

COUNTY OF BERGEN  
BOROUGH OF MONTVALE  
PLANNING BOARD  
COUNCIL CHAMBERS  
12 MERCEDES DRIVE  
THURSDAY, JUNE 21, 2018  
COMMENCING 7:30 p.m.

BLOCK 1102, LOT 2.01 :  
TSL PIKE DEVELOPMENT LLC :  
110 SUMMIT AVENUE :  
Amended Site Plan Application:  
With Variances :  
-----X

B E F O R E, BOROUGH OF MONTVALE,  
PLANNING BOARD, THERE BEING PRESENT

JOHN DePINTO, CHAIRMAN

FRANK STEFANELLI, VICE CHAIRMAN

JOHN CULHANE, MEMBER

WILLIAM LINTNER, MEMBER

DANTE TEAGNO, MEMBER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C  
P.O. BOX 505  
SADDLE BROOK, NJ 07663  
(201) 641-1812  
(201)843-0515 FAX  
LauraACarucciLLC@gmail.com

1     A P P E A R A N C E:

2     ROBERT T. REGAN BOARD ATTORNEY  
3     345 Kinderkamack Road #G  
4     Westwood, New Jersey 07675  
5     Attorney for Board

6     JEFFER, HOPKINSON & VOGEL  
7     BY: JEROME A. VOGEL, ESQ  
8     1600 State Route 208  
9     Hawthorne, New Jersey 07506  
10    (973) 423-0100  
11    Attorney for the Applicant

12    A L S O     P R E S E N T:

13           ANDREW HIPOLIT, BOROUGH ENGINEER  
14           JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL  
15           DARLENE GREEN, PLANNER  
16           BOARD SECRETARY

17

18

19

20

21

22

23

24

25

26

27

28

29

30

I N D E XW I T N E S S E SSWORNPAGE

STEVE NAPOLITANO	12	
Direct Examination by Mr. Vogel		13, 30
Board Questions		30, 64
Public Questions		76
<b>Mary Cotter</b>		76
76 Valley Road		
<b>Robert O'Malley</b>		77
76 Spring Valley Road		
ANDREW HIPOLIT	12	
DARLENE GREEN	12	
SCOTT HUNDLEY	78	
Direct Examination by Mr. Vogel		79, 88
Board Questions		85
FRANK M. WARR	96	
Direct Examination by Mr. Vogel		97
Board Questions		126

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Ident./Evid</u>
A-1	Packet of Drawings	16
	Y-1, Existing and demolition, Overall Site Plan	
	Y-3, Proposed Horizontal Plans	
	Y-4, Proposed Grading	
	Y-5, Propose Utility Site Plan	
B-1	Letter from May 3rd, dated 6/12/18	34
A-2	Sign Plan	73
B-2	Technical Review Letter, 6/19	73
A-3	Drawings, A-101, S-201, A-202 dated 4/13	107
A-4	Drawing Board, Cover Sheet	109

I N D E X (Continued)

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Ident./Evid</u>
A-5	Drawing Board, Location Plan	108
A-6	Drawing Board, Street Signage Details	112
A-7	Drawing Board, Simulated Street View & Site Cross Section	112
A-8	Drawing Board, Building Organization	114
A-9	Drawing Board, Memory Care, Colored Floor Plans, First Floor, Main Level	114
A-10	Drawing Board, Second Floor	115
A-11	Drawing Board, Third Floor	116
A-12	Drawing Board, Ground Floor - Memory Care	116
A-13	Drawing Board View of Exterior Main Entrance	117
A-14	Drawing Board, View of Lobby & Cafe	118
A-15	Drawing Board, View From Dining Room	119
A-16	Drawing Board, Activated the Social Court	119
A-17	Drawing Board, View of Social Court (night)	119
A-18	Drawing Board, Building Elevations	120
A-19	Drawing Board, Roof Plan	122
A-20	Drawing Board, Back Cover	127
A-21	Material Board	127



1 (Open Public Meetings Act.)

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

4 BOARD SECRETARY: Mr. Culhane?

5 MR. CULHANE: Here.

6 BOARD SECRETARY: Councilwoman Curry?

7 (No response.)

8 BOARD SECRETARY: Mr. D'Agostino?

9 (No response.)

10 BOARD SECRETARY: Mr. Fette?

11 (No response.)

12 BOARD SECRETARY: Mayor Ghassali?

13 (No response.)

14 BOARD SECRETARY: Mr. Lintner?

15 (No response.)

16 BOARD SECRETARY: Ms. O'Neill?

17 MS. O'NEILL: Here.

18 BOARD SECRETARY: Ms. Russo?

19 (No response.)

20 BOARD SECRETARY: Mr. Stefanelli?

21 MR. STEFANELLI: Here.

22 BOARD SECRETARY: Mr. Teagno?

23 MR. TEAGNO: Here.

24 BOARD SECRETARY: Chairman DePinto?

25 CHAIRMAN DePINTO: Here.

1                   This a special meeting of the Montvale  
2                   Planning Board. The purpose of the meeting is to  
3                   allow an applicant to come before this board with an  
4                   application for combined preliminary and final site  
5                   plan approval as well as a (d) variance associated  
6                   with it.

7                   No other business will be dealt with  
8                   this evening and as is the normal course of the  
9                   hearing, and as applied by the Montvale Planning  
10                  Board, the applicant has the opportunity to present  
11                  any plan they may have for the development or  
12                  redevelopment of any property in the Borough of  
13                  Montvale.

14                  After each of the witnesses testify,  
15                  with their respective interests in the application,  
16                  the Chair will call upon eligible board members to  
17                  ask questions of that witness.

18                  Following that I then will open the  
19                  meeting to the public and anyone here who has an  
20                  interest in this application from the public will  
21                  have the same opportunity to ask questions of the  
22                  witness that testified.

23                  It's not an opportunity to give comment  
24                  but merely to ask questions.

25                  As each witness is heard, you will have

1 that same opportunity and, at the end of the hearing,  
2 you will have the opportunity before the board votes  
3 as to your specific comments with regard to the  
4 application.

5 If you have any questions with regard  
6 to that I would be happy to answer them. If there  
7 are none I'm going to ask counsel for the applicant  
8 to identify himself and let's start this process.

9 MR. VOGEL: Good evening, Mr. Chairman,  
10 members of the board. My name is Jerome Vogel of  
11 Jeffer, Hopkinson & Vogel. And I am here on behalf  
12 of our client, TSL Pike Development LLC.

13 By way of a brief introduction to this  
14 application, let me provide the board with some basic  
15 information.

16 MR. REGAN: Give me a second. I just  
17 want to state for the record and to the board that  
18 Mr. Vogel was kind enough to provide me with the  
19 notice documents which I find to be in order.

20 Thank you.

21 CHAIRMAN DePINTO: Thank you.

22 MR. VOGEL: The property which is the  
23 subject of this application is known as 110 Summit  
24 Avenue, Block 1102, Lot 2.01. It's comprised of  
25 11.475 acres. It presently has on it an

1 82,000-square-foot-office building that's 2-and-a-half  
2 stories and it contains 309 parking spaces.

3 The property is in the OR3 District  
4 which permits, as a conditional use, assisted living.

5 Section 128-5.4(f)3 of the Montvale  
6 ordinances provides for an assisted living facility  
7 provided that 10 percent of the units are Medicaid  
8 qualified so as to provide the Borough of Montvale  
9 with a component of its housing element with the site  
10 plan.

11 And I might indicate to you, as a  
12 function of this application, there is included in  
13 this proposal 10 percent of the units.

14 Your ordinance would allow to be built  
15 on this property approximately 286 units. This  
16 application, much unlike I'm sure most of the  
17 applications that you have, seeks less not more than  
18 the ordinance permits.

19 This proposal is for 203 units. Of  
20 those 203 units there is a mix. And that mix is  
21 adjusted as amongst not only assisted living, but  
22 independent living and memory care facilities.

23 There are 32 memory care units. There  
24 are 81 assisted living and 90 independent living  
25 units. They are all broken down. And they

1     constitute a continuum of care which is not otherwise  
2     available within the borough and which is  
3     contemplated within your ordinance.

4             The suggestion in the ordinance is for  
5     an FAR of .35. If one undertakes to look at the  
6     ordinance and to build an assisted living at .35 FAR  
7     you could never achieve the 286 units.

8             Indeed, if one takes -- and you have  
9     testimony to this effect, if one takes and looks at  
10    the FAR that would allow the construction of a  
11    building a bit less than 175,000 square feet. And if  
12    you took 175,000 square feet and divided it by the  
13    number of units you would probably come up with  
14    something after providing all the amenities that  
15    would go with an assisted living and independent  
16    living facility with units that would only be  
17    somewhere in the range of 300, 350 square feet much  
18    less than the highest quality type of facility that  
19    is being proposed on this site plan.

20            Indeed, these units will be closer to  
21    2-and-a-half to 3 times the size of what would be  
22    permitted under the ordinance.

23            As a result, as a function of this  
24    application, we are proposing an FAR increase and,  
25    therefore, need a variance from what was in the

1 ordinance .35 to .45. Actually, the plans you have  
2 before you is .41.

3 The reason I applied for .45 was to  
4 provide a little leeway in case, during the process,  
5 there was a change in the building.

6 But the plans before you are just a  
7 modest .41 which is a bit above the .35 that you  
8 have. This would allow larger units with more  
9 amenities. And you will have much testimony before  
10 you as to the amenities and the nature of this  
11 facility to be something more than just the generic  
12 and assisted living facility that the ordinance would  
13 have permitted absent the variances that we seek.

14 The ordinance also restricts the  
15 facility to assisted living only. It does not speak  
16 to the other units that are continuum of care. We  
17 have, as I indicated, 32 memory care beds and we also  
18 have the 90 independent living beds. And that allows  
19 for this facility to be of a higher quality. It  
20 allows for people to move within the context of this  
21 facility from one type of residential environment  
22 into another.

23 So basically the application before you  
24 is to provide a modern facility consistent with the  
25 highest quality that's available in this kind of

1 environment for what is elderly people.

2 Our suggestion to you is that the  
3 variances that we seek are modest in nature,  
4 consistent with the zoning scheme and plan and allows  
5 you to have a facility somewhat of a greater size,  
6 but with lesser units, substantially lesser than the  
7 ordinance would have provided.

8 We have four witnesses to provide to  
9 you this evening commencing with the site engineer,  
10 then a witness on behalf of the operations, the  
11 architect and then a planner. I'm not sure we'll  
12 reach everybody this evening.

13 We have received, as the board has, the  
14 reports from your planning and your engineering  
15 consultants which bear the date of June 12th. We  
16 have had the opportunity to review them. We will  
17 attempt to address the issues that have been raised.  
18 Some of them will require some revisions to the  
19 drawings, which we will do between now and the next  
20 meeting.

21 You also have a report from the Fire  
22 Department and from the Police Department. I do not  
23 regard any of the reports that we have seen to be  
24 negative in nature. They simply require information  
25 to support the application we have made.

1                   That, Mr. Chairman, represents an  
2 introduction to the facility.

3                   And unless there's a question of me, I  
4 will call our first witness.

5                   CHAIRMAN DePINTO: No, there will be no  
6 questions of you. I would like to hear from your  
7 first witness.

8                   MR. VOGEL: Thank you.

9                   MR. REGAN: Mr. Napolitano, raise your  
10 right hand to be sworn, and Mr. Hipolit and  
11 Ms. Green.

12                   Do you swear or affirm the testimony  
13 you're going to give will be the truth so help you  
14 God?

15                   MR. NAPOLITANO: I will.

16       S T E V E           N A P O L I T A N O,  
17           having been duly sworn, testifies as follows:

18                   MR. HIPOLIT: I will.

19       A N D R E W           H I P O L I T,  
20           having been duly sworn, testifies as follows:

21                   MS. GREEN: Yes.

22       D A R L E N E           G R E E N,  
23           having been duly sworn, testifies as follows:

24                   MR. REGAN: Mr. Napolitano has  
25 previously been qualified many times before this



1 board in the field of his testimony.

2 MR. VOGEL: Thank you.

3 MR. REGAN: He has been qualified.

4 CHAIRMAN DePINTO: The Chair will  
5 accept that condition.

6 Counsel, please continue.

7 MR. VOGEL: Thank you.

8 DIRECT EXAMINATION

9 BY MR. VOGEL:

10 Q. Mr. Napolitano, at the request of the  
11 applicant did you undertake to perform the site plan  
12 which is the subject of this application?

13 A. Yes.

14 Q. And would you describe to the board the  
15 property with which you are confronted and how you  
16 address the proposal which is before the board?

17 A. Sure.

18 By brief introduction as to where the  
19 property is located, it is located on the south side  
20 of Summit Avenue in between Spring Valley Road and  
21 Paragon Drive or Spring Valley Road and Chestnut  
22 Ridge Road or if you want to go a littler further it  
23 would be what was considered the old Butler Aviation  
24 Building, 110 Summit Avenue.

25 The building is approximately an

1 85,000-square-foot existing office building with  
2 on-grade parking to accommodate the building.

3 They have stormwater, sanitary, water,  
4 other utilities currently existing on the property  
5 that services the existing -- existing office  
6 building and an existing detention basin to handle  
7 the stormwater runoff.

8 There are, as part of this -- so as  
9 Mr. Vogel has mentioned there's approximately  
10 11-and-a-half acres of this property that are here.

11 Just to quickly go on, there's a  
12 comment regarding different lots and blocks that  
13 we're adding to numbers greater than 11.475 acres. I  
14 don't remember whose comments they were. I believe  
15 you're referring to the property in the rear and  
16 Orange and Rockland substation.

17 So I think that those -- those  
18 properties previously had been subdivided, to my  
19 knowledge. So I'm not so sure why they're in here,  
20 but just for clarification purposes, to my  
21 recollection, I believe this is owned by the Borough  
22 of Montvale and this is Orange and Rockland  
23 (indicating).

24 So those two lots are not part of this  
25 lot.

1                   We're not here to ask for a subdivision  
2                   tonight. So the 11.475 acres for Block 1102, Lot 201  
3                   is proposed to remain exactly as is.

4                   So those are the existing conditions.

5                   By the way, these drawings are the  
6                   exact drawings that were submitted to the  
7                   application.

8                   MR. REGAN: Have them marked.

9                   The WITNESS: Do they need to be  
10                  marked?

11                  MR. REGAN: Yeah, we normally do.

12                  You have your site plan drawings,  
13                  Counsel.

14                  The WITNESS: I'll -- I'll tell you,  
15                  the last dated 4/13/18 for Planning Board filing  
16                  approval, all other drawings I have with me are  
17                  exactly that. And I have a series of drawings. At  
18                  this point --

19                  MR. REGAN: Why don't we mark the  
20                  packet, revised 4/13 as A-1.

21                  MR. VOGEL: A-1.

22                  The WITNESS: I'll mark each of the  
23                  sheets A-1.

24                  MR. VOGEL: Does that mark existing  
25                  conditions?

1                   The WITNESS: This is existing and  
2 demolition overall site plan.

3                   MR. VOGEL: Okay.

4                   MR. REGAN: That's drawing Y-1.

5                   The WITNESS: Y-1.

6                   MR. REGAN: Do you want to mark that  
7 separately? How do you want to do it --

8                   The WITNESS: It's a whole set of  
9 plans.

10                  MR. REGAN: Yeah. I think you marked  
11 it A-1, the whole set.

12                  The WITNESS: If I may move on to the  
13 proposed conditions, this is drawing Y-3, the  
14 proposed horizontal plan.

15                  (Whereupon, Packet of Drawings: Y-1,  
16 Existing and Demolition; Overall Site Plan;  
17 Y-3, Proposed Horizontal Plans; Y-4, Proposed  
18 Grading; Y-5, Proposed Utility Site Plan is  
19 received and marked as Exhibit A-1 for  
20 identification.)

21                  THE WITNESS: This plan that you saw  
22 behind here is 1-equals-50 scale. We were able to  
23 make it 1-inch-equals-30 scale to make it a lot more  
24 palatable and a lot -- a lot better and more legible  
25 for everybody.

1                   So in doing so we just cut off that  
2 front piece and put a match line for where Summit  
3 Avenue is where we don't propose to do very much work  
4 which I will touch base on.

5                   The existing two office buildings  
6 would -- would conceptually be -- be demolished to  
7 make way for a 206,179-square-foot independent  
8 assisted living community and memory care.

9                   The general layout of the site will  
10 remain pretty much the same. The driveways coming  
11 into the site, traversing around the perimeter of the  
12 property as they are today generally will have the  
13 same flow of traffic. The driveways will adhere to  
14 as many existing driveways and curbs as we possibly  
15 can.

16                   So the -- the driveways and the  
17 vehicular access coming from Summit Avenue is  
18 virtually the same today, on today's property, as it  
19 will be.

20                   Similarly, where the parking areas are  
21 located on the east side, the north side and the  
22 south side. There's no parking on the west side.

23                   Similarly, the location of where the  
24 proposed building is going generally sits right in  
25 that area of where the two existing buildings would

1       come from. We're not changing any property lines.

2               As we all know the few applications  
3       that have come through for Orange and Rockland's  
4       property, they have an easement to utilize the  
5       driveway going down to the rear of the property and  
6       heading into their substation for whenever they need  
7       to -- to use that. That's all going to be maintained  
8       and remain as is.

9               We have 150 parking spaces on-grade  
10       shown on this plan. There are 20 in -- dashed in the  
11       back of the building at the south of the building.  
12       There are 20 spaces, 5 plus 15, that are marked for  
13       future should -- in the near future, I don't know  
14       what the near future is -- feel that they need to get  
15       the 20 spaces. They could come in, in the hopes of  
16       being fortunate enough to get the approval for this  
17       application to come in and be able to -- to build  
18       those spaces out, going to the Building Department,  
19       hoping to get that approval now as well.

