testified to in your initial
5 appearance?
6 A Yes, they will.
7 Q And, the drainage, the size of the
8 drainage structures, with systems, they haven't
9 changed as a result of those revisions?
10 A I, I don't believe they have changed in
11 any discernible way. I -- you know, as we moved the
12 buildings, we changed a little bit of the impervious
13 coverage, the pervious pavement, the impervious, we
14 calculate that at -- we modify the drainage system
15 very slightly. But, I don't think it resulted in any
16 change to the size, the overall size of the systems as
17 you see here.
18 Q Now, with regard to the retaining wall
19 located on the westerly side of the property
20 immediately north of Buildings A and B or just west of
21 Building F, there is a question raised by one of the
22 Board Members during earlier testimony of another
23 witness about how, how or if it would be possible to
24 cause landscaping to be installed in that area given
25 the construction detail provided for the proposed wall

1 system.
2 Are you familiar, first of all, with that
3 design?
4 A Yes, I am.
5 Q Let me ask the simple question first.
6 Is it possible to install the landscaping, as
7 proposed by Ms. Bedat, in the area as proposed even
8 though the wall exists there?
9 A Yes, it is.
10 Q Now, I'll let you have the longer time and
11 explain why.
12 A I'm going to refer to Sheet C-25 and the
13 question came in reference to that.
14 I, I have taken a firsthand look at this
15 product. This is a, this is a precast stone. I will
16 have more photographs and details of it later in the
17 testimony.
18 But, to answer this question, if you look at
19 C-25 and you look at the top block, that top block is
20 labeled as a 28 inch PC top block. And, I honestly
21 forget what PC stands for but that's a, that's their
22 terminology.
23 But, I have seen this in person. And, the top
24 has that groove in the front. So, it only exposes
25 about 6 inches of the face when you are looking



1 directly down upon it.
2 We were careful in our drawings to show the wall
3 as a thicker line. And, I won't make you go back to
4 that drawing. But, if you look at the drawings, it's
5 a thicker line. So, we are trying to indicate about
6 the thickness of the actual stone while there were
7 some of these covered.
8 So, there will some planting medium right above
9 that top lot. And, the wall gets, the blocks get
10 wider and wider as you get deeper and the wall gets
11 higher.
12 So, where I say figure not to scale, that's
13 correct. But, the wall also varies from, you know,
14 very small, 2 feet, all the way up to the maximum of
15 15 feet.
16 So, I'm trying to show, you know, what the wall
17 effectively looks like. The blocks on the bottom are
18 60 inches. As you go up, I think they're 41 inches,
19 that's correct, and then you get up to a 28 inch
20 block. So, it's a pyramid effect almost as you go up.
21 And, that's called a gravity wall. And, that's
22 exactly how it works.
23 So, the planting on the top is possible and also
24 there is a slope on the top so the slope will actually
25 go away from the block, creating the opportunity for

1 more planting.
2 But, I believe Ms. Bedat has set plans back at
3 least 28 inches, where the root ball is and,
4 therefore, it will fall behind the actual top block.
5 Any little plants that may have been proposed
6 could be planted just above the top block and that's
7 what the intent is, is to provide some planting area
8 right at the top of the wall for the smaller shrubs
9 and plants. And, that's, that's how they work.
10 And, also fence posts, too, you can put a fence
11 post in right behind the top block. And, you can
12 actually also put them through the block. That's
13 another option that you have.
14 Q Mike, that also, obviously, begs the
15 question if you are putting plant material on that
16 area, is the wall going to be strong enough to handle
17 whatever load stresses that might be created by having
18 plant material in that area?
19 A Absolutely. This is, is much stronger
20 than that.
21 The factor of safety here is very high. But,
22 you could, you could put vehicles on top of this. If
23 there was a situation, and there is, in fact, there is
24 the loading area, parking and everything. So,
25 planting and roots and everything, these things, these



1 blocks are solid concrete they're 28 inches from the
2 top block, 28 inches wide by 2 to 3 feet in width.
3 It's a heavy, heavy block. They mention them in tons.
4 So, I believe that this is safe for planting at
5 the top of the wall.
6 Q Since we're talking about the wall, at
7 this point, we might as well get to the pictures and
8 material of the wall because it also relates to
9 another question that was raised during one of your
10 project team member's prior testimony.
11 A Yes.
12 Q You can direct Dan.
13 A Dan, on the flash drive, there are a
14 number of photographs. So, you have to come out of
15 the PDFs and go into the photographs and there's four
16 of them that I'm aware of and they're all entitled
17 Ready Rock something.
18 And, if you could go to those and just go
19 through them one-by-one.
20 Q Mike, while Dan gets those on the screen,
21 let me just ask you some foundation questions for
22 this.
23 You are familiar with what is generally referred
24 to as the pretty picture book, or more formally marked
25 A-7 in this these proceedings. It's the RTKL Master

1 Plan booklet. That booklet in fact shows a conceptual
2 wall consisting of Ready Rock material, does it not?
3 A It does, yes.
4 Q And, when the pictures are now displayed
5 of the actual wall, can you tell us how these are in
6 comparison or consistency as to what was shown in that
7 document?
8 A Well, these are the actual stones. They
9 have different types of stone.
10 Some of them have the flat face. Some of them
11 have the more natural face. We chose the one with the
12 more natural face.
13 It's a concrete block. It's actually colored to
14 whatever specifications you would like. So, that's
15 something they do with the concrete mix with dyes.
16 And, then they also actually apply some paint to the
17 outside to try to bring some of the features out of
18 shadows and stone and the different features of the
19 stone.
20 So, I did travel to a location in Cold Springs,
21 New York where they manufacture this block. And, we
22 saw exactly how it was done. We spoke to someone who
23 manufacturers it and he told us exactly how the colors
24 are achieved.
25 This block would be something, and speaking with



1 Mr. Vogt, this block would be something that
2 represents stone that is indigenous to this area.
3 It's not a gray granite stone. I think that was
4 mentioned earlier that this area would provide more of
5 a brown or rust color in the stone. And, we're trying
6 to bring that out.
7 So, I was careful to go through the photographs
8 to try to find those that represent the color that we
9 believe should, that this wall should be.
10 And, in fact, I have also tried to look at
11 photographs that may represent how this wall may look
12 in some areas of the site.
13 So, for instance, you have walkways, you have a
14 wall, you have a building on top, you have a fence.
15 It means in no way it means the type of fence we're
16 going to use. Obviously, these are stock photos.
17 But, you will have areas of the site that may look
18 very much like this. You'll even have the lights,
19 roadways and the lawn.
20 Move on to the next photo, Dan.
21 This stone is a little bit lighter. They chose
22 something a little lighter. But, I brought this
23 photograph to see how, so I could show how the wall is
24 constructed.
25 And, you could see the gentleman all the way to

1 the right is walking on top of the bottom stone which
2 has the 6, I believe that's a 60 inch stone and it
3 gets smaller as you go up.
4 If you look over by the backhoe loader there,
5 there is a smaller stone at the very top. They have
6 also chosen a little feature where ever third course
7 or fourth course has a little hitch in it. It is
8 flexible. So you can choose some of these things.
9 That photograph represents exactly how it's
10 constructed. And, I believe it's hard to see from
11 here the top block. I don't know if they have the
12 very top one in but it would have that groove on the
13 top where you could put the planting median.
14 Go to the next photograph.
15 This is a representative of a smaller wall.
16 Again, it's the shape, it was a little more granite
17 color. But, we do have areas that would be even small
18 like this to show the flexibility of how this stone,
19 although it's a big stone, the face of it is smaller
20 block. It mimics a smaller block wall.
21 Go to the last one.
22 And, this, I believe, Mr. Vogt, please correct
23 me if I'm wrong, but I believe that this one
24 represents the color that we're trying to achieve the
25 most. It looks a little more rust now that I look at



1 it on this projector.
2 But, this was something that is very close to
3 what was in the picture book. And, it's a close up so
4 you can get an idea of exactly what we're hoping that
5 this wall looks like.
6 MR. VOGT: Actually, if I may make a
7 comment, the one which shows here has a little bit
8 more yellow in it rather than being a reddish color,
9 indigenous red stone, that sand stone.
10 It's -- they, they can actually manufacture
11 anything you want. And, it's not one solid color. It
12 is sort of a blend with, with some charcoal. It
13 really looks natural.
14 It's the best stone I've ever seen, the nicest
15 wall I have ever seen. And, I see it complete out in
16 Minnesota during my trips. It's the best wall stone I
17 have ever came across.
18 And, I just, while I'm talking, somebody had a
19 question about size and weight. I do have
20 specifications here. And, I just want to mention the
21 bottom stone is 2,500 pounds. The middle block is
22 2,400 pounds and the top block is 1,225 pounds.
23 So -- and, and the sizes are 46 by 41 by 18.
24 Am I right, Mr. Dipple?
25 I have the brochure right in front of me so I'm

1 reading it off.
2 THE WITNESS: I agree, Mr. Vogt. Your
3 numbers seem correct. And, I didn't bring the actual
4 weights but it is on, it is on their web site.
5 And, I agree that that's true.
6 So, it's very heavy stone is what I think we're
7 getting at.
8 And, I agree with you, Mr. Vogt, that that does
9 look, you know, tonight a little more yellow. I
10 don't, I don't know if the leaves are throwing me off.
11 But, it looked a little more rust color when I was in
12 the office. But, I do see some yellow.
13 But, it's a nice close up. You can see some of
14 the features. And, you're not -- you're getting a
15 natural feature here. And, you're getting some
16 variation in color. Even down here it's a little bit
17 darker than maybe even up here it's a little bit
18 darker.
19 So, I think that picture represents exactly what
20 we're going for.
21 And, we've, we've -- and, the same document that
22 you're looking at shows that this wall can be built up
23 to 18 feet high with the geometry. So, with our 15
24 foot limit, we have no issue that this wall will work.
25 MR. DEL VECCHIO: Back to the plans,



1 please.
2 CONTINUED REDIRECT BY MR. DEL VECCHIO:
3 Q Mr. Dipple, I'm not sure if I missed it
4 and you indicated it or whether or not I just need to
5 have you repeat it. But, the service aisles that we
6 talked about being enclosed behind Buildings A and B,
7 the same applies for Building F, does it not?
8 A Yes. I'm sorry. I was focusing on A and
9 B. But, the same does apply to Building F. And, that
10 is shown here.
11 There was the same service corridor with a set
12 of stairs at the end leading up to the sidewalk. That
13 has been enclosed entirely making that building
14 slightly larger in footprint. That's been reflected
15 over here in the zoning table and the parking table.
16 Q Now, with regard to the additional areas
17 that were enclosed, they, obviously, impacted the
18 zoning table, did they not?
19 A They did, yes.
20 Q And, have you made all of the adjustments
21 to the zoning table to pick up those changes caused by
22 the enclosure?
23 A I have, that's correct.
24 Q And, all of the regulated line items still
25 remain compliant with the ordinance requirements for