20               But they aren't intended to be built or  
21       constructed at this time.

22               The first portion of the building is a  
23       three-story building. The rear portion of the  
24       building is a four-story building.

25               More about the building will be spoken

1 about by Mr. Warr who is the project architect for  
2 the applicant.

3 There are -- off site there are  
4 wetlands and -- I think it's called the Laurel Brook  
5 which is a tributary to the Bear Brook which has a  
6 300-foot buffer. All of our construction is staying  
7 outside of the 300-foot buffer. We'll maintain  
8 whatever is within the 300-foot buffer as well.

9 There are sidewalks. There are  
10 stairways. There are ramps around the property.  
11 There are sidewalks that go from one place to  
12 another, from one location of the building to another  
13 location throughout the site.

14 The main drop-off will contain a  
15 canopy. There are two interior courtyards, one a  
16 little bit larger than the other.

17 I believe that Mr. Vogel will discuss  
18 what the interior courtyard for the memory care will  
19 contain and serve and as well as to get involved in  
20 talking about the courtyard to -- to an accessory  
21 structure that's going to be somewhat of a common  
22 meeting place.

23 It will have a toilet in there, toilets  
24 to accommodate the people that want to spend their  
25 day or afternoon out here and not have to go back

1     into their room.

2                     But this will serve as a greenhouse, an  
3     area where there is "Lunch and Learns" as we call  
4     them, I don't know if they're lunch and learns, but  
5     learning experiences in here. There will also be a  
6     greenhouse as part of that accessory structure.

7                     I'll -- I'll note that on -- on the  
8     limiting schedule one of the variances that I -- I  
9     marked down was the 19.4 percent of parking in the  
10    front yard where your code requires 15 percent. We  
11    have 30 -- what was the number, 33 parking spaces  
12    that fall within the front yard which yield to that  
13    19.4 percent. And that's all this parking where I'm  
14    pointing to here up north (indicating).

15                    And if you just took at line -- as I'm  
16    doing with my scale here, you're picking up 28 plus  
17    five. So those are in front of the building as your  
18    code calculates that.

19                    So just to point out what those 33 cars  
20    are making up that 19.4.

21                    MR. REGAN: You said 19.4 percent --

22                    The WITNESS: Yes.

23                    MR. REGAN: -- in the front yard.

24                    I'm just looking at -- the plan says  
25    17.9. I think Ms. Green's report --



1                   The WITNESS: I think it was 17.9.

2                   MR. VOGEL: It is.

3                   MR. REGAN: I just don't want to have a  
4                   discrepancy.

5                   The WITNESS: Yeah, I think it was at  
6                   17.9.

7                   Can you tell me where you got 17.9,  
8                   maybe --

9                   MS. GREEN: From the plans.

10                  The WITNESS: I have 33 cars.

11                  MR. REGAN: Various required parking  
12                  spaces, 17.9.

13                  The WITNESS: Thirty-three cars and  
14                  we're proposing 170 total, unless your number is a  
15                  different number.

16                  MR. REGAN: I'm just looking at the  
17                  plan.

18                  MR. VOGEL: Yeah. Yeah. It's 17.9.

19                  MR. REGAN: It says 17.9 on the plan.

20                  THE WITNESS: What plan?

21                  MR. REGAN: Your plan. Note number --

22                  THE WITNESS: It says 17.9.

23                  MR. REGAN: Yeah, required parking  
24                  spaces at 17.9.

25                  THE WITNESS: Okay. Okay. Well, these

1 five spaces needed to be added in because they're in  
2 front of the building. I took 33, 28 plus those five  
3 making it 33 divided by 170 spaces, 150 that we're  
4 proposing to construct now plus the 20 and that came  
5 up to the 19.4.

6 If I made an error, please correct me  
7 now and I'll revise the drawing, but I believe it's  
8 -- I know -- I know.

9 MR. REGAN: I didn't do the math.  
10 That's not my forte.

11 MS. GREEN: I didn't do the math.

12 THE WITNESS: Yeah. It's 33 cars that  
13 are in the front and there is 170 spaces.

14 MR. REGAN: So it's 33, 170, making  
15 19.4.

16 THE WITNESS: 19.4. It might be my  
17 fault for fixing it on my limiting schedule.

18 MR. REGAN: Just change the note.

19 MS. GREEN: It's Note 3 on Y-0 if that  
20 helps.

21 THE WITNESS: Yeah. Yeah. Yeah. I'm  
22 looking at it right now. I'll double check that, but  
23 I have 19.4. Okay. I included those extra spaces.

24 I also got -- received the comments  
25 about the speed humps. I think we're going to remove

1     those speed humps from this project as a matter of  
2     note.

3     BY MR. VOGEL:

4             Q.         Would you describe the grade changes?

5             A.         Sure.

6             Q.         And the heights of retaining walls and  
7     elevations along both the east and west aisles as  
8     they pertain to the pedestrian street traffic and  
9     vehicles?

10            A.         Sure.

11                        I'm putting up now the same set of  
12     drawings, 4/13/18 was the last revision date,  
13     proposed grading, proposed grading is drawing Y-4.

14                        For the most part, if you have seen the  
15     property, I'm sure most of you have seen the  
16     property, been to the property on occasion or have  
17     gone recently in preparation for this meeting, the  
18     site drops off considerably. I think it drops  
19     from -- I think it's 390 at the street and we're  
20     at -- all the way in the back, way in the back of the  
21     property it's 330.

22                        So there's a -- there's a slope that  
23     this property innately has and we are following  
24     basically the slope of the property with the  
25     building.

1           The first part of the building is,  
2           again, a three-story building. Being that the grade  
3           drops down almost another floor we're able to make  
4           this a four-story building no higher than the  
5           three-story building matching the floors together.

6           The grades drop off. We have a  
7           driveway that will come down to the rear driveway to  
8           loop around and then you would come up, up the drive  
9           by aisle.

10          Around the perimeter of the property  
11          you will have some retaining wall. This wall being  
12          very similar to the wall that's there today, there's  
13          a very tall wall there today. I don't know if it's  
14          10 or 12 feet, I'm not sure. It could be higher, it  
15          could be lower. But in that general area, we're  
16          proposing an approximately 12-, 13-foot-high  
17          retaining wall. And there's a couple other retaining  
18          walls that will need to take place. They're located  
19          on the plans. We have detailed them.

20          We received comments as it relates to  
21          providing a little bit of additional information on  
22          top of wall, bottom of wall which we will do on the  
23          next set of drawings when we submit them.

24          There's a generator and a transformer  
25          being proposed on the west side of the property.

1     There were comments as it relates to a proposed  
2     Orange and Rockland 15-foot-wide easement from the  
3     rear of the property.

4                     We met with Orange and Rockland. They  
5     said that they were going to service this mechanical  
6     equipment from their substation and to do so they had  
7     requested a 15-foot-wide easement to get to that  
8     area.

9                     There's also a loading dock in that  
10    area with -- which I did notice also on the comments  
11    with regard to the -- a little bit more detail on the  
12    gates. We will provide that.

13                    Our intention was to provide a -- a  
14    board-on-board -- I think is what we had, I think  
15    unless the board isn't amenable to that we can always  
16    change that. It was something that was --

17                    We have grading around the property.  
18    I'm going to talk a little bit now about stormwater  
19    if I may, Jerry.

20    BY MR. VOGEL:

21                    Q.       Yes.

22                    A.       Is that okay?

23                    So on drawing Y-5, proposed utility  
24    site plan, the site plan became busy so I wasn't able  
25    to put -- I wasn't able to put all the utilities on

1 the grading plan. There was too many things  
2 happening at once so I separated it.

3 But for the most part, we're picking up  
4 the stormwater, we're utilizing some existing catch  
5 basins. We're picking up the stormwater where we  
6 need to bring it around the building. We're bringing  
7 it around the building. We're picking up the  
8 stormwater from the courtyard, from the roof leaders,  
9 picking up underground, in pipes, and ultimately it's  
10 going to go to the existing detention basin.

11 The stormwater -- the detention basin  
12 was an existing detention basin. We looked at it, we  
13 expect the 2-, 10-, 25- and 100-year storm. And in  
14 order to meet the reductions in today's standards, we  
15 propose, and there's a detail on the drawing, that  
16 there's an 18-inch pipe.

17 We are -- we are constricting it and  
18 allowing it to come out as a 14 inch. So we're going  
19 to close that and put a plate and then open that up  
20 to a 14 inch. That will take care of 2-, 10-, 25-  
21 and 100-year storm.

22 The sanitary sewer runs to the rear of  
23 the property. We intend to hook up --

24 MR. HIPOLIT: The stormwater, on  
25 stormwater, the existing detention basin, I was there

1 today, it's completely overgrown. It can't be.

2 So we have -- we have a stormwater  
3 ordinance in town that controls that so it can't be  
4 overgrown.

5 I know you're modifying the outlet  
6 structure. I'm not sure you can even get to it  
7 because it's so overgrown. So we're going to need  
8 that basin cleaned, turned back into grass, back to  
9 what its original approval was. It can't stay like  
10 that. It's in disrepair basically.

11 THE WITNESS: So the trees and all the  
12 same thing that took place at 155 Chestnut Ridge Road  
13 over there.

14 MR. HIPOLIT: They're at a point now  
15 where we should actually fine them and cite them and  
16 they're in violation of our stormwater regulations.

17 THE WITNESS: I'll make note of that  
18 and speak to the client about that.

19 MR. HIPOLIT: Well, so, the reason I  
20 bring it up, it's not maybe you have to clean it, it  
21 has to be cleaned, everything cut down, needs grass,  
22 needs to be repaired.

23 So as part of your application you have  
24 to reestablish that basin.

25 MR. VOGEL: What -- what you're talking

1 about, reestablishing it in its current size, but  
2 just reestablishing it as it was intended when it was  
3 originally built?

4 MR. HIPOLIT: Correct, which is a grass  
5 basin. Right now it's an overgrown mess.

6 THE WITNESS: No change in the design,  
7 just the removal of the trees, removal of the brush,  
8 make it a grass basin, make sure the outlet structure  
9 is going to be proper and the two inlets are going to  
10 be current.

11 MR. HIPOLIT: Correct.

12 MR. VOGEL: Take that basin and make it  
13 functional, consistent with its original standards.

14 MR. HIPOLIT: Yes.

15 MR. VOGEL: Yes. Not a problem.

16 THE WITNESS: Thank you.

17 We have a few comments from the Fire  
18 Department with regard to the water line.

19 CHAIRMAN DePINTO: I don't want to do  
20 that until we enter the Fire Department reports into  
21 evidence.

22 Is there anything else that you would  
23 like to testify to with respect to the engineering  
24 design of the plan?

25 THE WITNESS: Yes.



1                   One last thing here. Thank you.

2                   On the drawings that we submitted to  
3                   you, we submitted the sign to be located adjacent,  
4                   pretty much where the Butler sign is right now. I  
5                   don't think it says "Butler." It's a blue sign, it  
6                   says "110 Summit." I don't know what is on the sign.  
7                   The sign sits -- sits on the west side of the  
8                   entrance/exit and it's shown on your drawing as  
9                   proposed.

10                  First off that sign shouldn't have been  
11                  shown that way because it should have been oriented  
12                  perpendicular to the driveway on your drawings. It  
13                  was shown parallel with the driveway. So for this  
14                  purpose I just wanted to point out with regard to the  
15                  signage that we looked at it quite exhaustive, a  
16                  quite exhaustive review of the existing conditions  
17                  and forgetting about the -- the size and color for  
18                  the moment, the location of the sign seemed best to  
19                  be fit in the existing island. It doesn't -- it does  
20                  not conflict with any of the sight lines and fits  
21                  within the island quite nicely.

22                  So after speaking with the client, so  
23                  when you're going up and down Summit Avenue you'll  
24                  see this.

25                  But, I just wanted to point that out

1 and the next time the sign will be shown here, set  
2 back from the property line more than 10 feet. It  
3 does have its own variances with regard to size.

4 CHAIRMAN DePINTO: And what's on your  
5 plan this evening?

6 THE WITNESS: I think that's about it,  
7 Jerry.

8 BY MR. VOGEL:

9 Q. Mr. Hipolit asked with respect to  
10 impervious coverage --

11 CHAIRMAN DePINTO: We're going to  
12 introduce into evidence, as a board exhibit,  
13 Mr. Hipolit's technical review and then I will ask  
14 him to summarize his review.

15 So you don't really have to, at this  
16 time, but be prepared to answer any questions that  
17 may arise from either the board or from Mr. Hipolit.

18 Anything else on direct, Mr. Vogel.

19 MR. VOGEL: I have no further questions  
20 of this witness.

21 CHAIRMAN DePINTO: Just one question,  
22 Mr. Napolitano.

23 Could you revisit the testimony with  
24 respect to the reserve and parking spaces --

25 THE WITNESS: Yes.

1 CHAIRMAN DePINTO: -- to the south side  
2 of the proposed spaces?

3 THE WITNESS: Yes, 20 spaces and  
4 5spaces.

5 CHAIRMAN DePINTO: And in the event  
6 that it's determined --

7 THE WITNESS: Excuse me, 15 spaces and  
8 five spaces.

9 CHAIRMAN DePINTO: And in the event it  
10 was determined by the Building Department, Planning  
11 Board, Police Department, who would be the determined  
12 party as to the adequacy of parking or not to trigger  
13 the requirement of the installation?

14 THE WITNESS: The user.

15 CHAIRMAN DePINTO: The user.

16 So if the user finds it necessary --  
17 if, in fact, we're going to do that, there has to be  
18 the other side of the coin, too.

19 If our Police Department, the Building  
20 Department or some other agency goes on the property  
21 and sees a car parked in the access aisles, it has to  
22 trigger that part as well.

23 Would you agree, Mr. Vogel.

24 MR. VOGEL: It's fair to say.

25 CHAIRMAN DePINTO: And going beyond

1     that, rather than, in light of the fact that you're  
2     seeking a variance for the front, why wouldn't you  
3     just eliminate the parking spaces that you're  
4     proposing in the front of the building or the north  
5     side of the building to eliminate that variance and  
6     take those parking spaces and install them in the  
7     area reserved for future parking on the south side of  
8     the property.

9                     THE WITNESS:   This area has some grades  
10    that have to be dealt with.   This parking lot exists  
11    today so we were going to -- this parking lot -- the  
12    proposed parking lot is going to be on or about the  
13    same location as the existing.

14                    MR. VOGEL:   Our thought with respect to  
15    that design was that we were not creating a parking  
16    area in the front yard that was substantially  
17    different than what currently exists, one.

18                    Two, the setback is consistent with  
19    what the development in the area is, too.

20                    And, third, it doesn't do violence to  
21    the ordinance.   Whether it's 17 percent or 19 percent  
22    it fits those 5 additional spaces within the context  
23    of what exists.   It doesn't intrude on the front yard  
24    with respect to Summit.   It does intrude into the  
25    front yard with respect to the number, but not with

1       respect to the distance from the street line.

2                   CHAIRMAN DePINTO:   I do understand.

3       But --

4                   THE WITNESS:   May I add one thing after  
5       speaking with my client?

6                   CHAIRMAN DePINTO:   Sure.

7                   THE WITNESS:   The independent living  
8       folks are to be in this general area.   The  
9       independent living people would more than likely have  
10      a car than someone who is in assisted, and certainly  
11      who is in memory here, so that's why -- their thought  
12      is that these parking spaces would be for the  
13      independent living and perhaps their visitors.

14                  CHAIRMAN DePINTO:   Well, isn't that --  
15      all right.   We're going to have to examine that a  
16      little more closely.

17                  To me it appears to be an area where we  
18      can eliminate one of the requested variances because  
19      we have adequate space elsewhere on the property to  
20      install that parking and rather than granting relief,  
21      albeit that is the way the lot may be currently  
22      developed, I would prefer to see where we can return  
23      the property into compliance, we do bring it into  
24      compliance.

25                  Okay.   Let's move on.

1                   And I'm going to ask that we mark into  
2 evidence a letter from May 3rd addressed to the  
3 board, dated June 12, 2018, author Andrew Hipolit,  
4 Borough Engineer.

5                   Mr. Vogel, do you have a copy of this  
6 letter?

7                   MR. HIPOLIT: Jerry, do you have a copy  
8 of the letter? You got the letter. Right?

9                   MR. VOGEL: I do.

10                  CHAIRMAN DePINTO: With that we're  
11 going to mark this into evidence as B-1, Board  
12 Exhibit 1.

13                  (Whereupon, Letter of Mr. Hipolit dated  
14 May 3rd, 2018 is received and marked as  
15 Exhibit B-1 for identification.)

16                  MR. REGAN: Yes.

17                  CHAIRMAN DePINTO: And, Mr. Hipolit,  
18 would you please summarize your findings in the  
19 technical review letter that you have prepared on  
20 June 12th, marked into evidence.

21                  MR. HIPOLIT: Again, Items 1 through 9  
22 are just -- Steve covered the general existing  
23 conditions and proposed plans for the site.

24                  Item 10 was addressed. Item 10 was  
25 addressed.

1                   Items 11, 12 and 13, just minor changes  
2                   required to the plan.

3                   Steve, you'll provide those.

4                   THE WITNESS:   Yes.

5                   MR. VOGEL:    We'll provide them.

6                   MR. HIPOLIT:   Item 14 -- they've  
7                   addressed the grade changes on the site.  I think we  
8                   need more details which they have agreed to provide,  
9                   top of wall and some of the fencing stuff so those  
10                  detail are addressed, Item 14.