1 this site?
2 A Yes, entirely.
3 Q Now with reference to -- just bear with me
4 to get the directions.
5 The signature open space directly behind the
6 roundabout, I believe that's correct, I forget whether
7 it's A or B. So, I described it by its location.
8 But, in any event, there was some concern raised
9 by the location of light poles as it may impact the
10 use of the parallel spaces in that area.
11 You were aware, or made aware of that concern by
12 way of the review letter issued by the Board Engineer.
13 Correct?
14 A That's correct.
15 Q And, you didn't choose to ignore that
16 comment, did you?
17 A No, we did not. We addressed it.
18 In fact, along Building E, we actually did align
19 them with the parking spaces because, in that area, we
20 have trees and we want a wide sidewalk in front of the
21 building and we want those light fixtures close to the
22 curb, so we complied. And, in fact, they were very
23 close to being lined up with those spaces anyway.
24 But, what we also have is a lighting pattern
25 which starts here with this east/west sidewalk and



1 continues in a southerly direction.
2 So, in, in trying to keep that and not bunch a
3 couple of lights just to line them up, we just moved
4 them back, which is commonly done -- this is all
5 landscaping along the back of Building D, it's all
6 landscaping in the middle. So, we just slid them back
7 away from the curb a bit. The illumination still
8 works. They're on both sides.
9 So, instead of throwing the pattern off, that's
10 how we achieved that.
11 Q Approximately how far back do we set back
12 those poles?
13 A I think they're 4 feet.
14 Q And, is that sufficient to accommodate any
15 car door swing?
16 A I believe it is, yes.
17 Q Now, with reference to the other areas
18 where some of the light poles needed to be realigned,
19 those in fact had been realigned on the revised
20 drawings?
21 A That's correct. I think we had an issue
22 down here on the Wegman's, that's been realigned, and
23 wherever else indicated. I believe we tried to
24 address the review letter and comments to the best of,
25 to the best of our ability.

1 Q Now, you were present during Ms. Bedat's
2 additional testimony this evening and she received a
3 comment, through questions, that suggested one tree
4 should be removed just southwest of the proposed
5 Wegman's building and that island and the light
6 fixture slid to the other side of the island.
7 Is that possible to accommodate?
8 A It is. It is, yes. The, the lighting in
9 that, in that area, yeah. There's nothing that
10 obstructs that. There, there are some storm sewers
11 which, which, if the light were to impact the storm
12 sewers, the storm sewer could easily be relocated.
13 But, we can accommodate that request.
14 Q And, that won't impact the light levels or
15 the offsite light numbers at all?
16 A No. A slight change like that wouldn't
17 really have much of an effect.
18 The parking lot is much higher than the property
19 line immediately to the south. And, the property, the
20 light levels start to drop off as you get close to
21 that, that wall.
22 Q So, in fact, that can be accommodated?
23 A That's correct.
24 Q One of the other questions that Ms. Bedat
25 was asked, that I defer to you, you testified,



1 concerned the sidewalk located behind Buildings A and
2 B. In particular, in that area, the sidewalk is
3 located closer to the backs of Building A and B
4 thereby allowing trees to be planted between the
5 sidewalk and the curb line.
6 A That's correct.
7 Q Now, you were part of the early design
8 considerations for this project, were you not?
9 A I was.
10 Q And, in fact, the issue of how to place
11 the sidewalk in that area faced some competing
12 challenges. The competing challenge is one being the
13 one having pedestrian, enhanced pedestrian experience
14 by moving them farther from the roadway thereby closer
15 to the back of the building versus not putting the
16 trees right on the curb line and closer to the
17 building which is a known issue that was not favored
18 in Montvale.
19 Ultimately, a decision had to be made and we
20 chose to locate the sidewalk closest to the back of
21 the building.
22 Correct?
23 A That's correct.
24 Q Now, either one can be done from an
25 engineering standpoint?

A That's correct.

Q And, whether we plant the, plant the trees closer to the back of the building and have the sidewalk closer to the road or vice versa, it can be done either way. It has no impact to your design.

A That's correct.

Q And, as far as the applicant is concerned, we're happy to do either if the Board has any preference on which it prefers. Both are ordinance compliant. Both are feasible from an engineering standpoint.

We had to make a selection based on competing concerns. If the Board has a different selection, we would be happy to honor it.

To the extent the sidewalk remains in its current location, it is in fact shown on private property, meaning the site?

A That's correct.

Q The applicant would have no objection to providing a public or an easement for public sidewalk, use of that sidewalk area as well as any other sidewalk area along the perimeter of the site that may fall inside the property line?

A He has indicated to me that he would not have an issue with providing that easement.



MR. DEL VECCHIO: Mr. Chairman, the next area of questions that I would like to cover with Mr. Dipple will involve him going through the latest review letter issued by Maser Engineering. And, as I always do, I, I defer to the Board on how you would like to handle that.

I can go through it or we can allow the Board Engineer an opportunity to present it first.

But, I will, as I customarily do, defer to the Board on that procedure.

CHAIRMAN DePINTO: The hour is getting late. It's quarter to 11:00.

I would like to have the, give the Board the opportunity to ask Mr. Dipple questions of the testimony that they have heard this evening from him before we move on to that technical review letter.

With that said, I'm going to first go to Mrs. Cudequest.

Mrs. Cudequest, you have heard the testimony this evening of Mr. Dipple, the design engineer.

Do you have any questions with respect to his testimony or the plans that are before you?

COUNCILWOMAN CUDEQUEST: I do, Mr. Chairman.

EXAMINATION BY COUNCILWOMAN CUDEQUEST:

Q Being the liaison between the Mayor and Council and the Planning Board, I have heard a lot referred to the pretty picture book. And, when that initial book was presented to the Mayor and Council, maybe about two weeks ago now, it was presented to us in a way that this would be a, a life style center, an area for people to come to spend the day to shop, to walk the paths, to spend time with their family.

It was also presented to us as a way for the corporations -- we have a lot of corporate neighbors and many of them, on their lunchtime, walk. They walk Mercedes, Grand Avenue, Phillips and this being a beautiful site for them to spend their lunchtime and walk the paths.