11                  Item 15, again we need some additional  
12                  information.

13                  Item 16, we need additional  
14                  information.

15                  Item 17, we need additional  
16                  information.

17                  I assume you'll provide that?

18                  THE WITNESS:   Yes.    Yes.

19                  MR. VOGEL:    Item 17 will also be  
20                  addressed by the architect as well.

21                  MR. HIPOLIT:   Item 18, you'll provide  
22                  additional information also to just clarify that?

23                  THE WITNESS:   Sure.

24                  MR. HIPOLIT:   Item 19, can you discuss  
25                  the ADA parking requirement for the site?

1 THE WITNESS: Yeah. The property, the  
2 property contains -- well, would contain 107 parking  
3 spaces and for 170 I think we have 1, 2, 3, 4, 5, 6,  
4 six areas, six parking spaces, I believe.

5 MR. HIPOLIT: What if you add -- what  
6 if you add the extra spaces?

7 THE WITNESS: The total 170. The  
8 number complies.

9 MR. HIPOLIT: Okay.

10 THE WITNESS: I'll double check that,  
11 but I don't have the normal sheet that I normally  
12 have with the handicapped, but I do believe it does  
13 comply with six parking spaces.

14 MR. HIPOLIT: So you will identify the  
15 six parking spaces are adequate and you will have the  
16 right number of van accessible spaces?

17 THE WITNESS: Yes, we will.

18 MR. HIPOLIT: So the next comment  
19 piggy-backs on the Chairman's comment, No. 20, which  
20 is the -- your extra overflow parking spaces.

21 So on holidays, special event days at a  
22 facility of this nature usually has a high demand for  
23 parking, albeit that your site is self-contained and  
24 I guess you could take up aisles or pathways for  
25 special days.



1                   MR. VOGEL: I will have a witness, the  
2 next witness, the operations person, who would  
3 indicate on holidays and special events there will be  
4 valet parking so they would have valets there to be  
5 able to put more cars on-site than the parking spaces  
6 would allow.

7                   And that's generally how it's handled  
8 at other facilities and seems to work out well.

9                   I have a witness to that effect.

10                  MR. HIPOLIT: The one thing I would  
11 offer to you and I don't know if it's the right time  
12 to offer, Mr. Chairman, I've seen sites of this  
13 nature where this proposed extra parking is -- is  
14 proposed on medical sites of this nature across New  
15 Jersey because you don't know if you need it, but I  
16 have seen where applicants have designed those spaces  
17 in a -- in a pervious method and they can convert it  
18 later on so if they did have a special holiday they  
19 could use it for parking, valet-type parking.

20                  That is something that you may want to  
21 consider.

22                  THE WITNESS: These are designed to be  
23 pervious.

24                  MR. HIPOLIT: Well, maybe if you  
25 enhanced it, I'm not saying you have to use grass

1     pavers, but if you enhanced it with something, they  
2     make a lot of products, plastics that give it some  
3     stability.

4                     So even though it's not an official  
5     parking space, it's user parking, similar to what we  
6     did behind the KPMG building so fire trucks can get  
7     on it, police can get on it.

8                     I don't know where the board stands on  
9     it.

10                    MR. VOGEL: I'll take a look at it.

11                    CHAIRMAN DePINTO: I think it's  
12     appropriate to ask the applicant to take a look at  
13     it.

14                    Go ahead, Andrew. Continue, please.

15                    MR. HIPOLIT: The porous parking  
16     spaces, I guess we discussed that so we have covered  
17     21.

18                    22, would just be additional  
19     information which would be more notes on retaining  
20     walls.

21                    THE WITNESS: Yes.

22                    MR. HIPOLIT: Item 23, can you talk  
23     about the dumpster a little more?

24                    THE WITNESS: Yes.

25                    The dumpster location is in this

1 25-foot by 12-foot pad and in that area the operator  
2 had indicated for us to come up with that dimension  
3 that they have a site going in, they have garbage and  
4 the equipment that they plan on using here will fit  
5 within that area.

6 For now at least we're showing swing --  
7 swing doors on both. They probably would be 6 foot  
8 -- 6 foot.

9 MR. HIPOLIT: All we want to see is,  
10 according to the operator, you have the right detail  
11 before you resubmit, back in your plan, your  
12 testimony, your detail matches are not consistent.

13 Whatever it is we're fine if it's  
14 enclosed with gates.

15 THE WITNESS: It's enclosed with gates.  
16 It's proposed to be.

17 Okay. I'll look at it.

18 MR. HIPOLIT: 24 you already said you  
19 would give us elevations. You made need some  
20 railings on top of retaining wall. Especially the  
21 higher retaining wall.

22 THE WITNESS: There's no existing  
23 walls, new walls.

24 MR. HIPOLIT: New walls.

25 THE WITNESS: Yes, I know there was

1 some reference to existing walls, but they're all  
2 new.

3 MR. HIPOLIT: 25, they have agreed to.

4 You are proposing bollards in front of  
5 the ADA ramps, each side of the facility.

6 Can you discuss that?

7 THE WITNESS: I don't know if it's  
8 bollards. -- oh, instead of --

9 MR. HIPOLIT: Sheet 130.

10 THE WITNESS: Instead of providing a  
11 wheel stop, and there's a dropped curb there, we're  
12 suggesting to provide a bollard instead.

13 MR. HIPOLIT: Six-inch bollard, like  
14 Quick Chek.

15 THE WITNESS: And, frankly, I looked at  
16 that, I looked at -- looked at those details all over  
17 the place. I, frankly, like that detail a lot better  
18 than to have a wheel stop because they're all dropped  
19 curb and unless they have a sign behind it where it  
20 could all be incorporated in the same thing -- the  
21 sign sticks inside of the bollard in that space so  
22 the wheel stop is gone, the bollard takes care of  
23 what the wheel stop did and you have your sign.

24 CHAIRMAN DePINTO: So I think the best  
25 analogy was what you just said.

1 MR. HIPOLIT: Quick Chek.

2 CHAIRMAN DePINTO: Is what you see at  
3 Quick Chek and Wawa. I think this is a higher grade  
4 and caliber.

5 THE WITNESS: It's better looking, too.  
6 You're not looking down, tripping and potentially  
7 having a fall problem.

8 CHAIRMAN DePINTO: I'm going the  
9 opposite way.

10 THE WITNESS: Oh.

11 CHAIRMAN DePINTO: I don't like the  
12 bollards at Quick Check.

13 MR. HIPOLIT: So it's new. So this  
14 board has never seen that before. We don't have  
15 any -- any event -- any of those bollard types in  
16 town.

17 I understand the ease of maintenance  
18 especially for snow plowing, I understand the look  
19 and possibly the lack of a tripping hazard, but it  
20 is, very Quick-Chek like.

21 CHAIRMAN DePINTO: Aesthetically I  
22 don't think it's in character.

23 THE WITNESS: Would a wheel stop be  
24 more amenable?

25 CHAIRMAN DePINTO: Yeah.

1 THE WITNESS: Okay.

2 CHAIRMAN DePINTO: There are challenges  
3 with wheel stops, but I don't want it looking like a  
4 Quick Chek.

5 THE WITNESS: I understand. Thank you.

6 CHAIRMAN DePINTO: Andy, would you  
7 continue, please?

8 MR. HIPOLIT: On Item 27, I don't need  
9 to belabor that. We just want to see the as-built  
10 for the Orange and Rockland lines. There are some  
11 high energized lines that run through the easement.  
12 I know Orange and Rockland has an as-built. I think  
13 it's important for your construction.

14 MR. VOGEL: Do you want me to provide  
15 you with a copy of the easement?

16 MR. HIPOLIT: No, the easement, we have  
17 the easement location on your plans and you located  
18 it properly. We want the as-built location of the  
19 lines that are underneath.

20 We believe it's important during  
21 construction because those lines are of a very high  
22 voltage nature. If somebody makes a mistake, it's  
23 not going to work for that person.

24 I am really going to need a mark-out  
25 plan on the plans to mark out those lines. But, I

1 think that's important to cover especially if this is  
2 approved.

3 The generator, I could really bring my  
4 comments down to noise. Screening is important,  
5 obviously, for the borough, where it's proposed.  
6 Maybe you could see it on-site.

7 We're more concerned about noise. We  
8 like to talk about using a Type 1 or Type 2  
9 enclosure. So a generator that comes stock has no  
10 enclosure. Even though it's enclosed by something  
11 there's no sound attenuation.

12 The first level is Type 1 enclosure,  
13 Type 1 sound attenuation, the second is Type 2. That  
14 enclosure would go over the sound and we have  
15 residences across the way so we would like at least a  
16 Type 1.

17 MR. VOGEL: Would you like a cut sheet  
18 or something with respect to --

19 MR. HIPOLIT: No, if they are approved,  
20 submitted for construction, that they just agree for  
21 a minimum of Type 1 sound enclosure, I'm okay with  
22 that. That would be fine.

23 Stairs, on Sheet Y-4, the exit.

24 THE WITNESS: Y-4.

25 MR. HIPOLIT: Y-4.

1 THE WITNESS: Yes.

2 MR. HIPOLIT: Is a pretty significant  
3 set of stairs there.

4 THE WITNESS: On the north side.

5 MR. HIPOLIT: Yeah.

6 THE WITNESS: Yeah. That has a ramp  
7 associated with it and a set of stairs. The grade --

8 MR. HIPOLIT: Really, I mean -- I mean  
9 for what? I think -- I know I shouldn't testify to  
10 it.

11 Why are they there? And what are they  
12 for?

13 THE WITNESS: This is an entrance and  
14 exit out of the building. There's handicap parking  
15 spots over here (indicating).

16 I believe this is a required exit. So,  
17 therefore, we needed to provide handicapped  
18 accessibility.

19 MR. HIPOLIT: So a second entrance to  
20 the building?

21 THE WITNESS: Another entrance to the  
22 building.

23 MR. HIPOLIT: And that would be used  
24 mostly for the --

25 THE WITNESS: Independent living folks.



1                   MR. HIPOLIT: And will the independent  
2 living use the drop-off canopy at all or no?

3                   THE WITNESS: I understand the  
4 independent living drive and they don't need to drop  
5 anybody off here. I guess they could drop somebody  
6 off here.

7                   Anybody who has a car that lives here  
8 is likely going to park in a parking spot, unless  
9 they need to drop somebody else off.

10                  MR. HIPOLIT: It would probably a  
11 question for the architect. I'm assuming all the  
12 entrances allow full access to the whole building.  
13 There's no segregation.

14                  MR. VOGEL: I can also address that  
15 with the architect.

16                  MR. HIPOLIT: Save that.

17                  Comment 30, we like hairpin striping  
18 throughout the site. I assume it's okay.

19                  THE WITNESS: Yeah. Absolutely. I'm  
20 not sure why our drawings didn't have it.

21                  MR. HIPOLIT: Speed humps, you took  
22 out. That's comment 31.

23                  MR. STEFANELLI: So why are we taking  
24 them out? I think it's a long speed way basically.  
25 I was just wondering why.

1 I see that at schools now, more people  
2 installing them than taking them out.

3 MR. HIPOLIT: It's really a board  
4 decision.

5 If they're going to put in speed bumps  
6 or speed humps, we would like to see the standard for  
7 a hump, not a bump, so it's a little different.

8 If they have them, the fire department  
9 should review it to make sure they understand they're  
10 there and make sure that they're located so it  
11 doesn't impact a fire situation.

12 We're not against them. We want them  
13 done right if the board wants them.

14 MR. STEFANELLI: I think it's a long  
15 roadway down there. I see people -- I mean I've been  
16 down there. I don't see -- I -- I would -- I would  
17 recommend keeping them.

18 CHAIRMAN DePINTO: I'm sorry. I missed  
19 what you had said.

20 MR. HIPOLIT: So there's a discussion.  
21 They just said take the speed bumps out.

22 CHAIRMAN DePINTO: Right.

23 MR. HIPOLIT: What Frank is saying is  
24 why.

25 What we've said, if you have speed

1 bumps we would recommend designing them as speed  
2 humps, design them properly.

3 We also believe the Fire Department  
4 should review them. So Fire Department should review  
5 them and have say so over them.

6 Whether they have them or not is not  
7 our decision. If you have them, it's really a  
8 decision between the board and the applicant.

9 CHAIRMAN DePINTO: We would like to  
10 confer with the Fire Department.

11 THE WITNESS: And just as a matter of  
12 note, the detail here was similar to the one --

13 CHAIRMAN DePINTO: I'm sorry.

14 THE WITNESS: -- that we -- that we  
15 developed together, I think on Paragon, where we had  
16 a bump and we made it a hump, that never got  
17 installed anyway.

18 But we understand that, Frank, it's a  
19 hump.

20 MR. HIPOLIT: Why don't you submit to  
21 the Fire Department and get some comments.

22 THE WITNESS: Sure. We can absolutely  
23 do that.

24 Who specifically should we send it to  
25 at the Fire Department.

1 CHAIRMAN DePINTO: The Chief.

2 BOARD SECRETARY: To John Wirth?

3 THE WITNESS: John.

4 BOARD SECRETARY: Yeah.

5 CHAIRMAN DePINTO: Emergency Services  
6 review the plan, review the content, the ambulance  
7 with respect to that as well.

8 BOARD SECRETARY: Heather McGhee. I  
9 can get you the information. I'll send you an e-mail  
10 tomorrow.

11 THE WITNESS: Thank you.

12 CHAIRMAN DePINTO: Please continue.

13 MR. HIPOLIT: Item 32, Steve, you go to  
14 sheet, I guess you go to Y-3.

15 So we are questioning the need to have  
16 the western driveway two way.

17 You're going to have delivery vehicles  
18 on there, you're going to have the dumpster there,  
19 the generators back there. We really want that  
20 conflict movement with the elderly residents or could  
21 we just have what you have -- the site pretty much  
22 functions now where it comes to the point where you  
23 come back to the same driveway.

24 Also, if it was one way you would  
25 probably stay clear for emergency access if we needed

1 it, if you have only one-way access.

2 MR. VOGEL: We reviewed that and our  
3 preference would be to keep it two way, but we are  
4 prepared for whatever the board rules.

5 If the board concludes that it should  
6 be one-way it's something we certainly can live with.

7 We leave it to the board to decide  
8 whether or not to make -- that it should be one way.

9 CHAIRMAN DePINTO: I think -- and what  
10 are your concerns relative?

11 MR. HIPOLIT: It's -- it's really a  
12 driveway for service and vehicles, garbage and  
13 maintenance. It would be a driveway for fire  
14 emergency, in case there's an emergency.

15 Why circulate the elder residents  
16 throughout there when you don't need to? They can  
17 pull to the front parking, pull right in and out,  
18 pull into the back parking lot, pull right back out.

19 We don't want to change the width of  
20 it. We just want to eliminate it.

21 MR. VOGEL: If you're not changing the  
22 width, why not just leave it two way that -- to the  
23 extent it would be utilized. It wouldn't hurt  
24 anybody.

25 But, as I said, we're not adverse to

1 the board making a determination.

2 CHAIRMAN DePINTO: I'll poll the board  
3 on that question.

4 MR. HIPOLIT: The other question we  
5 have going back to valet parking, we would never want  
6 to see valet parking stacked up there.

7 So if we were to leave it two ways,  
8 definitely decided no parking at a minimum because  
9 you don't want stacked parking because that -- I mean  
10 maybe the Fire Department would better comment.

11 But, I think that could be an issue.

12 CHAIRMAN DePINTO: Well, we're going to  
13 hear testimony from operations, Mr. Vogel.

14 I don't believe you should be designing  
15 a site to have excess parking, quite frankly, or  
16 excess drives or aisle widths or anything of that  
17 nature, because we're looking at holidays when the  
18 assisted living folks might have more -- more  
19 visitors.

20 That's, like, saying we need compliant  
21 parking for Davy's Locker on St. Patty's Day. They  
22 would take up downtown Montvale. So I don't think we  
23 could do that.

24 I think we have to be reasonable with  
25 respect to the parking. I don't want to over park

1 the site, but, obviously, we do not want parking in  
2 access aisles because that can create emergency or  
3 problems with access by emergency vehicles.

4 So we'll poll the board on one-way  
5 traffic circulation.

6 Continue.

7 I'll interrupt you and do that first.

8 Mr. Stefanelli, one-way traffic flow or  
9 two-way circulation?

10 MR. STEFANELLI: I just think it's up  
11 to the applicant. I have no plus or minus.

12 CHAIRMAN DePINTO: Thank you.

13 Ms. O'Neill?

14 MS. O'NEILL: I agree with Frank. I'm  
15 not sure how the site circulates.

16 MR. TEAGNO: I agree.

17 CHAIRMAN DePINTO: Mr. Culhane?

18 MR. CULHANE: One-way, reduce the  
19 roadway and the impervious surface, so in that  
20 respect one-way.

21 The other thing is, with respect to  
22 when you have to do maintenance on the generator  
23 we're going to be blocking that driveway anyway and  
24 when the refuse is picked up because, respectively,  
25 once a day at least.

1                   Again, I think we're not going to have  
2     a two-way drive.

3                   CHAIRMAN DePINTO:   Yeah.   I prefer the  
4     one-way circulation also.   I think the one-way  
5     circulation would be -- would control it better.   I  
6     think it's better planning to do it that way with  
7     proper signage, no parking and emergency vehicles  
8     will go whichever way they want to go.

9                   And management will control how the  
10    trash containment people would do what they have to  
11    do.

12                  So I think that would be --

13                  MR. REGAN:   The applicant -- up to the  
14    applicant, too, for one-way.

15                  So, Mr. Vogel, you take it accordingly?

16                  MR. VOGEL:   Okay.

17                  CHAIRMAN DePINTO:   Please continue.

18                  MR. HIPOLIT:   Item 33, snow storage,  
19    where would we store snow on the site.

20                  You don't have to answer it tonight.

21                  THE WITNESS:   Yeah.   We'll have to come  
22    up with an area to store snow.   I can see it  
23    happening on the south side of the building.   I see  
24    some areas on the east side of the building as well.

25                  I have to talk to the operators.



1                   MR. HIPOLIT: What we don't want to see  
2 is a parking space taken up for salt storage, a  
3 machines left on-site and now snow blocking 25  
4 spaces.

5                   Item 34, the Fire Department should  
6 comment on number of fire hydrants located on-site.  
7 I'll leave it up to them.

8                   Item 35, are you proposing lighting  
9 bollards on site, Steve?

10                  THE WITNESS: We have bollards that are  
11 walking bollards and they will be lit.

12                  MR. HIPOLIT: So you'll show those  
13 locations?

14                  THE WITNESS: Yes.

15                  MR. HIPOLIT: 36 is a revision. You  
16 can make that revision. It's an elevations  
17 difference.

18                  37, who's going to testify on the  
19 accessory structure in the courtyard, Jerry? Would  
20 that be the architect?

21                  MR. VOGEL: Yes. The architect will  
22 testify with respect to the courtyard and the  
23 structure.

24                  MR. HIPOLIT: Okay. Wetlands on-site,  
25 you have located, at least you show wetlands on the

1 site.

2 Is that from an old map or from the  
3 LOI?

4 THE WITNESS: I believe the LOI that  
5 was submitted.

6 MR. VOGEL: I have to check and make  
7 sure about the LOI, but we will identify the wetlands  
8 certainly.

9 MR. HIPOLIT: There was a previous one  
10 done so, for the record, before you actually start  
11 work we need an official final LOI.

12 That would be a condition, Bob.

13 THE WITNESS: We're on that track.

14 MR. HIPOLIT: That's fine.

15 Item 39, revision.

16 Steve, you provide me with your revised  
17 plans.

18 Item 40, are you going to upgrade all  
19 your fixtures to LED on-site?

20 THE WITNESS: Where is that site plan  
21 drawing, please, which is drawing SL1, proposed site  
22 lighting, all the new site lighting will be LED.

23 MR. HIPOLIT: What temperature?

24 THE WITNESS: We have warm --

25 MR. HIPOLIT: Warm light is fine.

1 THE WITNESS: Warm light. Both warm,  
2 yes, warm light. I found the note.

3 MR. HIPOLIT: We are going to need  
4 lighting at the property line, One Paragon Drive,  
5 right behind it.

6 THE WITNESS: You mean going here?

7 MR. HIPOLIT: Yes. Whatever that is.  
8 Provide those.

9 The same thing with the site property  
10 line at the site entrance, we need those at Summit  
11 Avenue.

12 43, revision, we just can't read -- you  
13 will revise that on your plans.

14 Item 44, it appears on the site, based  
15 on what we do, I'm not sure if you have existing  
16 light poles or -- you need to clear, some of them are  
17 covered by existing trees so you have to do sporadic  
18 clearing as necessary to make sure they're not being  
19 interfered by.

20 THE WITNESS: We'll do that at the rear  
21 of the property where existing lighting is there.

22 MR. HIPOLIT: Note it on the plan.

23 Item 45 you'll cover -- you'll cover  
24 that and revisions named above.

25 THE WITNESS: Yes.

1 MR. HIPOLIT: The detail for the  
2 freestanding sign, you provided some testimony on  
3 that tonight, that will need to be fully shown on the  
4 plans so that will be your revisions, 46.

5 47 is a condition of approval.

6 48 is more for summary. We will need  
7 from you, Steve, because you're a P.E., a  
8 certification the site meets the current DEP  
9 standards.

10 Again, it would not meet those  
11 standards without the storm filters and would not  
12 meet it without cleaning the basin out. That's a  
13 definite.

14 I believe there are sites that you have  
15 to certify that for our records, that's under  
16 Montvale's stormwater permit and you currently have  
17 one.

18 THE WITNESS: A letter from me signed  
19 and sealed? You mean at the completion of the site?

20 MR. HIPOLIT: Yes.

21 THE WITNESS: Okay. Yeah.

22 MR. HIPOLIT: 49 you pretty much  
23 addressed it.

24 Item 50, so we need detailed calcs on  
25 your soil movement.

1 THE WITNESS: Sure.

2 MR. REGAN: The soil movement  
3 application has been filed.

4 THE WITNESS: It was.

5 MR. HIPOLIT: Item 51 is a statement.

6 52 is basically a statement.

7 53 is a statement.

8 I believe the rest -- the rest are all  
9 covered more for soil moving. When you submit your  
10 soil moving information, it will cover the rest.

11 Other than that, we definitely need  
12 comments from the Police Department; Fire, they need  
13 access; and the speed humps, and then as far as your  
14 LOI before you start on site you need Bergen County  
15 Soil Conservation approval before you start on-site.  
16 You possibly need Bergen County Planning Board  
17 approval.

18 Just as a note, I had a meeting with  
19 the Mayor of the Bergen County Engineering last  
20 Wednesday for something totally different than your  
21 site. They brought your site up. I think they did  
22 want new curb and/or sidewalk were needed. They felt  
23 your curb and sidewalk weren't in bad shape, if you  
24 could put a note in the plans that says we will  
25 replace curb and sidewalk in the site as needed.

1 THE WITNESS: If I may jump on that.

2 MR. HIPOLIT: Sure.

3 THE WITNESS: I was in contact with  
4 Eric Timsak of the county. He provided me with the  
5 comments. We replied back. We gave him revised  
6 drawings.

7 He submitted a letter to us stating  
8 that it's coming up in their next meeting for  
9 approval.

10 So I assume that there's going to be --  
11 and we have that letter here.

12 I don't know, Mr. Vogel?

13 MR. VOGEL: I have a letter from  
14 Mr. Timsak. Also he requested a revised easement  
15 with respect to the frontage of the property.

16 I drafted the easement. And I drafted  
17 two discharges of the prior easements which would no  
18 longer be necessary or correct. And I sent him both  
19 of those drafts for his approval.

20 Those easements would not be given  
21 unless and until there's an approval from the borough  
22 and the county, but I wanted him to have those  
23 documents up front.

24 And once approved, and when the  
25 applicant takes title to the property, I'll then

1 provide them in recordable form.

2 MR. HIPOLIT: It's just a roadway  
3 widening.

4 MR. VOGEL: Yes.

5 MR. HIPOLIT: It's not proposed but...

6 MR. VOGEL: Eric wanted a new widening  
7 easement with a different description so we submitted  
8 the description to him, he agreed to it and I drafted  
9 the document for him.

10 THE WITNESS: The normal 35 feet from  
11 center line, the 30 feet from the five feet sidewalk.

12 MR. HIPOLIT: So what I would be happy  
13 with would be a note on your sheet Y-1 that says  
14 curbing and sidewalk to be replaced as needed and as  
15 projected by the town and the county and roadway  
16 widening easement could be provided per county  
17 requirements on approval.

18 We're okay with that.

19 THE WITNESS: Absolutely. I have  
20 already done that.

21 MR. STEFANELLI: Y-3. Y-1 is for  
22 demolition.

23 MR. HIPOLIT: Yes. I'm sorry.

24 THE WITNESS: Y-2 Y-3 horizontal  
25 alignment plan which shows all of the things you

1 talked about. He wanted a new dropped curb. There's  
2 four locations where handicapped ramps need to be  
3 located. Those are now shown on our drawings because  
4 we have those comments.

5 You didn't have the ability to have  
6 those comments. He just gave them to me. We  
7 actually showed them on the drawings.

8 We showed the new easement which is the  
9 typical easement that he's looking for. And he asked  
10 for a new drop curb. There's a drop curb there now.  
11 He didn't ask for any curbs, though, to be done. Any  
12 damaged curbs on the plan.

13 MR. HIPOLIT: He said broken.

14 THE WITNESS: Okay. And he also asked  
15 for the driveway for only this one to be a 30 radius.  
16 He thought it was way too wide so he wanted to bring  
17 that --

18 MR. HIPOLIT: We're okay. A note on  
19 the treatment works application for this, it will be  
20 a condition of approval.

21 MR. VOGEL: Fine.

22 MR. HIPOLIT: That's it.

23 MR. VOGEL: I have a question.

24 In Mr. Hipolit's report, the last items  
25 are an indication as to additional permits that may



1 be required and, certainly, we'll comply with all of  
2 them, but Item E is a traffic report.

3 We have not, as of this date, provided  
4 a traffic report on the following basis. The current  
5 site has an 82,000-square-foot office building with  
6 309 parking spaces.

7 We have a proposal with only 170  
8 parking spaces. In addition to which we are not  
9 changing the access to Summit Avenue.

10 MR. HIPOLIT: Can I stop you for a  
11 second? I could make it much easier.

12 You have an engineer here. If your  
13 engineer wants to put on the record that the traffic  
14 in the existing condition is going to be greater than  
15 what you're proposing and you're not changing the  
16 street improvements, I'm good with that.

17 MR. VOGEL: Okay. The only -- the only  
18 comment I was going make, if you want one, I'll get a  
19 traffic expert, but if not I was going to have  
20 testimony from someone here.

21 MR. HIPOLIT: I -- I shouldn't testify  
22 for you. I believe that this will be a lot less  
23 traffic, but you should put it on the record by your  
24 professional.

25 MR. VOGEL: It's not a problem.

1                   CHAIRMAN DePINTO: I think, when we  
2 hear the testimony of the planner, because of the  
3 mixed-use aspect of the plan with the assisted, and I  
4 would like to hear from the planner as to what the  
5 parking requirements are of the different  
6 classifications of the residents that will be here.

7                   Once we have that information from the  
8 planner, then I think we could go back to  
9 Mr. Napolitano as the engineer to certify to that  
10 parking requirement or the parking proposed would be  
11 satisfactory to meet the intended use.

12                  So first we're going to have to hear  
13 about the use. So let's hold off on that, if you  
14 may.

15                  And, Mr. Vogel, you said you had a  
16 question.

17                  MR. VOGEL: No. That was my only  
18 question.

19                  CHAIRMAN DePINTO: Mr. Hipolit, on the  
20 plan is there an access, a sidewalk, from Summit  
21 Avenue to the proposed building.

22                  MR. HIPOLIT: I don't believe so. No.

23                  I was on-site. There's not an existing  
24 one.

25                  CHAIRMAN DePINTO: Mr. Napolitano, the

1 plan is absent that information. Why would you not  
2 put a sidewalk? It's a rather lengthy driveway and  
3 you have independent living accommodations.

4 Are you directing them to walk into the  
5 street to get from the building out to Summit Avenue?

6 THE WITNESS: No.

7 CHAIRMAN DePINTO: So would you propose  
8 to put a sidewalk in?

9 MR. HIPOLIT: So if somebody wanted to  
10 walk to the convenience store, Steve.

11 MR. VOGEL: Could we -- before we make  
12 a commitment one way or the other, can we have some  
13 testimony from the operator with respect to that.

14 CHAIRMAN DePINTO: Sure. We could do  
15 that. I just find it very unusual that with the  
16 number of residents you're proposing to put into the  
17 facility and the fact that they are living there  
18 independently, we wouldn't want to accommodate their  
19 safety.

20 MR. HIPOLIT: If they wanted to walk to  
21 the convenience store, Dairy Queen.

22 CHAIRMAN DePINTO: The convenience  
23 store or if more energetic walk around and head over  
24 towards Wegman World.

25 MS. GREEN: The board should note that

1 one of the conditions of the use is that there has to  
2 be a safe and convenient system of sidewalks  
3 accessible to all occupants, due consideration should  
4 be given to walking paths and ramps to prevent  
5 slipping or it goes on to talk about providing  
6 handrails and spaces for rest.

7 So while the ordinance doesn't say you  
8 have to specifically connect to Summit, I think the  
9 intent is there that we wanted to make this not only  
10 an internal walkable community, but one connected to  
11 the larger community.

12 CHAIRMAN DePINTO: Okay. We'll wait to  
13 hear testimony and make a decision as to how we  
14 should go.

15 Mr. Vogel, on direct anything else of  
16 this witness?

17 MR. VOGEL: Nothing further. Thank  
18 you, Mr. Chairman.

19 CHAIRMAN DePINTO: Thank you. And  
20 let's go with questions from board members of either  
21 Mr. Napolitano or Mr. Hipolit starting with  
22 Ms. O'Neill.

23 MS. O'NEILL: I have no questions at  
24 this time.

25 CHAIRMAN DePINTO: Thank you.

1                   Mr. Teagno?

2                   MR. TEAGNO: Two quick things,  
3                   Mr. Napolitano.

4                   The courtyards, two courtyards in the  
5                   inside of the buildings, refresh my memory, are they  
6                   included or not included in the FAR?

7                   THE WITNESS: They're not.

8                   MR. TEAGNO: So your calculations are  
9                   based on excluding those?

10                  THE WITNESS: They're not included.

11                  MR. TEAGNO: And the second, this may  
12                  come up when we talk about the operation of the  
13                  building, but since we did bring up the location of  
14                  the front parking lot, my experience with memory care  
15                  units is that you want to have secure access to the  
16                  building and prevent people from walking out. And if  
17                  we relocated the front parking lot to the rear, then  
18                  the people who live in front of the building would  
19                  have to walk the entire building, preferably inside,  
20                  but I think that effects security.

21                  That's a comment.

22                  The question is, maybe we'll get to  
23                  that later in the operational phase.

24                  To move that, the people that the  
25                  parking lot is going to serve are right next to the

1 parking lot.

2 Thank you.

3 CHAIRMAN DePINTO: Good point.

4 MR. TEAGNO: Thank you.

5 CHAIRMAN DePINTO: Mr. Culhane?

6 MR. CULHANE: I'll continue on that  
7 point because a couple observations.

8 One, the front yard setback for the  
9 zone is 75 feet and according to the table, the front  
10 yard setback to the building is 505 feet. So this  
11 front yard parking is not close to Summit at all.  
12 We're talking 500 feet away.

13 No. 2, I believe Mr. Napolitano, Steve,  
14 mentioned that the elevation at Summit was, I  
15 believe, 390.

16 THE WITNESS: 390, yes.

17 MR. CULHANE: And the elevation of the  
18 parking lot is 373. So, again, that front yard  
19 parking is approximately 17 feet below Summit. No,  
20 but the idea visually who's going to see it.

21 And the other question I had is, the  
22 number of 33 parking spots in the front yard, if I  
23 take the front of the building and just extend that  
24 as a line, not on an east/west but following the  
25 front of the building, it starts, you only pick up

1 two additional besides the 28.

2 THE WITNESS: You went with this line.

3 MR. CULHANE: Yeah.

4 THE WITNESS: I took a parallel.

5 MR. CULHANE: If you took the line  
6 parallel with the front of the building, it would be  
7 close to the 30 rather than 33.

8 MR. HIPOLIT: That's a good point.

9 THE WITNESS: I appreciate that. Thank  
10 you.

11 MR. CULHANE: The traffic, another  
12 observation, in addition to the fact that there's  
13 less parking spots, typically we're concerned with  
14 traffic during peak hours. I believe the traffic  
15 here is not going to be what I would consider to be  
16 peak hour traffic, it's going to be off peak traffic.

17 So, again, I tend to think that would  
18 also mitigate that issue.

19 The one concern I do have is average  
20 grade for the building. You showed the grades on the  
21 drawing, Y-4, and when I looked at the height of the  
22 building I think that the average grade is 360.

23 When I looked at the grading plan at  
24 the north end of the building I see 358, the south  
25 end I see 347.

1                   So I don't know who's checking the  
2                   average grade, but I think somebody -- I would like  
3                   to see some calculations, how we got an average grade  
4                   of 360.

5                   THE WITNESS: No problem.

6                   And it was in either Mr. Hipolit's  
7                   and/or Ms. Green's letter as well.

8                   MR. HIPOLIT: Right.

9                   THE WITNESS: What I do is I take a  
10                  point, based on your ordinance, the existing average  
11                  grade -- the average grade is calculated by taking  
12                  the existing grades around the perimeter of the  
13                  building and that's your average grade and from there  
14                  you go up.

15                  And what I had done, and I'll put that  
16                  down in addition to the other calculations.

17                  MR. HIPOLIT: We asked him for more  
18                  detail.

19                  THE WITNESS: Of every 20 or 50 feet I  
20                  would take these numbers, go all the way around the  
21                  building.

22                  At the end of the calculation you  
23                  divide by however many and it came up with the 360,  
24                  347.

25                  I'll provide more detail to that.



1                   We took existing grades around the  
2                   perimeter of the building, all the way around, the  
3                   existing grades not proposed grades.

4                   MR. CULHANE:   If I may, I just suggest  
5                   the calculation to Mazur's --

6                   THE WITNESS:   Yes.   Yes, absolutely.

7                   MR. CULHANE:   Thank you.

8                   No other comments, Mr. Chairman.

9                   CHAIRMAN DePINTO:   Thank you,  
10                  Mr. Stefanelli.

11                  MR. STEFANELLI:   Yes, a few questions.

12                  So I know it's a long walk, but I'm  
13                  thinking to a sidewalk, like, maybe a pathway and  
14                  maybe something like we did at Wegmans, it's pervious  
15                  so I think that that would be something.   I do think  
16                  a lot of people would be walking, you know, it's a  
17                  nice area there.