One of the things that I have mentioned to many residents in trying to, to say that this is going to be a beautiful site is the ability to walk the paths as well as enjoy the scenery. And, while the landscape scenery appears to be very pretty, and I'm going to hear more of that testimony at the Environmental Commission's meeting, one of the things that I'm seeing missing from the original picture book is the fountains.

The area that is between the Wegman's and the lower section of the property, I remember being



presented as actually presented as a rain garden. And, I know somebody mentioned that this evening and now it's a detention basin.

My concern is that it's not going to have that same, pretty appearance that was presented to us and that we've been presenting to our corporate neighbors as well as the residents.

A Well, there has been some discussion from the other professionals. And, I know they deferred it to me on the detention basin and how it works. And, the term rain garden, I don't know if it has a true definition but I, I checked the definition while I was in the best resource I could find which is Wikipedia right now, so take it for what it's worth.

But, it is a depression in which, you know, it collects storm water from urban areas or parking lots and, and often infiltrates it into the ground. And, that's exactly how this section of the detention basin works which is this half moon shaped area here which we have labeled the forebay. That's a very large area.

I know, on this overall plan, this is 26 acres worth of land and that is, that is very large.

And, the experience, I think, in this area, the natural experience would be that, you know, there's a

sidewalk, there's post and rail fence around here and this area is meant to be planted with very water tolerant shrubs and plantings. And, it is supposed to be very natural.

The way it functions is that it takes the first blush. So, the water initially that comes off of the Wegman's parking lot that is not pervious, although the overflow from that would also end up there, it goes through there first, at a certain quantity, about an inch and a quarter of rain. And, it goes into that area and that has enough volume to hold that water and allow it to infiltrate down through the soil below. And, it's very specific in the design. And, it's outlined in the BMP manual and it's called a bio retention system.

Whether or not that's a rain garden, again, I'm, I think it, I think it is. I think it has some of those properties and, at least as far as Wikipedia is concerned, it's a definition of a rain garden.

So, I, I know there are other types of rain gardens in the middle of parking lots and things like that.

So, when you refer to that area, that's how it works.

In terms of the detention basin itself, a



retention basin is something that is sometimes hard to achievement.

Mr. Hipolit referenced some basins. And, I think I'm very familiar with the ones he's referring to down on Route 1 you see, when you pass the Dow Jones building and everything. Let's go even more local, that's over here, across from the A & P building where, I want to say, it's Mack-Cali's building, has a retention basin.

Those are easily achieved when the groundwater elevation is right there because that's how it's fed. If we try to feed this with just rain water, it ends up being kind of a disaster. The water goes somewhere. It starts to soak into the soil. And, you can try to stop that with clay soils and it will evaporate. It turns into a mess because it's not fed all the time.

If you get a long drought with just a few inches of rain over a long period of time, it, it's very difficult to show it as any kind of beautiful thing with fountains and everything like that in it.

So, there's a lot of challenges to doing a retention basin versus a detention basin.

Groundwater elevation is very low here. I can't get the groundwater to come up and feed this thing.

1 So, it's a detention basin in its truest form. The
2 water goes in there and it's held for a certain period
3 of time and then it's discharged out at a lower rate
4 than it wasn't, this development wasn't there at all.
5 So, that's how it works. So, I'm against some
6 engineering challenges. But, we have tried to bring
7 that natural feature in with that forebay.
8 Q I'm sorry. I didn't mean to interrupt. I
9 remember there is a large drop off there.
10 A Yes.
11 Q Because you're talking about the upper and
12 the lower properties of the property.
13 A Yes.
14 Q And, I thought, when it was presented to
15 us, that they were saying that because it's going from
16 a higher level to a lower level that it would almost
17 be a water fall over the rocks.
18 A I don't recall that.
19 Q No?
20 A No. I don't believe it was ever designed
21 as a water fall.
22 I'm sorry if you had that -- if that's what you
23 took away from it.
24 But, I think I've been very clear in telling
25 our, our group and the Board, whenever I get the



1 chance, that a retention basin here is not, I don't
2 think it's really feasible to make it, to make it
3 beautiful. In those areas like over on Tice, down at
4 the Dow Jones, if you travel down Route 1, as often as
5 I do, to the DEP, that's where the groundwater is.
6 And, that's very easy. It's very low lying areas.
7 The groundwater is always there and it feeds that
8 basin and stays that way.
9 There's also other challenges from that. And,
10 if that's full of water and a hundred year storm
11 comes, you have to stack all of that retention or the
12 detention on top of that. So, it's already full, then
13 you got to put your basin on top.
14 Now you're getting severe depths of water that
15 are, that are very, very hard to manage on the
16 property. So, there is a lot of engineering
17 challenges with that.
18 Q How deep would the water get at that
19 point?
20 I guess it would depend on rainfall, snow fall
21 and all those other things. But, how deep is it?
22 A It's part of my analysis. And, we run the
23 largest storm, which is the hundred year storm. And,
24 we run it through the basin and we calculate it.
25 And, I, I don't know if I have a copy in my

report. But, looking at the basin, I think I can do it here, Andy. I think, looking at the basin itself on the, on the grading plan, and I'm going to refer to Sheet C-13A, the bottom of that basin is 315. And, there's a spillway which controls the water if it, if everything gets clogged and it ever needs to go over the top. And, that's at 319.35.

So, the deepest it would ever get would be 4 feet. It would get --

Q And, then there's also a possibility that it could be dry if we had a dry spell.

A This, this forebay is actually incredibly -- sorry. Did I hit somebody in the eye?

This forebay is actually incredibly large. In fact, we have routed this a number of times and with the pervious pavement it's probably most common, even in a very intense rainstorm as we think is very intense, that the water would all end up in here and almost keep this dry under, you know, like a 2 to 3 inch rainstorm. Because it's very -- because we have pervious pavement that's working.