18                  Second, I was looking at -- I'm  
19                  confused so if you go over the lighting again because  
20                  you mentioned bollards and I see on Y -- I see on Y-3  
21                  you have bollards along the sidewalk and -- and it  
22                  looks like there's lighting in front of the building  
23                  or there's lights -- lights around the building  
24                  attached to the building.   And I don't see them on --  
25                  I don't see the light trace on -- on there.

1                   So on Y-3, I see it says:

2                   "New 4-foot light bollards, 20 foot on  
3                   center, staggered in the back of the  
4                   building."

5                   But then you don't show it on the site  
6                   plan.

7                   THE WITNESS: We don't show the iso --  
8                   we show the iso points but we don't show the  
9                   isolines. We'll clarify that.

10                  MR. STEFANELLI: At the entrances, I  
11                  see there's a lot of entrances. I didn't count how  
12                  many, but I also see what looks like little dots on  
13                  Y-3.

14                  Is that lighting attached to the  
15                  building?

16                  THE WITNESS: No, those triangles.

17                  MR. STEFANELLI: No. The triangles are  
18                  doors. So I would assume you're going to have  
19                  lighting at the doors, too, because that's by code.

20                  MR. HIPOLIT: What we asked for,  
21                  coordinate all the lighting, decorative versus actual  
22                  lighting, so we need a better lighting plan.

23                  MR. STEFANELLI: I see on the building  
24                  it looks like there's lighting on the building also,  
25                  but I guess I'll ask the architect.

1 MR. HIPOLIT: It has to be.

2 THE WITNESS: Okay.

3 MR. STEFANELLI: If we could have it on  
4 one drawing.

5 MR. HIPOLIT: Steve, we want it all  
6 coordinated so we want all your lines coordinated to  
7 provide one lighting plan so we know what it looks  
8 like.

9 THE WITNESS: We'll update this to add  
10 additional footcandles to the light bollards and if  
11 there's any lighting on the building we'll pick that  
12 up as well.

13 MR. STEFANELLI: So you show the  
14 drawing on there, but I don't see it in my packet.

15 THE WITNESS: That's correct. I  
16 pointed that out.

17 MR. STEFANELLI: Should we mark that as  
18 evidence?

19 THE WITNESS: I did point that out that  
20 you did not have that.

21 I just wanted to make sure the record  
22 is clear that the sign -- I have it somewhere.

23 I just wanted to make sure the record  
24 is clear. This is A-1. It was never submitted  
25 before. It was submitted on the detail sheet before,

1 but because we changed the orientation of it and  
2 wanted to speak about the sign, put it on one  
3 drawing.

4 MS. O'NEILL: Yeah. That's okay.

5 MR. STEFANELLI: Bob, do you want to  
6 name it something different?

7 MR. REGAN: That would be A-2.

8 MR. STEFANELLI: A-2.

9 THE WITNESS: This will be updated on  
10 our drawings as well.

11 MR. REGAN: What are we calling this?

12 MR. HIPOLIT: Sign plan.

13 MR. REGAN: Sign plan.

14 MR. STEFANELLI: Yep.

15 MR. REGAN: What's the date.

16 THE WITNESS: 6/4/18.

17 Nothing really changed except the  
18 location changed from where we had it before, which  
19 was an incorrect orientation, and we moved it to here  
20 (indicating).

21 The sign, itself, was the same sign  
22 that is on the detail sheet that you have.

23 CHAIRMAN DePINTO: That will be  
24 presented by the planner.

25 THE WITNESS: Yes. I believe so.

1 CHAIRMAN DePINTO: Because of the  
2 variances associated with it.

3 MR. STEFANELLI: But it has details of  
4 the front. That's why.

5 CHAIRMAN DePINTO: So he's testified as  
6 to location and then we have testimony from the  
7 planner as to the details of the sign.

8 Mr. Hipolit, I understand that a  
9 letter, a technical review letter was prepared on  
10 June 19 from Gustov DeBlasi (phonetic) from the  
11 office.

12 Is he your landscape engineer?

13 MR. HIPOLIT: Architect.

14 MR. REGAN: A-2.

15 (Whereupon, Sign Plan is received and  
16 marked as Exhibit A-2 for identification.)

17 CHAIRMAN DePINTO: And it's marked into  
18 evidence as B-2.

19 (Whereupon, Technical Review Letter,  
20 6/19 is received and marked as Exhibit B-2 for  
21 identification.)

22 CHAIRMAN DePINTO: Mr. Vogel, do you  
23 have a copy of this letter?

24 MR. VOGEL: Yes.

25 CHAIRMAN DePINTO: And could you

1 summarize some of the points on here?

2 MR. HIPOLIT: Steve, have you seen  
3 this.

4 THE WITNESS: Yeah. I forwarded it  
5 over to Al Demarek (phonetic), the landscape  
6 architect.

7 CHAIRMAN DePINTO: Are we going to be  
8 hearing from Mr. Demarek?

9 THE WITNESS: Not tonight. I imagine  
10 the next meeting.

11 CHAIRMAN DePINTO: So then we'll hold  
12 this, Mr. Vogel, if you're going to have Mr. Demarek,  
13 he probably would be -- he did the landscape plan.

14 Correct.

15 THE WITNESS: Yes.

16 CHAIRMAN DePINTO: Probably it would be  
17 best to ask him questions when we have Mr. Demarek so  
18 we'll hold off on this.

19 MR. VOGEL: Yeah. That report is dated  
20 the 19th just two days ago. We submitted it as soon  
21 as we got it so that the landscape architect could  
22 take a look at it.

23 I'll bring him next meeting and we can  
24 address whatever the issues are.

25 MR. HIPOLIT: Let me just say, a very

1 quick summary, it's mostly about substituting a few  
2 species, something very similar.

3 He talks a little bit about some of the  
4 plantings areas. There was no major comments here.  
5 I think they're valid comments to be addressed and  
6 addressing it wouldn't change or alter their logic.

7 MR. STEFANELLI: So I just have, two.

8 CHAIRMAN DePINTO: Sure.

9 MR. STEFANELLI: Are we repaving the  
10 whole entire site?

11 THE WITNESS: Yes.

12 MR. STEFANELLI: Yes. Okay.

13 And, second, is we originally approved  
14 landscaping for the substation.

15 Did those plantings get done?

16 MR. HIPOLIT: Yeah. They're in.

17 MR. STEFANELLI: Yeah.

18 I think we should make sure they're  
19 shown on the plans.

20 THE WITNESS: They're off the property.

21 MR. STEFANELLI: They don't have to  
22 show them on the plan.

23 THE WITNESS: I don't know if they  
24 paved what they were supposed to pave.

25 MR. HIPOLIT: They did.

1 THE WITNESS: They did? Yeah.

2 CHAIRMAN DePINTO: Any other questions  
3 from board members?

4 (No response.)

5 CHAIRMAN DePINTO: Hearing none, the  
6 Chair will entertain a motion to open the meeting to  
7 the public.

8 MR. TEAGNO: So move.

9 MR. STEFANELLI: Second.

10 CHAIRMAN DePINTO: Seconded, Mr.  
11 Stefanelli.

12 All in favor say aye.

13 (Whereupon, all present board members  
14 respond in the affirmative.)

15 CHAIRMAN DePINTO: Anyone from the  
16 public, have any questions of Mr. Napolitano,  
17 Mr. Hipolit or the board with respect to the subject  
18 application?

19 So just raise your hand.

20 Thank you, Mr. Vogel. Allow this young  
21 lady.

22 MS. COTTER: Mary Cotter, C-O-T-T-E-R,  
23 76 Valley Road.

24 Just a comment and I guess it's  
25 regarding the sidewalks.



1 CHAIRMAN DePINTO: You're going to have  
2 to limit it to questions.

3 MS. COTTER: A question. Okay.

4 If you do put in a sidewalk -- play  
5 Jeopardy -- it might be a handy thing for the  
6 employees that might be coming from, say, the Spring  
7 Valley way. There is a bus that goes down Spring  
8 Valley onto Summit Avenue.

9 So they may have -- they might benefit  
10 from a sidewalk.

11 CHAIRMAN DePINTO: Good point. Thank  
12 you.

13 Anyone else wish to be heard?

14 Yes, sir.

15 MR. O'MALLEY: Robert O'Malley, 76  
16 Spring Valley Road, O ' M-A-L-L-E-Y.

17 Can you tell us what's the height --  
18 the new building is going to be proposed, what's the  
19 height of them relative to the existing 110 Summit?

20 THE WITNESS: I think the architect  
21 will be talking about that.

22 MR. O'MALLEY: All right. Thank you.

23 CHAIRMAN DePINTO: Thank you.

24 Anyone else from the public?

25 (No response.)

1 CHAIRMAN DePINTO: Hearing none, the  
2 Chair will entertain a motion to close the meeting to  
3 the public.

4 MR. STEFANELLI: So move.

5 CHAIRMAN DePINTO: Mr. Teagno, seconded  
6 Mr. Stefanelli.

7 All in favor?

8 (Whereupon, all present board members  
9 respond in the affirmative.)

10 CHAIRMAN DePINTO: We're going to take a  
11 10-minute break. When we return we're going to hear  
12 testimony from the operator.

13 MR. VOGEL: The operator.

14 CHAIRMAN DePINTO: Okay. Very good.  
15 Thank you.

16 (Whereupon, a brief recess is held.)

17 CHAIRMAN DePINTO: Please present the  
18 next witness.

19 MR. VOGEL: May I have the witness  
20 sworn.

21 MR. REGAN: Sir, raise your right hand.  
22 Do you swear or affirm that the  
23 testimony you give this evening will be the truth so  
24 help you God?

25 MR. HUNDLEY: I do.

1       S C O T T           H U N D L E Y,

2           having been duly sworn, testifies as follows:

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

5                   MR. HUNDLEY:   Scott Hundley,  
6       H-U-N-D-L-E-Y.

7                   MR. REGAN:   Thank you.

8       DIRECT EXAMINATION

9       BY MR. VOGEL:

10                  Q.       Mr. Hundley, by whom are you employed  
11       and in what capacity?

12                  A.       I'm employed by Thrive Senior Living.  
13       And I'm the managing partner with Thrive Senior  
14       Living.

15                  Q.       Would you describe to the board the  
16       nature of Thrive's business and endeavors?

17                  A.       Yes.   Thrive serves senior living  
18       residents throughout the East Coast and it is our  
19       purpose and mission to inspire the awe and admiration  
20       in the elders that we serve.

21                         We -- we find a great lack of dignity  
22       that is often left out of the current atmosphere of  
23       senior housing.   And it is a mission of ours to add  
24       dignity and the awe and admiration into the residents  
25       that we are honored to serve.

1           Q.       And what is Thrive's connection to the  
2 project that is proposed by this application?

3           A.       Thrive is a joint venture partner with  
4 Pike Construction and we are bound both in the  
5 development and in the operations of the community.

6           Q.       Describe to the board -- well, first  
7 tell us what is the nature of Thrive's position in  
8 the market?

9                   How many facilities do you have and  
10 where are they located?

11          A.       So currently we have 26 communities and  
12 seven of those are in construction. Those range in  
13 location from Montvale, New Jersey down to Naples,  
14 Florida and covering nine states between those --  
15 between that geographic region ranging as far west as  
16 Texas.

17          Q.       And who are the seniors that are  
18 attracted to your type of facilities?

19          A.       So the seniors that are attracted to  
20 our communities are looking for the dignity that I  
21 mentioned before. They're also looking for living  
22 life. They are looking for experiencing life and not  
23 being seen as someone with gray hair and frailty.  
24 They're -- they want to be seen as someone who has  
25 abundance and life well lived.

1                   We find that our average independent  
2                   resident is in the age of about 78 to 80 and our  
3                   average assisted living resident is at 87.

4                   So it's a bit older than you might  
5                   expect, but that's -- that's what we found across our  
6                   communities.

7                   Q.           What kind of amenities, besides simply  
8                   living there, do you provide in your facilities?

9                   A.           So in all of our communities your meals  
10                  are included, but we have designed and purposed  
11                  amenities for Montvale that include movie theaters.  
12                  We've included a wonderful social court that will  
13                  engage opportunities such as outside yoga. We have  
14                  opportunities for gathering around the fire pits. We  
15                  have a life-size chess and checkers. We've got  
16                  natural sounds of nature such as running water, the  
17                  greenhouse that -- gardening that can be engaged with  
18                  the community. We have an indoor game room. We have  
19                  a cafe. There's a salon.

20                  There is three different distinctly  
21                  designed dining options. We've got a wine storage.

22                  We've got an activity/art studio and a  
23                  whole host of options all of which are available to  
24                  all residents. And, it's included as -- as part of  
25                  your stay. So anything --

1                   There is no additional fees for  
2                   anything. It's all part of what you pay in the  
3                   monthly rent.

4                   Q.           There are 203 units proposed here.  
5                   Describe for the board what you would anticipate the  
6                   number of residents would actually be in this  
7                   facility?

8                   A.           So there -- there is the ability to  
9                   have some range of residents. One of the things we  
10                  don't know for sure is in an independent living  
11                  environment you could have a married couple move in,  
12                  for instance. You may have a second person that  
13                  chooses to stay.

14                  But, in our experience, we would -- at  
15                  a full occupancy, assuming that there's no vacant  
16                  beds, we would estimate that there would be somewhere  
17                  between 215 to 250 total residents if we were fully  
18                  occupied.

19                  Q.           What about employees? How many  
20                  employees would you have in order to serve this  
21                  facility?

22                  A.           I'm going to double check my notes, but  
23                  I believe it was 82 at full occupancy.

24                  Q.           And of those 82, what would be the most  
25                  number of employees and the highest shift?

1           A.       Shift? The peak shift, we would have  
2       37 employees at our peak shift.

3           Q.       And the others, of the 82, would be  
4       spaced over the other shifts as well?

5           A.       Correct. We have three shifts so those  
6       -- those are staggered throughout the day.

7           Q.       And describe to us the nature of the --  
8       of the employees. What -- what type of employees?  
9       What kind of job designations do they generally have?

10          A.       So the employees, the person in charge  
11       of the community is known as the president. We have  
12       marketing directors. We have activity directors. We  
13       have dining service managers. We have caregivers.

14                 Caregivers are the ones that have the  
15       direct interaction with the residents, are helping  
16       with any needs that they have, physically or  
17       otherwise.

18                 And -- and then we also have  
19       administrative staff that helps with laundry,  
20       housekeeping, other community needs.

21          Q.       And when you say "laundry," what are  
22       the deliveries you expect in the operation of this  
23       facility?

24          A.       So regularly we have three food  
25       deliveries a week. That is scheduled with our dining

1 services manager. Everything in our kitchen is fresh  
2 to order, so a lot of fresh vegetables, fresh fruits.  
3 So there's -- we -- we typically have three food  
4 deliveries every week.

5 Other deliveries or services would be  
6 related more to your typical UPS delivery or the  
7 trash service, but it is on a regular scheduled  
8 service.

9 Q. Are the deliveries by tractor trailers  
10 or are they by box-size trucks?

11 A. The majority of them would be by  
12 box-size trucks.

13 Q. Would there be any deliveries by  
14 tractor-trailers?

15 A. No, I would highly doubt it, but I'm  
16 not saying that a tractor-trailer won't pull in  
17 there, but I would highly doubt that.

18 Q. Would you describe for us whether or  
19 not you provide any transportation facilities for the  
20 residents?

21 A. We will purchase two shuttles. Each  
22 shuttle will have a capacity of 14. Two of those 14  
23 will be for wheelchair so -- but those two shuttles  
24 would be parked in the community.

25 Q. And what about -- I know the board has



1 asked previously about ambulance service.

2 I can tell the board that we have  
3 already contacted for ambulance service and I have an  
4 e-mail that indicates that a letter confirming that  
5 is now in the legal department of the provider to be  
6 reviewed before they would give it to me for this  
7 evening's meeting. I will bring it to the next  
8 meeting.

9 CHAIRMAN DePINTO: Mr. Vogel, that is  
10 an entity, not Triboro Ambulance. It's a private  
11 entity.

12 MR. VOGEL: Yes.

13 CHAIRMAN DePINTO: Okay. Thank you.

14 MR. REGAN: We would want to mark that  
15 at the next meeting in evidence. It's important.

16 BY MR. VOGEL:

17 Q. Mr. Hundley, is there anything else  
18 that you would like to tell the board with respect to  
19 the operation before I submit you for questions?

20 A. No.

21 MR. VOGEL: Mr. Chairman, that  
22 constitutes my direct examination of Mr. Hundley.

23 CHAIRMAN DePINTO: Okay. Thank you.

24 I guess I'm starting with Mr. Teagno.  
25 Questions.

1                   MR. TEAGNO: I have no questions at  
2 this time.

3                   CHAIRMAN DePINTO: Thank you.

4                   Mr. Culhane?

5                   MR. CULHANE: How often would you think  
6 the garbage would be picked up?

7                   THE WITNESS: Typically it would be  
8 once or twice a week?

9                   MR. CULHANE: Well, I'm just thinking  
10 that in the summertime in the heat, the garbage  
11 receptacles are close to your adjacent property  
12 owner.

13                  MR. HIPOLIT: Can I piggy-back your  
14 question? Can I ask a question? I'll ask the  
15 question.

16                   How often do you pick up the garbage  
17 for the units, especially the independent living  
18 units? And how often do you pick it up outside?  
19 We'll take both questions.

20                  THE WITNESS: So the independent living  
21 units are as needed, but no less than twice a week.

22                  MR. HIPOLIT: Okay. And then the  
23 outside would be once or twice a week, would be the  
24 dumpster?

25                  THE WITNESS: Correct.

1 MR. CULHANE: No other question at this  
2 time, Mr. Chairman.

3 CHAIRMAN DePINTO: Thank you.

4 Mr. Stefanelli?

5 MR. STEFANELLI: How would you compare  
6 yourself to some of the other senior care, like Care  
7 One and some of the other ones.

8 THE WITNESS: In what regards is your  
9 question?

10 MR. STEFANELLI: Are you a for-profit  
11 organization or non-profit.

12 THE WITNESS: We are for-profit. But,  
13 you know, we -- as I mentioned earlier, we pride  
14 ourselves on the care and the dignity that's provided  
15 to the resident and that is -- that is carried in  
16 every aspect down to the way that we hire in every  
17 position.

18 MR. STEFANELLI: And you have locations  
19 in New Jersey now.

20 THE WITNESS: Currently, no.

21 We have several that we are looking at,  
22 other sites.

23 So this would not be our only community  
24 in New Jersey, but this would be our first.

25 MR. STEFANELLI: Any in Pennsylvania or

1 New York?

2 THE WITNESS: We are looking in both of  
3 those as well.

4 MR. STEFANELLI: So where is the  
5 nearest one?

6 THE WITNESS: That's operating?

7 MR. STEFANELLI: Yes.

8 THE WITNESS: DC, Washington, DC.

9 MR. STEFANELLI: No other questions.

10 CHAIRMAN DePINTO: Okay. Thank you.

11 MR. VOGEL: I have an omitted question  
12 which I forgot.

13 CHAIRMAN DePINTO: Sure.

14 CONTINUED DIRECT

15 BY MR. VOGEL:

16 Q. Mr. Hundley, you have been here this  
17 evening and witnessed the testimony and the questions  
18 to Mr. Napolitano, did you not?

19 A. Yes.

20 Q. And you saw that there was an issue  
21 raised about a walkway from Summit into the front of  
22 the building?

23 A. Yes.

24 Q. Would you -- would you address that  
25 from your perspective as to an operator?

1           A.       From an operator's perspective, given  
2       the age of the resident at independent living being  
3       an average age of 78, we would find that a sidewalk  
4       that would go from Summit to the building would just  
5       be so infrequently used that it would not serve much  
6       of a purpose.

7                   But we -- we leave it up to the board  
8       at your discretion on what you want to do with that.

9           CHAIRMAN DePINTO:   Thank you.

10                  I'm sure you also heard the comment or  
11       question asked by one of the residents in town about  
12       accessibility to the building by people who work at  
13       the facility who may not drive there.

14                  THE WITNESS:   Yes.   There is -- again,  
15       our experience has been, one, that we don't find much  
16       of our community employees taking the bus. We have a  
17       number of communities. We just have not experienced  
18       a high number of our employees riding the bus to get  
19       to the job.

20                  MR. VOGEL:    I'm sorry.

21                  CHAIRMAN DePINTO:   Please.

22       BY MR. VOGEL:

23                  Q.       In regard to the walkway, the distance  
24       of 500 feet and the change in grade of whatever it  
25       is, of the 20 or 30 feet perhaps would that effect

1       whether or not the walkway would be something you  
2       feel would be utilized at all?

3               A.           I do not.

4               CHAIRMAN DePINTO:   Okay.   With respect  
5       to the proposed tenancy of the buildings, the  
6       independent living units will be in more of the  
7       building.

8               Is that correct?

9               THE WITNESS:   That is correct.

10              CHAIRMAN DePINTO:   How many of those  
11       units would be there?

12              THE WITNESS:   There would be 90  
13       independent living units.

14              CHAIRMAN DePINTO:   And based on your  
15       experience and operation of other similar facilities,  
16       with the 90 residences of independent living, how  
17       many vehicles would you believe that they would  
18       generate and the parking requirement for their use?

19              THE WITNESS:   Our plan would be to  
20       limit them to one vehicle per unit.   So even if you  
21       had a husband and wife or two people living in a  
22       unit, it would be limited to one vehicle per unit.

23              CHAIRMAN DePINTO:   So, therefore, would  
24       you propose to designate the parking spaces for their  
25       use or it would be parking in common with anyone else

1     who may be on the property?

2                   THE WITNESS:   That is something we  
3     would prefer to hold off until we have our president  
4     hired and we get our marketing director hired.

5                   Typically that -- whether or not we  
6     have a designated parking is driven by the marketing  
7     needs.

8                   But I can say that there's been some  
9     discussion earlier about where parking is and the  
10    parking that is in front of the building and -- and  
11    the percentage of that, I believe, was discussed, it  
12    was 19 percent or 17 percent.

13                   There are entrances located around the  
14    building that are specifically there to be convenient  
15    to the independent living resident. And it's our  
16    intention to allow that parking that is on the front  
17    of the building closest to Summit Avenue, that that  
18    would be independent living parking.

19                   Our employees would park -- would park  
20    on the south side away from Summit Avenue at the  
21    lower grade.

22                   CHAIRMAN DePINTO:   And where would you  
23    anticipate visitors to either the assisted or  
24    independent residences would be located?

25                   THE WITNESS:   Likely they would park

1     either near the parking that is near the  
2     porte-cochère or they would park at the lower level  
3     and walk up.

4                   CHAIRMAN DePINTO:   I think, at some  
5     point, we're going to have to look at the site plan  
6     to see if it would be in the best interests at least  
7     in our combined opinions of designating those parking  
8     spaces.

9                   I think the challenge that you have,  
10    and I've seen it in other facilities, none that were  
11    operated by you, I have observed visitors parking in  
12    the access aisles, either because of the  
13    inconvenience of where available parking was on-site  
14    or the lack of designation.

15                  So I think that's something we're going  
16    to have to look at.

17                  THE WITNESS:   And that was our intent  
18    behind showing the optional 20 spaces is that we were  
19    trying to anticipate that there may be need for those  
20    parking and we certainly want to comply and not  
21    create an issue with visitors or anyone else parking  
22    within a drive aisle or a place that's not in a  
23    designated spot.

24                  CHAIRMAN DePINTO:   Okay.   And from an  
25    operations point of view, the assisted living or I



1     should say the independent living units, if people  
2     originally lease an apartment or suite or -- or  
3     studio, whatever it may be in the independent living  
4     building, do they then have an option, depending upon  
5     their health, to move over to assisted or is that on  
6     an availability?

7                     Are they guaranteed a spot in assisted  
8     or is that as available?

9                     THE WITNESS: It would be as available,  
10    but our intent is to have any resident that is  
11    independent to be able to have the ability to move  
12    into assisted. However, depending, if there is an --  
13    if we're leasing up the building, if there's not an  
14    available unit, we would -- we would try to work with  
15    them as long as we can until there is an available  
16    unit that they could move into.

17                    CHAIRMAN DePINTO: So you don't leave a  
18    3 or 5 percent vacancy in the assisted to accommodate  
19    the need of the independents?

20                    THE WITNESS: There's not a way  
21    economically to do that and be viable.

22                    MR. VOGEL: Certainly not with respect  
23    to providing 10 percent for low and moderate.

24                    CHAIRMAN DePINTO: No, I understand.

25                    But -- but, you know, management, we're

1     relying upon you.   You have 26 operations.   This will  
2     be our first unit in town.

3                   THE WITNESS:   Yes.

4                   CHAIRMAN DePINTO:   So we will learn  
5     from you.

6                   THE WITNESS:   What I can say is that  
7     typically someone's needs, where they would need to  
8     go from independent to assisted happens over time.

9                   And because it happens over time you  
10    have time to plan for that.   And the turnover that  
11    happens within assisted living is typically at a  
12    higher rate than what you have in an independent  
13    living.

14                   So my expectation would be that as we  
15    see someone's needs progress we could have those  
16    discussions with them and there would typically be an  
17    opening by the time that their needs progressed to a  
18    point that it was necessary that there would be an  
19    opening in assisted and we would work that out.

20                   But your question initially is do we  
21    specifically reserve that or do we guaranty that to  
22    them, no, we don't, but, we certainly have worked  
23    with them to make every possibility that we can to --  
24    to allow them to go from independent living to  
25    assisted living.

1                   CHAIRMAN DePINTO: Mr. Vogel, with  
2     respect to your comment with regard to inclusionary  
3     set-aside elements for affordable, today the borough  
4     received an application from someone else on another  
5     piece of property in town and they're proposing, say,  
6     20 percent inclusionary set-aside for affordable  
7     purposes.

8                   So I think the 10 percent is not  
9     outrageous. It's half of what the next applicant is  
10    seeking.

11                  Any other questions?

12                  (No response.)

13                  CHAIRMAN DePINTO: Hearing none, the  
14     Chair will entertain a motion to open the meeting to  
15     the public.

16                  MR. TEAGNO: So move.

17                  MS. O'NEILL: Second.

18                  CHAIRMAN DePINTO: Motion, Mr. Teagno;  
19     seconded, Ms. O'Neill.

20                  Anyone from the public have questions  
21     of this witness?

22                  (No response.)

23                  CHAIRMAN DePINTO: No?

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

1 MR. CULHANE: So move.

2 MS. O'NEILL: Second.

3 CHAIRMAN DePINTO: Mr. Culhan, second  
4 Ms. O'Neill.

5 (Whereupon, all present board members  
6 respond in the affirmative.)

7 CHAIRMAN DePINTO: Okay. Mr. Vogel,  
8 call your next witness.

9 MR. VOGEL: Yes. I would like to call  
10 my next witness. It would be the architect with  
11 respect to this.

12 Mr. Warr.

13 CHAIRMAN DePINTO: Thank you,  
14 Mr. Vogel.

15 MR. REGAN: Raise your right hand.

16 Do you swear or affirm that the  
17 testimony you give shall be the truth?

18 MR. WARR: Yes.

19 F R A N K W A R R,

20 having been duly sworn, testifies as follows:

21 MR. REGAN: For the record, state your  
22 full name and spell your last name.

23 MR. WARR: My name is Frank M. Warr,  
24 W-A-R-R.

25

1 DIRECT EXAMINATION

2 BY MR. VOGEL:

3 Q. Mr. Warr, would you provide to the  
4 board the benefit of your educational and  
5 professional background, please.

6 A. I am a graduate of Syracuse University,  
7 with a Bachelor of Architecture.

8 I have owned a business in New Jersey  
9 for the last 47 years.

10 I have licenses in New Jersey as an  
11 architect and planner, a certified interior designer.  
12 I also have a license in Pennsylvania as a licensed  
13 architect and the company has licenses in New York  
14 and Connecticut.

15 MR. REGAN: Mr. Vogel, he's being  
16 offered as an architect.

17 MR. VOGEL: Thank you.

18 MR. REGAN: Have you previously been  
19 qualified before other land use boards in New Jersey  
20 as an architect?

21 THE WITNESS: Yes.

22 MR. REGAN: On how many occasions?

23 THE WITNESS: Pardon?

24 MR. REGAN: On how many occasions?

25 THE WITNESS: Multiple occasions. I

1 have testified as close to this board as Ramsey, New  
2 Jersey. I have done Newton, Linden, and many of my  
3 personal area, Huntendon County, Sussex.

4 MR. REGAN: I think he can be  
5 qualified.

6 CHAIRMAN DePINTO: The Chair will  
7 accept the recommendation of counsel.

8 MR. REGAN: Mr. Vogel, do you want his  
9 plans marked or do you want to wait?

10 THE WITNESS: I would like to explain.

11 We have submitted at the initial  
12 presentation three boards; numbers A-101, A-201 and  
13 A-202. They were dated 4/13/2018.

14 MR. REGAN: I think we have those.

15 THE WITNESS: You have those.

16 CHAIRMAN DePINTO: The boards were left  
17 here.

18 THE WITNESS: They were left here.  
19 They remain as part of our presentation.

20 In addition to that, we have prepared  
21 slides for tonight's presentation based on questions  
22 that were raised at the first meeting in the hopes to  
23 better clarify the architecture of the facility.

24 There are 16 boards. I assume you want  
25 to -- that we'll follow the slides that you'll see.

1                   There's also a sample board that we  
2 brought along that you asked to see samples of  
3 material. And we brought a sample window.

4                   I could almost build the place right  
5 here if you would like.

6                   CHAIRMAN DePINTO: You appear to be  
7 better prepared for the hearing than we are.

8                   THE WITNESS: We appreciate you hearing  
9 us on such short notice and hope we can provide you  
10 with the information requested.

11                  CHAIRMAN DePINTO: Yeah. I think --  
12 well, I don't even know if we can.

13                  No. 1, the boards that were left, we're  
14 not sure where Lorraine has them stored.

15                  MR. STEFANELLI: Usually she puts them  
16 in the closet right here.

17                  CHAIRMAN DePINTO: You said you had  
18 slides.

19                  THE WITNESS: They will be on the --

20                  MR. HIPOLIT: I'll go -- she puts them  
21 in the closet up there.

22                  CHAIRMAN DePINTO: You'll have slides  
23 you can show through your computer.

24                  THE WITNESS: Yes, and there's boards  
25 for every slide that we can mark into evidence if

1     you'd like.

2                   CHAIRMAN DePINTO:    Okay.

3                   THE WITNESS:    Or we can give you a  
4     flash drive, thumb drive, whatever you would like.

5                   CHAIRMAN DePINTO:    You're speaking way  
6     above my pay scale.

7                   THE WITNESS:    It's above mine, too.

8                   I brought this young man that knows how  
9     to actually run this equipment.   I pay him a dear  
10    salary to do that.   But I can't so...

11                  CHAIRMAN DePINTO:    I hear you.   Let see  
12    what they find.

13                  THE WITNESS:    Would you like me to  
14    proceed while they're looking.

15                  CHAIRMAN DePINTO:    No.   Wait for them.

16                  THE WITNESS:    Sure.

17                  THE WITNESS:    I do want to thank you  
18    for the nice weather you provided tonight.

19                  CHAIRMAN DePINTO:    We even turned on  
20    the air conditioner.

21                  THE WITNESS:    Yes.

22                  CHAIRMAN DePINTO:    If you would have  
23    been here last night, no way, Mr. Warr.

24                  THE WITNESS:    We did try to on the  
25    points you asked for at the last meeting.



1                   One of the things you did ask was a  
2                   little more detailed description of the interior  
3                   courts. I think you'll find those have been quite  
4                   developed.

5                   And then Mr. Hundley was here. You  
6                   might want to ask him how he reacts within that  
7                   court.

8                   I'm simply an architect. I don't run  
9                   these facilities. I try to respond to his needs and  
10                  the needs of our community.

11                  CHAIRMAN DePINTO: You're trying to  
12                  hold off your residency.

13                  THE WITNESS: Yeah. Well, he promised  
14                  me if I finished it I would have my pick of either/or  
15                  assisted or...

16                  MR. VOGEL: While we're waiting, maybe  
17                  we could put the time to a useful pursuit.

18                  Mr. Chairman, you had indicated at the  
19                  outset that you would complete the meeting at about  
20                  10:30 or so and I think Mr. Warr's testimony would be  
21                  completed at about that time. That would not  
22                  complete our application so we will need another  
23                  date.

24                  Perhaps while we're waiting here we can  
25                  discuss what that later date would be.

1 I did have a discussion with  
2 Ms. Hutton.

3 MR. REGAN: Hutter.

4 MR. VOGEL: And she indicated that  
5 there was a meeting on the 17th, but she didn't know  
6 whether the board would hear us then.

7 But, tentatively, she did indicate that  
8 that might be available.

9 CHAIRMAN DePINTO: Well, we're going to  
10 have to announce tonight that we will be carrying it  
11 to the 17th. And we will try to accommodate you on  
12 the 17th.

13 But until Ms. Hutter returns from  
14 vacation this week we can't necessarily confirm that.

15 Would you -- are you requesting another  
16 special meeting at another time during July to  
17 continue or you'll go with the regular.

18 MR. VOGEL: Well, if the 17th is not  
19 available then, yes, I would request another special  
20 meeting.

21 CHAIRMAN DePINTO: Okay. We have a  
22 couple of major applications hitting on July 3rd that  
23 will get carried to the 17th.

24 If we're down to one witness for you,  
25 that being your planner on the 17th, I think we might

1 be able to pull it off.

2 So I think that's probably the best way  
3 to proceed with an eye towards the 17th.

4 MR. VOGEL: I would hope that, at the  
5 next meeting, we could complete the application and I  
6 would think that it shouldn't take more than an hour  
7 or so.

8 CHAIRMAN DePINTO: If we -- do you  
9 anticipate that your engineer will have revised plans  
10 prior to -- prior to the 17th maybe closer to the  
11 10th of the month to make the changes that --

12 MR. NAPOLITANO: Yes.

13 CHAIRMAN DePINTO: -- that you agreed  
14 to and that were requested by the board and our  
15 borough engineer?

16 MR. VOGEL: Yes.

17 CHAIRMAN DePINTO: Because I think if  
18 we are going to change the plans to ensure that you  
19 can be heard on the 17th we ought to have that as a  
20 start.

21 MR. VOGEL: Yeah. I would say that we  
22 would have plans ready.

23 MR. NAPOLITANO: For the landscape  
24 architect.

25 MR. VOGEL: Pardon me. We would have

1 plans ready for the 17th.

2 MR. HIPOLIT: When will you submit  
3 them?

4 MR. VOGEL: Pardon me?

5 MR. HIPOLIT: When will you be  
6 submitting them? We need them by the 6th.

7 MR. VOGEL: How about the 16th, does  
8 that work?

9 MR. HIPOLIT: The morning of the 17th  
10 maybe. The 6th is fine. They have to be by the 6th.  
11 If we have them by July 6th it would be great.