But, we have modeled it in a certain way to kind of be conservative and let the water come into that forebay and into that basin.

So, I see a lot of times when heavy rains only



end up here and not there.

So, I think it's, I think it's well-designed. It's conservative. And, I think it's, it's adequate.

Q With the walking paths that go around those walking, those detention basins, would it be an eyesore --

A No.

Q -- if they're empty or?

A That will be a grass lawn. This was really intended to be gravel. I know that question has come up with other Board Members, is it going to be stone, sand or anything. That's just a hardy, lawn seed mixture which can take that. And, it's mowed and it's maintained.

And, that's, that's what we have there.

COUNCILWOMAN CUDEQUEST: All right. That's all the questions.

Thank you.

CHAIRMAN DePINTO: Okay. Thank you.

Mr. Teagno.

MR. TEAGNO: No questions, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Culhane.

MR. CULHANE: I have a few questions.

EXAMINATION BY MR. CULHANE:

Q Going back to drawing C-25 on the block retaining wall, I think one of the things the Environmental Commission would need to know is dimensions at the top of the wall so they could be informed as to how much depth of top soil they're going to have because, on this not to scale drawing, I'm not sure how they make that determination.

A I, I agree. I can look at this, the same information that Mr. Vogt is looking at and I can give you an exact dimension.

I should say that the slope at the top of the wall varies from different locations. I should also point out that something that, is it going to be a condition or hopefully a condition of approval, is that we are going to prepare very detailed drawings of these retaining walls which we can include all our planting.

I think that's after the fact, however. And, I can provide that dimension. It looks like I'm coming back.

Q That would be rather helpful.

With regards to the detail you're using, I notice that you have the geo tech fabric. But, then it has the, if specified. Why wouldn't it be specified?



A That's only, that's only if the soil requires it. The geo tech fabric, that's vertical. That's not to retain the wall at all. That's just vertical, to keep the soil from entering the stone.

Q It keeps the fines from the one side from clogging up the rock drainage on the other side?

A Yeah. And, please understand that I took a drawing, I took a CAD drawing from the manufacturer. And, I haven't determined if we need the geo tech style. But, I would recommend it being used.

So, I think it's a good idea.

Q I'm going to comment on the drawing used, in O-2, says no condition shown, no slope, no surcharge.

My only question on the surcharge is, what's the distance between the wall and the roadway?

And, is there any potential for surcharge from truck loading?

A There is definitely a potential for a surcharge. The wall would need to be, may need to be designed differently in those areas.

What it would amount to is the top block might be a little bit wider and it gets wider going down.

Q Again, if it became wider along the suspected top block, it may not have an impact on the

plantings. That's one of the reasons why I wanted to get some dimension so it could be defined as to what they're dealing with on the roadway here.

A I think the closest that it gets is, in the southeast corner of the Wegman's building, where we have the loading area coming around and getting very close to the wall, I would say within a foot and a half.

Q Yeah. I was thinking more on Mercedes Drive, to be honest.

You may have heard when I asked Mr. Pett, the architect, concerning Building B, if I remember right -- I'm sorry, A, what is the structure supporting the west wall of that building. He indicated, for, I guess, that he anticipated it be a cantilevered wall.

Could you tell me where the drawing set the details for the walls are for Building B?

I believe we have the same condition on Building F and possibly on Building A.

A It wouldn't be part of my civil drawings. That, that wall will stop. It won't be this type of wall. That, that wall will stop as it abuts that building. And, from there, the structural engineer who will design those buildings will design that, that rear wall. And, that will be part of the construction



drawings that would be submitted to the Building Department.

Q Again, it's, if I interpret the remarks, we're not going to have a structure to the west of, I'll say Building A and B and north of Building F, which we have no information on. And, we have no information as to the potential impact on any other landscaping proposed in those particular areas.

A I understand what you're saying.

I don't, I don't believe that the wall would get more than a foot or even 18 inches thick as it went up just based upon by experience.

I mean, I would have to look at the size of the building and everything. But, that can be retained, that wall, if the designer so chooses to, to be reinforced in the soil of a lower elevation also.

So, that retaining wall may go in with reinforcement behind the wall and a lower elevation to kind of hold it up structurally. That's one way I know to retain it. And, then it will work in with the other steel work and everything of the building.

So, I don't have those dimensions. But, I wouldn't anticipate that wall would get to be more than a foot or a foot and a half in width. And, it would not impact the landscaping.

Q Again, I'm just saying it's another factor. In addition to the wall itself, you would have some drainage material in back of those.

A Understood.

MR. CULHANE: No other questions at this time, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Fette.

MR. FETTE: No comments, Mr. Chairman.

CHAIRMAN DePINTO: Thank you.

Mr. Stefanelli.

EXAMINATION BY MR. STEFANELLI:

Q You mentioned about the service doors and the closing of that. And, I guess my question is, I'm looking at the plan and, you know, most of the tenants would be bringing material through those doors.

Is there -- to me, it looks like a standard 3' 0 door. I mean, is that typical or would that be a 4' 0 door or 5' 0, 6' 0 overhead door?

A It's not an overhead door. It is wider. And, I, I actually do show a number of doors.

If you look at Building A on Sheet CO-9, you can see that it is depicted slightly wider than the door that it's adjacent to which may be for just regular access or utility access which might be a 36 inch door



versus maybe a 48 inch door.

Q I was wondering, do you bring pallets into these as a typical thing?

A No.

Q Or is it really just a cart where the UPS guy comes with a hand truck?

A This is hand truck delivery, yes.

Q I guess my next question would be is --

MR. STEFANELLI: Tonight I heard they would make a lot of changes on the drawing. And, I have a concern about the process and how do we allow the applicant to make changes?

It seems that I, I come here and I, tonight we got another set of drawings, we got another set of drawings. I don't know how many sets of drawings that I have. But, a lot of these changes, I'm not sure, did we have a discussion about the changes and make the changes?

You know, I'm just concerned about how we move forward because I want this thing to end sooner than later.

The question I have, you know, tonight I heard a lot of changes. You know, we lost the sphere on the top of the cupola. We took the lighting out.

I mean, I think, at the end of each of our

1 meetings, we should have a defined thing, what the
2 applicant is going to change and what the Board wants
3 changed.
4 And, I don't think there's a clear record that I
5 can recall that that's happening.
6 And, I have a concern about moving forward not
7 having those changes at the end of our meetings to
8 say, this is what we plan on changing and this is what
9 the Board agreed that it's going to get changed.
10 I just don't want to have a back and forth. I
11 don't want to come back to this meeting and say, I
12 want the lights in, I want the lights out.
13 So, that's my comment.
14 CHAIRMAN DePINTO: Thank you. Mr. Vogt.
15 MR. VOGT: Thank you, Mr. Chairman.
16 Frankly, we, we often talk a lot. And, we don't
17 put our fingers down and say, this is what you got to
18 do. It's not resolved. It sort of leaves it up in
19 the air.
20 And, I mean, the engineer is trying and
21 everybody, all of the professionals are trying to
22 accommodate whatever comments we make. And -- but,
23 it's, it's never really down to this is what we're
24 going to do and this is what we expect. And, end of
25 story.



1 Then the next thing.
2 I come here to meetings, I don't know who the
3 heck is going to present what. And, then we start
4 with somebody and then we, okay, the next time they
5 can't continue because they are sick or they had to go
6 someplace else.
7 Now, we bring somebody else in, there's no
8 continuity to it. And, and, frankly, it's
9 absolutely...
10 The same with the site walk we talked about with
11 Mr. Dipple tonight along Mercedes Drive. And, he has
12 no problems moving it out either one way or the other.
13 I think it's up to the Board to decide. I just
14 would like to make a comment on that.
15 The reason I personally feel that planting in
16 between the sidewalk and the curb has its limitations.
17 Should the roadway ever be widened, which may
18 never happen here, because it's widened already, the
19 trees will be coming down.
20 And, we had a situation in Park Ridge where the
21 trees were removed because the roadway was widened.
22 Now, you have trees which may have been there 40, 50,
23 60, a hundred years and now, all of a sudden, they're
24 coming down.
25 It's easy to move a sidewalk. It's not easy to

move a tree.

So my feeling is, if we leave the sidewalk as it is, perhaps we, we, I will ask Miss Bedat to perhaps change the vegetation, what she had proposed in that area, perhaps to more narrower growing trees rather than the Purple Leaf Plums she's got in there right now. She's got some other trees. I forget what else is in there. But, there's some other trees in there as well.

Rather than having trees in there which perhaps grow 20, 30 feet and spread and plant something there which might be has only has 10 to 15 foot spread.

So, if the sidewalk stays, then that's what I'm going to ask for. If it doesn't stay, that it's being moved, then I go along with what's proposed as far as plantings go.

So, maybe we should make a decision and maybe poll the Board. And, I can live with either one. We just have to make slight changes to accommodate that a little better than it is right now.

That's it.

CHAIRMAN DePINTO: Okay. Thank you.

And, Mr. Webber.

EXAMINATION BY MR. WEBBER:

Q One question that's kind of bothering me,



the loading dock for Buildings C and D, that's, that loading dock serves both buildings.

A That's correct. Yes.

Q And, deliveries go through the back, the open, basically the open raceway?

A That's correct.

Q There's a good number of stairs, grade change?

A Yes. Yes. And, you're correct, that we show stairs there. Because, again, not knowing the tenancy and not knowing where the doorway is going to be, if I show a ramp there, we might not be able to make it work. But, if there is a doorway nearby -- but, that could be a -- it's only, I think, three risers and there could be a ramp.

Q Well, I see more than three risers although I am looking at the small plans.

A No.

Are you talking about the southeast corner building here?

That's a ramp that's up at the top, close to the loading area.

Q That's a ramp?

A Yeah. I think, if you saw it in the larger --

MR. HIPOLIT: It's a ramp.

A It's a ramp. You, you run down -- you're absolutely correct, that we do have a grade issue because the site pitches in this direction and C and D are not at the same elevations. So, we did have to accommodate that.

I did show a few risers there and then Building D.

Q I can almost guarantee the UPS guy with the hand truck is not going to want to walk all the way up there, up three or four risers to get to D. And, he's going to want to stop right in front of Building D to run in quickly.

A Okay.

Q That, that really needs to be addressed because, if you're going to be doing multiple tenants --

A We can make that a ramp.

Q Okay. That needs to be looked at.

And, I guess the other question I have might be a systems management.

Who maintains the raceway, the enclosed raceway between A and B?

Because, you're going to have multi, again, multi tenants needing to go through four doors, three



doors to get in and out to make deliveries. And, if anything gets left out there, invariably somebody will put a box out, forget and go out for the day and the guy coming in with the hand carts, who is going to be cleaning all of that up and who will be stopping?

A Well, there will be a management company that will be in charge of this facility, that will be tasked to enforce a lot of these things; like keeping that clear, no trucks idling, things that we have already discussed. That will be one of them, that, that absolutely has to stay clear because that is the loading corridor for all of those buildings.

Q And, again, that way the delivery guy, that's on the clock, that needs to get his stuff delivered, he's going to pull up in front of Building B and just say I'm going to be two minutes.

MR. DEL VECCHIO: It's a good way to get a ticket because we have agreed to Title 39 being applicable and that would get him a ticket.