12 MR. NAPOLITANO: It would be great.

13 MR. VOGEL: With an outside date of the  
14 7th work for you.

15 MR. HIPOLIT: That's a Saturday. I  
16 don't know how you would file them.

17 MR. VOGEL: Then the 9th.

18 MR. HIPOLIT: The 9th is okay if you  
19 file the morning of the 9th.

20 MS. GREEN: If they're also digitally  
21 filed, so we don't have to wait for them to be  
22 mailed.

23 MR. HIPOLIT: That would be great.

24 THE WITNESS: I could drive them to  
25 you. It won't be a problem. If you give us Monday I

1 can drive them to you.

2 MR. HIPOLIT: Drive them on the 9th.

3 MR. NAPOLITANO: And Al Demarek, the  
4 landscape architect --

5 CHAIRMAN DePINTO: Delivery of revised  
6 plans for the 9th of July. We will pencil continued  
7 hearing July 17th. At that time you'll have all of  
8 your experts here to answer any questions the board  
9 members or public may have.

10 But at that time we would hear  
11 testimony from the planner and your landscape  
12 architect.

13 MR. VOGEL: Correct.

14 CHAIRMAN DePINTO: And do you  
15 anticipate bringing in any other witnesses?

16 MR. VOGEL: No.

17 CHAIRMAN DePINTO: Okay. With that  
18 said were we able to find the boards.

19 BOARD SECRETARY: No.

20 CHAIRMAN DePINTO: No, which is  
21 unusual. I'm not quite sure how we can proceed  
22 without having those exhibits, unless you just work  
23 off of paper plans that you have submitted. You tell  
24 me.

25 Now if -- if, because we're going to

1     carry it to the 17th, if you wish to have Mr. Warr's  
2     testimony carried to the 17th, I have no problem with  
3     that.

4                     I think it probably would be better  
5     because you would be giving a better presentation,  
6     one that, as I said, you're better prepared to give  
7     than we are prepared to receive.

8                     MR. REGAN:   Nothing.

9                     BOARD SECRETARY:   No.

10                    THE WITNESS:   I'll work with your  
11     pleasure.

12                    MR. HIPOLIT:   We checked everywhere.

13                    MR. REGAN:   Not at all.

14                    MR. HIPOLIT:   No, nothing.

15                    CHAIRMAN DePINTO:   Mr. Vogel, in the  
16     interests of time, though normally the board prefers  
17     to hear from the planner last, do you want to flip  
18     flop with your witnesses right now to take advantage  
19     of the next 35 minutes.

20                    MR. VOGEL:   Yes.

21                    CHAIRMAN DePINTO:   And we'll hear from  
22     Mr. Burgis at this point.

23                    It's your call.

24                    MR. VOGEL:   We could mark each of those  
25     boards into evidence as we go along and we can have

1 the testimony comply with that.

2 CHAIRMAN DePINTO: Okay. Then I'm  
3 okay. If that's what your preference is then we'll  
4 go that way.

5 MR. REGAN: Why don't we mark --

6 THE WITNESS: That's fine with me.

7 MR. REGAN: Why don't we mark  
8 Mr. Warr's drawings which are marked A-101, 201 and  
9 202 as A-3 dated 4/13.

10 CHAIRMAN DePINTO: Okay. We're going  
11 to mark these three sheets as A-3.

12 (Whereupon, Drawings, A-101, S-201,  
13 A-202, dated 4/13 is received and marked as  
14 Exhibit a-3 for identification.)

15 CHAIRMAN DePINTO: Did you pay him or  
16 did you get him at a cheaper rate?

17 THE WITNESS: No. No. They all come  
18 at the same lump sum, whatever it takes.

19 CHAIRMAN DePINTO: Well, do they,  
20 whether they drop displays or...

21 THE WITNESS: Is somebody going to put  
22 the boards up?

23 MALE AUDIENCE MEMBER: What's that?

24 CHAIRMAN DePINTO: Al, would you put  
25 the boards up because we testified -- some of these

1 boards are quite simple displays so we'll move along.

2 CHAIRMAN DePINTO: Hold on one second.

3 MR. REGAN: We marked, Mr. Warr, A-5.

4 (Whereupon, Drawing Board, Location  
5 Plan is received and marked as Exhibit A-5  
6 identification.)

7 THE WITNESS: Yes.

8 MR. REGAN: We marked that as A-3.

9 Are you going to mark other exhibits,  
10 too?

11 THE WITNESS: Yes, there's 16 other  
12 boards and a sample board.

13 MR. REGAN: Do you want to mark them  
14 all at once or are you going to testify about A-3  
15 first and then go on to them.

16 THE WITNESS: Well, as simple as you  
17 can see, this is just a demonstration board of the  
18 beginning of our presentation that could be marked as  
19 whatever.

20 CHAIRMAN DePINTO: Why don't we mark  
21 the 16 individually as he puts them up on the easel.

22 MR. REGAN: We did A-3.

23 CHAIRMAN DePINTO: So then let's start  
24 with this, cover slide.

25 THE WITNESS: Why don't we mark the 16



1 boards and then they'll be covered --

2 MR. REGAN: We have to title each one  
3 we mark.

4 THE WITNESS: Okay. That's a  
5 presentation board.

6 MR. REGAN: Cover page.

7 THE WITNESS: Cover page.

8 MR. STEFANELLI: Do Board-1, Board-2.

9 MS. O'NEILL: Architectural board.

10 MR. VOGEL: Why don't we have him just  
11 testify to each board as he goes through and we'll --  
12 when the next board comes up, we'll mark it, have  
13 someone mark it and refer to it as that number.

14 CHAIRMAN DePINTO: That's fine.

15 MR. REGAN: Okay. We marked A-3, the  
16 architectural board, the three sheets.

17 MR. VOGEL: Start with A-4.

18 CHAIRMAN DePINTO: Start with A-4 and  
19 we'll come back to A-1.

20 MR. REGAN: A-3.

21 THE WITNESS: A-4.

22 (Whereupon, Drawing Board, Cover Sheet  
23 is received and marked as Exhibit A-4 for  
24 identification.)

25 MR. VOGEL: The drawing that's part of

1 the package has been marked A-3.

2 MR. REGAN: Yes, three sheets.

3 MR. VOGEL: So these will then be four  
4 through whatever the following numbers are.

5 THE WITNESS: Not to belabor the issue  
6 and beat a dead horse, but that's my specialty, I  
7 would prefer that we list through the boards because  
8 some of them come quite quickly through the  
9 presentation.

10 Like, there's two or three boards that  
11 are only a sentence separates them. So if we could  
12 mark them --

13 CHAIRMAN DePINTO: As one exhibit, all  
14 16 boards as one exhibit.

15 THE WITNESS: However it would work for  
16 you, but I prefer not to interrupt the presentation  
17 as I go through.

18 I have documented something that's  
19 fairly to the point.

20 CHAIRMAN DePINTO: Unless someone out  
21 there interrupts you, we won't interrupt you.

22 THE WITNESS: Okay.

23 CHAIRMAN DePINTO: How about that?

24 THE WITNESS: We'll figure it out  
25 later.

1 CHAIRMAN DePINTO: Mr. Vogel, you will  
2 behave yourself.

3 MR. VOGEL: Yeah. My suggestion,  
4 there's a drawing up there, is A-4.

5 The next one Mr. Warr refers to, as he  
6 puts up, his assistant can mark it A-5.

7 CHAIRMAN DePINTO: We're fine with  
8 that. Why don't we just start.

9 THE WITNESS: The design we have  
10 prepared reflects both the mission statement of our  
11 client and we believe the fabric of your community.  
12 Thrive Pike Montvale presents, itself, as an  
13 affluent, well-governed, progressive and socially  
14 responsible environment.

15 These are the same values that presides  
16 to the residents of their communities. This is not a  
17 customary senior housing complex. This will be a  
18 neighborhood of Montvale catering to your elder  
19 population. We will provide them with home,  
20 entertainment, fine and casual dining, activities,  
21 cultural enrichment and a variety of services and a  
22 secure environment. This will be a place not a  
23 building.

24 Do you want to put the next one up  
25 there, please?

1                   This represents where the project is  
2                   located.   You're probably all aware of it.

3                   MR. REGAN:   That would be A-5.

4                   THE WITNESS:   This new neighborhood  
5                   will be located on the south side of Summit Avenue.  
6                   So a modest well-designed sign will announce its  
7                   entrance.

8                   The site is naturally --

9                   MR. REGAN:   A-6.   I'm sorry.   I have to  
10                  do that.

11                  MR. VOGEL:   That's A-6.

12                  (Whereupon, Drawing Board, Street  
13                  Signage Details is received and marked as  
14                  Exhibit A-6 for identification.)

15                  THE WITNESS:   Heavy wooded and slopes  
16                  generally downhill from Summit Avenue towards the  
17                  southeast.

18                  The front of the building is 505 --

19                  MR. VOGEL:   A-7.

20                  MR. REGAN:   Thank you.

21                  (Whereupon, Drawing Board, Simulated  
22                  Street View & Site Cross Section is received  
23                  and marked as Exhibit A-7 for identification.)

24                  THE WITNESS:   -- from the center of  
25                  line of Summit Avenue.

1                   The first floor is 30 feet below the  
2 road surface of Summit Avenue and there's 11 feet  
3 above the road at its highest point.

4                   I will note that the high point is,  
5 however, .68 inches above the maximum height  
6 permitted by ordinance. This low seeming and  
7 insignificant number was not determined arbitrarily.

8                   Estimated floor-to-floor heights that  
9 would permit gracious ceiling heights, allowance for  
10 HVAC distribution systems and desirable grading had  
11 to be factored into the calculation at a very early  
12 stage of the project.

13                  We were initially at a more practical  
14 height of the building, but the team was challenged  
15 to reduce it to the least viable height with the  
16 intended design.

17                  A flat roof was even considered, but  
18 the consensus of the development team was that the  
19 pitch roof would be more reflective of the character  
20 of Montvale.

21                  The heights were reviewed several times  
22 and before we were able to arrive at the lowest  
23 practical height.

24                  The surface parking in the front of the  
25 building is 16 feet below Summit Avenue. It is

1 well-screened from view along Summit Avenue by both  
2 natural and proposed new vegetation.

3 Additional surface parking is found  
4 along the entrance driveway in the back of the  
5 building.

6 THE WITNESS: The next one.

7 MR. VOGEL: A-8.

8 (Whereupon, Drawing Board, Building  
9 Organization is received and marked as Exhibit  
10 A-8 for identification.)

11 THE WITNESS: The project provides 203  
12 units for three levels of living, independent,  
13 assisted and memory care.

14 Though separate they are internally  
15 accessible to each other and to program spaces.

16 The three styles of living include 90  
17 units of independent living, 81 units of assisted  
18 living and 32 units ever memory care.

19 Within the assisted living units there  
20 are 26 affordable beds.

21 MR. VOGEL: A-9.

22 (Whereupon, Drawing Board, Memory Care,  
23 Colored Floor Plans, First Floor, Main Level  
24 is received and marked as Exhibit A-9 for  
25 identification.)

1 THE WITNESS: These are indicated in  
2 the colored floor plans in the lightest tan color.

3 CHAIRMAN DePINTO: Excuse me one  
4 second.

5 A-9 we're going to refer to as colored  
6 floor plans.

7 Is that accurate?

8 MR. VOGEL: A-9.

9 CHAIRMAN DePINTO: Yeah. Colored floor  
10 plans.

11 THE WITNESS: There's actually going to  
12 be -- yes.

13 MR. REGAN: Each exhibit has to be  
14 described for the record what it's titled. Otherwise  
15 the record is going to be a mess.

16 THE WITNESS: It's a first floor. It's  
17 colored to indicate the different types of units that  
18 are available and specifically the units are going to  
19 be used for the affordable beds.

20 That's represented by this document.

21 The next document is the same.

22 MR. VOGEL: That should be A-10.

23 (Whereupon, Drawing Board, Second Floor  
24 is received and marked as Exhibit A-10 for  
25 identification.)

1 THE WITNESS: That indicates the same  
2 colored unit types and affordable units.

3 The next document represents the same.  
4 And this was done in great detail to provide the  
5 board -- with the request they made as to indicating  
6 the different types of units and specifically where  
7 the A.L. shared units exist.

8 There's one last plan --

9 CHAIRMAN DePINTO: I'm sorry to  
10 interrupt you but are we going to receive paper  
11 copies of the boards?

12 MR. VOGEL: A-12.

13 (Whereupon, Drawing Board, Third Floor  
14 is received and marked as Exhibit A-12 for  
15 identification.)

16 (Whereupon, Drawing Board, Ground Floor  
17 - Memory Care is received and marked as  
18 Exhibit A-12 for identification.)

19 THE WITNESS: We will, if you would  
20 like to have them, yes.

21 CHAIRMAN DePINTO: We would because  
22 we're going to have to have a complete file when  
23 we're done.

24 THE WITNESS: That's not a problem,  
25 Mr. Chairman.



1 CHAIRMAN DePINTO: And if we could have  
2 color copies for board professionals for their review  
3 and comment, it would be very helpful, but please  
4 continue.

5 I'm sorry.

6 THE WITNESS: Sure. You'll have it.

7 The approach to the building is along  
8 the easterly side of the driveway. This first wing  
9 of the building will provide units for independent  
10 living.

11 (Whereupon, Drawing Board View of  
12 Exterior Main Entrance is received and marked  
13 as Exhibit A-13 for identification.)

14 THE WITNESS: The facade of the  
15 building is punctuated with individual vertical  
16 elements reminiscent of a village streetscape.

17 These are faced with various harmonious  
18 surface treatments much the same as any town might  
19 be. These include a brick, horizontal siding, metal  
20 trims, glass, deeply recessed balconies, punctuate  
21 the elevation adding to the depth and character, a  
22 variety of window treatments relieve the monotony  
23 usually found in buildings of this size.

24 Large masonry gables pierce the roof  
25 plane to articulate the top most element of the

1 building. There are no unit entrances along this or  
2 any exterior face of the building. Each unit is  
3 accessed from the interior of the building for the  
4 security of the residents.

5 Moving further south, the next major  
6 building element is the main building entrance.

7 Although this entrance provides access  
8 to all floors, it is a bit lower in overall height.

9 Recessed back from the primary facades  
10 of the building is a design to announce its function  
11 as a primary entrance to the building.

12 THE WITNESS: Put the next one up.

13 This is a perspective --

14 (Whereupon, Drawing Board, View of  
15 Lobby and Cafe is received and marked as  
16 Exhibit A-14 for identification.)

17 THE WITNESS: -- portraying the lobby  
18 entrance of the building, primary entrance to the  
19 building entering the main lobby from the  
20 porte-cochère. The residents will immediately find  
21 themselves in a warm, welcoming, bright space that  
22 leads to community services, dining rooms, activity  
23 spaces and administration areas.

24 With some areas being two stories in  
25 height the individual becomes aware of additional

1 programs, spaces on the second level. This area also  
2 provides access to all of the accommodations.

3 Large expanses of glass invite the  
4 individual into a beautifully landscaped social  
5 court. That's that one there.

6 (Whereupon, Drawing Board, View From  
7 Dining Room is received and marked as Exhibit  
8 A-15 for identification.)

9 (Whereupon, Drawing Board, Activated  
10 the Social Court is received and marked as  
11 Exhibit A-16 for identification.)

12 (Whereupon, Drawing Board, View of  
13 Social Court (night) is received and marked as  
14 Exhibit A-17 for identification.)

15 THE WITNESS: The next one is a  
16 rendering from inside the lobby through a dining area  
17 to the social court to the other end of the social  
18 court.

19 The social court -- this interior  
20 courtyard provides opportunities for activities,  
21 community events, movies and relaxation.

22 Within the court is a modest community  
23 building that will provide meeting space, video  
24 equipment to provide outdoor entertainment and  
25 restrooms.

1                   This is the accessory building that you  
2 folks had asked about, what it looked like exactly.  
3 That's what that is. And then you'll see some detail  
4 of the interior court as it is rendered.

5                   Again, moving south beyond the entrance  
6 lobby, the visitor will encounter a four-story wing  
7 of the building. This fourth floor occurs below the  
8 first floor in response to the lower grade elevation  
9 at the south end of the site.

10                  Using the natural slope of the site  
11 allows the insertion of this additional level without  
12 increasing the overall height of the building. The  
13 upper three levels of this wing provide assisted  
14 living accommodations. The lowest level will provide  
15 memory care accommodations to the project.

16                  The landscaping interior court also  
17 enhances the livability of the residents of this  
18 lower wing. Extending through all four floors it  
19 provides natural daylight to the entire interior  
20 space.

21                  (Whereupon, Drawing Board, Building  
22 Elevations is received and marked as Exhibit  
23 A-18 for identification.)

24                  THE WITNESS: Continuing south, the  
25 character of the design established by the

1 independent living wing continues here replicating  
2 the neighborhood character, variety of colors and  
3 textures found there. A stone finish on this lower  
4 level has been added to the design pallet to reduce  
5 the building's apparent height and to add interest.

6 The amenities that would be provided  
7 are far in excess of those normally available in  
8 similar facilities. To provide a comparison I would  
9 take the liberty to work from your ordinance which  
10 allows 25 units per acre. That would equate to 286  
11 units for this property.

12 With an FAR of 35 percent, the maximum  
13 allowable building area would be 174,947 square feet  
14 or an average unit size of 612 gross square feet per  
15 unit.

16 The gross unit size needed to provide  
17 desired amenities for this project requires almost  
18 twice the gross square feet area per unit allowed by  
19 ordinance. And in comparison 1016 square feet versus  
20 612 square feet.

21 This represents approximately a 15  
22 percent increase in the FAR from 174,947 to 206,179  
23 square feet.

24 However, to offset the total unit count  
25 -- however, to offset this difference, the total unit

1 count has been reduced by 29 percent from 286 to 203  
2 units.