MR. WEBBER: All right.

MR. DEL VECCHIO: And, it would be a restriction in our leases that you're not allowed to accept deliveries in the front door.

MR. WEBBER: Okay. Fair enough.

That's all I have the.

1 CHAIRMAN DePINTO: Okay. Thank you.
2 EXAMINATION BY CHAIRMAN DePINTO:
3 Q Okay. A couple points, starting with Mrs.
4 Cudequest's comments with regard to detention versus
5 retention basin.
6 Mr. Dipple, you said it would present a
7 challenge to you to design and develop these basins as
8 retention basins rather than detention.
9 Is that correct?
10 A Yes, I did say that.
11 Q Does that mean that it is impossible or
12 possible?
13 A It's not impossible. It is very
14 improbable that they would work very well. It is not
15 impossible.
16 CHAIRMAN DePINTO: Okay. And, Mr.
17 Hipolit, what's your opinion on that?
18 Can they be produced and meet the requirements
19 of the site drainage?
20 MR. HIPOLIT: When it comes to making a
21 detention zone, you're going to make a pond. So, you
22 would have to spend the money properly to make the
23 pond.
24 If you just used a detention pond and the soils
25 that came in the detention pond and accounted for the



1 water always staying at the elevation, a lot of it is
2 going to seep out.
3 So, to make a retention pond, you have to make a
4 pond. So, you will have to put medium fabric and clay
5 materials that don't allow the seepage of water to
6 leave. And, they would have to create a system to
7 make sure water was always in there whether it's
8 obtained naturally or not.
9 CHAIRMAN DePINTO: So, it's a question of
10 economics?
11 MR. HIPOLIT: It's totally economics.
12 CHAIRMAN DePINTO: Totally economics.
13 I think we have to take that into consideration,
14 Mrs. Cudequest, her saying that, your recollection,
15 serving on the Council when it was presented to them.
16 But, that's their impression of what it was going to
17 be.
18 COUNCILWOMAN CUDEQUEST: Yeah. I thought
19 it was going to be a fountain of some kind. It was,
20 it was explained as a water retention and that it
21 would be, you know, something that would be pretty to
22 the eye, not necessarily something that would be nice
23 to the eyes.
24 CHAIRMAN DePINTO: So, therefore, it's
25 inconsistent with what you, as a Council Member, who

voted in support of the ordinance, was expecting?

COUNCILWOMAN CUDEQUEST: Yes.

MR. VOGT: Mr. Chairman, may I make a comment on the detention or retention or whatever?

CHAIRMAN DePINTO: Yeah.

MR. VOGT: As I asked Ms. Bedat about the water gardens or water feature, as it was called, the percentage remains constant, it wasn't necessarily a fountain. It was rain gardens or water features or water feature.

I'm going to ask Ms. Bedat if perhaps to make these basins more interesting than having just --

CHAIRMAN DePINTO: You could deal with that at the Environmental Commission. We're talking more specifically now with regard to what had been presented to the governing body. And, that's Ms. Cudequest's role serving as a voting member of this body and as a liaison to the governing body.

If the Council is expecting this to be a water feature on the property and it is not, and it is not designed as a water feature because of the economics associated with it, as Mr. Hipolit indicated --

MR. VOGT: But, that's not correct, Mr. Chairman.

CHAIRMAN DePINTO: Well, do you disagree



with Mr. Hipolit?

MR. VOGT: No, I haven't spoken with him.

CHAIRMAN DePINTO: Then what is not correct?

MR. VOGT: As Mr. Dipple said, these are water features. They are just not water fountains as such.

There's, there's a -- you're playing with the words.

CHAIRMAN DePINTO: I'm not playing with anything. I'm merely trying to get to the core of the concern as expressed by Councilwoman Cudequest.

MR. VOGT: I understand that. And, I'm trying to get to it. I'm trying to get to it.

CHAIRMAN DePINTO: Get to your point and then we're going to move on from that.

MR. VOGT: I think what Ms. Cudequest wanted was something interesting there other than looking at some dead grass or some swampy area in those, in the forebay and detention pond or detention basin.

By, by -- that's why I wanted to ask Ms. Bedat if wild flowers -- because, in other areas, if you, if you recall, the Reserve at Montvale has a large detention pond. It's planted with wild flowers.

Now, if we can make it more interesting and, and functional by planting wild flowers which have to be mowed every winter, every fall it's got to be mowed down. But, it's, it's to be maintenance free and can look interesting during the day.

They are still water features.

CHAIRMAN DePINTO: I understand what you're saying.

MR. VOGT: That's all I'm saying.

COUNCILWOMAN CUDEQUEST: Excuse me, Mr. Chairman.

CHAIRMAN DePINTO: Mrs. Cudequest.

COUNCILWOMAN CUDEQUEST: My concern is that the Wegman's, in the upper portion of the property is up high. People are going to be walking the paths and coming from an upper area. They're going to be looking down into these water detention/retention basins. And, I don't want it to look like it's a collection basin for people to throw their refuse when they're done drinking and they're walking.

I want it to look nice. The buildings are beautiful. The property is beautiful. And, I just don't want this, as people are walking from the upper level to the lower level, I don't want it to be



something that is going to be an eyesore or, or an area where debris is going to collect or anything along those lines.

MR. VOGT: I'm just recommending another way to maybe deal with this rather than having a fountain in there which will not work unless you bring, unless you hook up some water system out of the water supply and, so, when the level drops it keeps on pumping water in there. I don't think that's something, that's why.

CHAIRMAN DePINTO: Mr. Hipolit.

MR. HIPOLIT: I think, as we do in the Borough, if I understand Ms. Cudequest's or Councilwoman Cudequest's question, in the Borough we have a number of detention basins. Some are real nice and some are just horrendous nightmares to the Borough.

Jeff Fette is chasing around, trying to get maintenance. It is not possible.

I mean, if you want water in the basin, that's one issue. So, if you want water in the fountain, it's one issue.

But, these are detention basins and they're going to look like detention basins. You have outlet structures rip-rap, all that stuff is not very sexy,

at the end the day. The applicant could make it more sexy. I have seen some detention basins, that, as an engineer, I look at, are pretty nice. But, it's still a detention basin. It still functions, holds drainage.

So, I think at least I hear, I hear like somewhat two different things on the table. The one is about water and the one is about making it look nicer.

MR. STEFANELLI: There's nothing nice about A & P, in front of A & P.

MR. HIPOLIT: The A & P was a natural pond.

MR. VOGT: But, we got running water through there.

MR. HIPOLIT: They have a fountain in there. It looks nice.

MR. VOGT: It's okay. But, we don't have that here.

COUNCILWOMAN CUDEQUEST: If the plan is changed to where it's not a fountain per se or water. I just don't want it to be a site that is going to be -- Mr. Fette's new job is going to be there and he's going to be writing responses to the property owners because there is debris in there, that it --



You know, it's got to be something appealing to the eye or sexy as Mr. Hipolit said.

You know, people walking from the upper part of the property to the lower part of the property, you know, it has to be something that's going to look nice.

MR. VOGT: It could be changed to have carpeting in there, you know.

MR. HIPOLIT: Again, you know, the --

CHAIRMAN DePINTO: The Board is going to have to decide on that.

And, with respect to other comments that I have heard, this is part of the difficulty when you are dealing, this is part of both, Mr. Stefanelli and Mr. Vogt, when the applicant opts to seek approval for preliminary and final site plan approval, they have to give you all the final details.

If we were just hearing an application for preliminary, we want them. But, they want it all wrapped up in a nice package and say wah-lah, it's yours. But, you got to give the details to go along with that.

And, and I agree with you gentlemen, we never quite know what's coming in, whether the plans are going to reflect changes that were made at the most

recent, as a result of the comments they heard from members of the Board at the last meeting they attended or review letters, technical review letters that they have addressed and made changes to.

So, typically, before we go into hearing, we get another set of plans either a week before or the night of. And, it's, it's kind of a, kind of a waste of a lot of time. And, I agree.

But, we have to remember one thing, yeah, we could try to summarize what's agreed to and what's not agreed to. But, the reality is, the burden of proof is the applicant's not ours.

We may offer suggestions. They're not mandates. And, this Board has been challenged in years past when the Board has told an applicant to do certain things and then the applicant went to court and the Board lost.

So, we can offer a suggestion. They then determine what they want to do.

If they want a detention basin versus a retention basin and they don't want to listen to recommendations or suggestions of the Board, well, they're the applicant. That's their choice.

And, then your choice is when you vote, whether or not you find that acceptable.



They can choose whether or not to show the gooseneck lighting, not show the gooseneck lighting, a compromise or blank check. They're the applicant. Ultimately, the decision is theirs.

It's much easier if they recognize the wisdom of some of our suggestions and comply with those suggestions but it's not a requirement.

They're going to do whatever they want to do because it's a preliminary and final.

What you're looking at is what you're going to get. And, that's the end of it.

Now, at some point, they're going to have a plan before us. And, I don't know if that's going to be in a month or six or a year from now. But, ultimately, before you vote, there will be a final plan in front of you.

And then, one more time, you're going to have to look at that plan add say, yep, I like everything about it or I like most of that plan and I find it acceptable and I will vote for it.

Or, to the alternative you'll say, they weren't listening. They chose to do it their way. And, they hung their hat on the ordinance. And, so be it. And, then we'll worry about it in court some day.

And, I think that's the only way we can proceed

because they have elected to submit an application for combined preliminary and final. That is the difference.

And, they were given the opportunity to submit preliminary but they chose not to go that way.

All right. With that said, the Chair will entertain a motion to open the meeting to the public.

COUNCILWOMAN CUDEQUEST: So move.

MR. CULHANE: Second.

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

All in favor?

(Aye).

Anyone from the public wishing to be heard? No?

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

COUNCILWOMAN CUDEQUEST: So move.

MR. CULHANE: Second.

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

All in favor?

(Aye).

Obviously, we're well-beyond curfew. We're not going to hear any more testimony this evening on this application.



The question is, when will this be carried to. I understand that our meeting for the 4th is booked and there is no room for this applicant.

Is that correct?

And, when is the next meeting thereafter? The 18th?

And, does there appear to be room on the agenda?

MS. HUTTER: Yes.

CHAIRMAN DePINTO: Let it be known that this public hearing will be continued to March 18th. No further notice will be provided to the public other than this announcement.

And, I believe it will be posted on the website and it will be posted on the bulletin board in the lobby.

Mr. Del Vecchio, did you wish to say something?

MR. DEL VECCHIO: Just first of all, thank you. But, also, if the Board can check its calendar for March and potentially accommodate a special meeting. Since we are not going to be able to have time on the 4th, we would much appreciate it.

CHAIRMAN DePINTO: You will be advised, like I said, at the 18th. You will be advised on the 18th. Okay. Thank you. Good evening.

(The hearing concludes at 11:25 p.m..)

1
2 C E R T I F I C A T E
3 I CERTIFY that the foregoing is a true and
4 accurate transcript of the testimony and proceedings
5 as reported stenographically by me at the time, place
6 and on the date herein before set forth.
7 I DO FURTHER CERTIFY that I am neither a
8 relative nor employee nor attorney or counsel of any
9 of the parties to this action, and that I am neither a
10 relative nor employee of such attorney or counsel, and
11 that I am not financially interested in this action.
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