3 The next board, please. This is plan of  
4 the roof.

5 (Whereupon, Drawing Board, Roof Plan is  
6 received and marked as Exhibit A-19 for  
7 identification.)

8 THE WITNESS: To answer a question  
9 where we're going to put our HVAC units and  
10 equipment, the HVAC equipment will be located on the  
11 roof above the central program area. It will be  
12 hidden from view using a mansard roof effect created  
13 by the elimination of interior slope of the pitched  
14 roof.

15 The design of this project has been  
16 carefully thought out to reflect and enhance the  
17 character of its surroundings.

18 To be sure, it is not intended as a  
19 replica of any period or time. It is a design that  
20 draws from reflections from the past and embraces the  
21 future.

22 Thank you, Mr. Chairman.

23 CHAIRMAN DePINTO: Thank you.

24 MR. VOGEL: Mr. Chairman, if I could  
25 make a recommendation to the board, and I've done

1 this previously, if we provide to the board a CD or a  
2 flash drive of what was shown and we mark that in  
3 evidence as one document and then we will provide  
4 you, as a supplement to that, with the paper copies  
5 of what was on the flash drive.

6 As a part of the permanent record you  
7 have one of -- you have one item marked in evidence  
8 and that is the CD or the flash drive which shows  
9 everything that the board was shown as part of the  
10 public record and you have for your own review in  
11 making a decision the paper copies as well.

12 MR. REGAN: I'm going to need paper  
13 copies.

14 I mark all of these as different  
15 exhibits. I was going to ask you to help me title  
16 some of them because some of them didn't have --

17 THE WITNESS: We'll submit -- we can  
18 submit them to you with titles.

19 MR. REGAN: I'm sorry.

20 THE WITNESS: How many copies would you  
21 like?

22 CHAIRMAN DePINTO: How many would you  
23 like? Seventeen?

24 Mr. Vogel, I think that's a good  
25 suggestion and I think that would be in the best

1 interests of having a complete file. And then, when  
2 Mr. Regan does prepare the resolution and  
3 subsequently the developer's agreement, there will be  
4 no questions with respect to it.

5 I think with regard to the presentation  
6 that was made this evening with regard to the  
7 proposed architecture, I think you have really  
8 attempted to capture suggestions that were made to  
9 you at the site plan review committee meetings.

10 I think you've gotten away from the  
11 monotonous look that typically goes with a building  
12 of this size and I think that's a credit to you.

13 THE WITNESS: Thank you.

14 CHAIRMAN DePINTO: I think you have  
15 done a pretty good job with it.

16 I think combined with a proper  
17 landscape plan, I think this will be a wonderful  
18 model and it will be something very -- the first  
19 example in the Borough of Montvale.

20 But I'm going to have to go back one  
21 second. I'm going to break my own rule here and go  
22 back to Mr. Hundley.

23 Mr. Hundley, we did not ask you about  
24 memory care. Could you explain to me -- because I  
25 recognize that from an architectural point of view



1     that's accomplished with a certain portion of a  
2     proposed building.

3                     Could you define the difference between  
4     memory care and assisted living?

5                     MR. HUNDLEY:    Sure.   Memory care is  
6     defined as a cognitive disease that could be  
7     comprised of dementia, Alzheimer's, but it is a  
8     medically defined disease.

9                     CHAIRMAN DePINTO:   How do their  
10    services that they receive differ from those services  
11    received by people in the assisted living portion of  
12    the building.

13                    MR. HUNDLEY:    Are you referring to  
14    their care?   Their care, there's -- they have their  
15    own care team and we have designed the memory care  
16    wing to effectively create their own neighborhoods.  
17    They are -- they have a controlled access to that  
18    wing of the building, so there is not an interaction  
19    between the memory care resident and the assisted or  
20    independent resident and that is for an elopement  
21    standpoint and from the licensure regulations.

22                    So there's not a direct interaction  
23    between the residents, but the care is -- is provided  
24    with a specialized care team that is focused on their  
25    specific needs.

1                   CHAIRMAN DePINTO:   And that team only  
2                   provides service to that section of the building or  
3                   they provide services in the assisted living portion  
4                   as well.

5                   MR. HUNDLEY:   It's not that there will  
6                   never be a case where there is overlap, but that team  
7                   is -- is dedicated to the memory care residents.

8                   CHAIRMAN DePINTO:   Okay.   Very good.  
9                   Thank you.

10                  Let's go back to Mr. Warr with regard  
11                  to questions and I guess I'm starting with  
12                  Mr. Culhane.

13                  THE WITNESS:   If I could, Mr. Chairman?

14                  CHAIRMAN DePINTO:   Sure.

15                  You asked for a presentation of  
16                  materials we plan to use.   I have a material board  
17                  that I'll be happy to leave with you to review with  
18                  your --

19                  CHAIRMAN DePINTO:   Please leave the  
20                  board, but could you please run through the different  
21                  types of materials and we'll mark it into evidence as  
22                  well.

23                  CHAIRMAN DePINTO:   Mr. Vogel, A-20.

24                  MR. VOGEL:   Fine.   A-10.

25                  THE WITNESS:   This is our proposed

1 window that would be used, not that size, but it's  
2 the general idea of the window.

3 The majority of the exterior of the  
4 building will be a brick stucco, stone. There will  
5 be trim pieces of cast stone for masonry portions of  
6 the building. We'll have siding on some portions of  
7 it.

8 (Whereupon, Drawing Board, Back  
9 Cover is received and marked as Exhibit A-20  
10 for identification.)

11 (Whereupon, Material Board is received  
12 and marked as Exhibit A-21 for  
13 identification.)

14 THE WITNESS: There is metal roofing,  
15 metal trim and this would be the asphalt shingles  
16 that we would be proposing to use on the roof.

17 MR. REGAN: The material board will be  
18 A-21.

19 CHAIRMAN DePINTO: Okay. Very good.  
20 Thank you.

21 Questions, I guess I'm starting with  
22 Mr. Culhane.

23 MR. CULHANE: Yeah. On drawing A-201.

24 On the east front elevation I notice  
25 that you have the chimney that extends above the

1 roof.

2 THE WITNESS: Correct.

3 MR. CULHANE: I notice it says  
4 exception to the maximum height.

5 THE WITNESS: Yes.

6 MR. CULHANE: Explain that a little  
7 more, please.

8 THE WITNESS: It is a piece that  
9 extends above the highest point of the roof but we're  
10 allowed to penetrate that plain, I believe, by 25  
11 percent of the roof area. It's an architectural  
12 feature announcing this is the front of the building,  
13 the building entrance and it was used there much the  
14 same as a steeple might be used on a church or on a  
15 municipal building. So it's announcing the entrance  
16 to the building.

17 It's an architectural feature.

18 MR. CULHANE: The next question I have  
19 is I wanted to verify the FAR, what's included or not  
20 included.

21 I notice on Sheet A-101 we have a table  
22 the area drops off to 206.79.

23 THE WITNESS: The FAR, quite frankly, I  
24 coldcocked from Steve's drawings.

25 MR. CULHANE: Then I notice we have

1 balcony porch 4,754 square feet which is not included  
2 in the FAR.

3 THE WITNESS: That's correct. We had  
4 reviewed that with -- who did we review that with? I  
5 thought there was somebody in the town we reviewed,  
6 whether that was included in the FAR and they said  
7 no.

8 MS. GREEN: Mr. Fette?

9 THE WITNESS: I don't recall -- Jeff.  
10 Well, that was the reason that was  
11 called out specifically for clarity.

12 MR. CULHANE: And then I assume the  
13 same applies for the entry canopy, that, too, was  
14 excluded from the FAR.

15 THE WITNESS: Yes.

16 MR. CULHANE: And what about the  
17 accessory structure, why is that excluded?

18 THE WITNESS: I believe it was simply  
19 because it was already part of an interior court. I  
20 don't believe it was necessary to include that.

21 It's not actual habitable space. It's  
22 an amenity.

23 MR. NAPOLITANO: May I?

24 CHAIRMAN DePINTO: Yes, Mr. Napolitano.

25 MR. NAPOLITANO: I don't recall the

1     accessory structure being included in the floor area  
2     ratio, just merely it cannot be greater than 30  
3     percent of the size of the principal building and it  
4     has a height restriction.

5                 CHAIRMAN DePINTO:    So you treated it as  
6     an accessory structure.

7                 MR. NAPOLITANO:    It's an accessory  
8     structure.

9                 CHAIRMAN DePINTO:    Okay.   As per code  
10    requirement.

11                MR. NAPOLITANO:    Yes.

12                CHAIRMAN DePINTO:    John.

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

15                THE WITNESS:    Thank you, sir.

16                CHAIRMAN DePINTO:    Mr. Stefanelli?

17                MR. STEFANELLI:    No comments.

18                THE WITNESS:    Thank you.

19                CHAIRMAN DePINTO:    Ms. O'Neill?

20                MS. O'NEILL:    I am extremely hesitant  
21    to agree to vinyl siding and EFIS on this building  
22    both -- it's a large building, both are flammable  
23    materials and, frankly, from what you have described  
24    of this building, how it is luxury, senior facility,  
25    I do not think either of those materials are the

1 caliber of the building that you're building here.

2 I'm not necessarily suggesting you do  
3 cast stone panels or HardiePlank or anything, but  
4 that would maybe be a step up.

5 I can't feel your vinyl siding right  
6 now to see which grade it is, but perhaps other -- I  
7 don't have a problem with the way they look, just  
8 perhaps the quality of the material could be  
9 expanded.

10 THE WITNESS: We will certainly look  
11 into that.

12 I would say the EFIS or Dryvit, as  
13 people call it, generally gives it advantage to the  
14 building from the standpoint its insulation value and  
15 durability. If it was replaced with plaster or  
16 something like that, it tends to crack and allows  
17 moisture in.

18 There is a reason we use it, in  
19 addition to its decorative value and economy.

20 MS. O'NEILL: If you are relying on  
21 EFIS to insulate your building --

22 THE WITNESS: No. No. I didn't mean  
23 to imply that. It adds -- we have minimum  
24 requirements that the State of New Jersey insists on.  
25 I have no choice about that. And that the

1 calculation is done without that as part of it. It  
2 becomes an amenity to the heat loss of the building,  
3 an energy saver.

4 So we found it to be very effective in  
5 the areas where -- we try to keep it from areas that  
6 are close to the ground where we feel it's necessary  
7 for aesthetic effects, there is a hardened surface  
8 that we use. It is easily maintainable. If it is  
9 damaged it could be repaired. And we have had  
10 installations of it up for at least 20 years that  
11 we've -- we have continued to be used. So we will  
12 look into it. I would be happy too.

13 MS. O'NEILL: Yeah. I would like you  
14 to look into it. I don't think in 20 years --

15 THE WITNESS: I would be happy to.

16 MS. O'NEILL: And just kind of as a  
17 comment, while I don't necessarily disagree with your  
18 definition of architectural feature for the chimney,  
19 I do not think your intent is to distinguish the  
20 entrance of the building, the -- it's obviously  
21 distinguishable, but the chimney is not the one doing  
22 it.

23 THE WITNESS: Is not what?

24 MS. O'NEILL: The chimney is not the  
25 one calling attention to the project. It's a



1 comment.

2 THE WITNESS: Yeah. I appreciate that.  
3 Thank you.

4 MS. O'NEILL: I have no further  
5 questioning.

6 CHAIRMAN DePINTO: Thank you.

7 Mr. Teagno?

8 MR. TEAGNO: Could you talk a little  
9 bit about the fire protection on this building?

10 THE WITNESS: Sure.

11 There's a fire wall that separates  
12 the -- not the entire portion of the independent  
13 living, but I would say two-thirds of it is protected  
14 by fire wall. It separates it from the assisted  
15 living and the M.L. section.

16 The independent living will be frame  
17 construction.

18 The assisted living and the M.L.  
19 section will be non-combustible to be constructed out  
20 of materials like steel, concrete and so forth, in  
21 compliance with the code.

22 This thing will have to be filed with  
23 both Montvale and DCA.

24 MR. HIPOLIT: Is it sprinklered?

25 THE WITNESS: Yes, it has to be by

1 code.

2 MR. TEAGNO: What was your question?

3 MR. HIPOLIT: Is it sprinklered?

4 MR. TEAGNO: But there are no fire  
5 walls between each unit.

6 THE WITNESS: No. There are rated  
7 separation between each unit to separate units.

8 MR. TEAGNO: Is there any --

9 THE WITNESS: But not fire walls to  
10 separate buildings.

11 MR. TEAGNO: There also is a wall. I  
12 can't remember what it's called where you have a  
13 space in between in case the fire breaks out.

14 THE WITNESS: That's a fire wall.

15 MR. TEAGNO: I was thinking masonry  
16 when you mentioned fire wall. It will be masonry.

17 MR. TEAGNO: Between each unit?

18 THE WITNESS: No, between the frame  
19 construction and non-combustible.

20 MR. TEAGNO: For how many units?

21 THE WITNESS: About two-thirds of the  
22 assisted living or independent living will be in  
23 frame construction.

24 MR. TEAGNO: So all the frame  
25 construction is contiguous with no fire walls between

1 the two?

2 THE WITNESS: That's correct, without  
3 fire walls, yes.

4 MR. TEAGNO: And then there are  
5 obviously smoke --

6 THE WITNESS: There will be smoke  
7 detection, fire, it would be sprinklered. Yes.

8 MR. TEAGNO: In each one?

9 THE WITNESS: Yes.

10 MR. TEAGNO: And the fire alarm units  
11 will in be in the hall?

12 THE WITNESS: Everything will be  
13 according to code requirements, yes.

14 MR. TEAGNO: Okay. Thank you.

15 CHAIRMAN DePINTO: Thank you.

16 Mr. Culhane?

17 MR. REGAN: You started with him.

18 CHAIRMAN DePINTO: Okay. I'm over  
19 here.

20 Mr. Stefanelli?

21 MR. STEFANELLI: No questions.

22 CHAIRMAN DePINTO: Okay. And,  
23 Ms. O'Neill, you spoke.

24 Members of the public that were here I  
25 think they left.

1 MS. O'NEILL: I'm sorry. I actually do  
2 have a question.

3 You have staff laundry written on here.  
4 Is staff staying in the building?

5 THE WITNESS: No. The staff will be  
6 doing the laundry. The staff does not live in the  
7 building.

8 MS. O'NEILL: Okay. That note is  
9 unclear.

10 THE WITNESS: I apologize.

11 CHAIRMAN DePINTO: Ms. Green?

12 MS. GREEN: I had a couple questions.  
13 You mentioned that there was a lot of  
14 discussion about the building height.

15 THE WITNESS: Yes.

16 MS. GREEN: And that is triggering one  
17 of your major variances?

18 THE WITNESS: Correct.

19 MS. GREEN: And I think it's .63 inches  
20 over.

21 THE WITNESS: 68. I don't want to make  
22 it too --

23 MS. GREEN: And because of the grade  
24 differential I assume you had to shave off much more  
25 than .68 to get down?

1                   THE WITNESS: Yeah. It's a combination  
2 of the height of the building is to the midpoint on a  
3 sloped roof of the roof. So it's not at the peak of  
4 the building. It's at its midpoint when there's a  
5 sloped roof.

6                   In addition to that, as I said in my  
7 presentation, when we were doing the balancing act of  
8 grade versus ceilings, the floor-to-ceiling heights,  
9 floor-to-floor heights, and so forth we had  
10 originally come up with a much higher number and we  
11 felt that that was unpalatable.

12                  But to keep the character of the  
13 building, the steeper roof pitches and the  
14 appearances we wanted to keep on the front of the  
15 building, we would ask for that. We felt that that  
16 was the minimum we could achieve what we wanted to do  
17 within the building heights.

18                  Now they're only 11 feet above Summit  
19 Avenue with that high point. And we had on one of  
20 the original photographs, the boards we presented,  
21 that most of that site is going to be -- the view to  
22 the buildings is going to be blocked by existing  
23 vegetation, additional vegetation that's going to be  
24 put in.

25                  So we didn't feel that it was a --

1 detrimental to the character, the neighborhood, the  
2 town, to ask for that.

3 MS. GREEN: I understand it, but it's  
4 not a typical (c) bulk variance. And so I guess I'm  
5 trying to understand how many feet would you have to  
6 take off a building to comply? It kind of goes back  
7 to the Chairman's earlier comment about trying to  
8 reduce the number of variances that you're seeking.

9 THE WITNESS: What I tried to indicate,  
10 that's a difficult balancing act because of where we  
11 are, the project. We don't have -- we have an idea,  
12 as architects with a long period of practice, what  
13 the ceilings heights, floor-to-floor heights would  
14 need to be because we want to have higher ceilings  
15 than we would normally have. We have to provide  
16 natural ventilation, heating and air conditioning,  
17 which requires ceiling heights and in the thickness  
18 of the floors and then the pitches of the roofs and  
19 plates.

20 And, at the level we were at, that is  
21 where it seemed most practical to set the height  
22 which we felt was not going to be detrimental to the  
23 community.

24 MR. VOGEL: Mr. Warr, how many inches  
25 are we talking about?

1 THE WITNESS: Eight inches.

2 MR. VOGEL: Eight inches.

3 The height permitted by the ordinance  
4 is 50 feet and for design benefit you are asking for  
5 8 inches.

6 Correct?

7 THE WITNESS: Plus or minus.

8 MR. VOGEL: For a building that is 500  
9 feet back from Summit Avenue.

10 Correct?

11 THE WITNESS: Yes, 505 feet.

12 MR. VOGEL: And you're at a height  
13 which is only 11 feet higher than Summit Avenue.

14 THE WITNESS: That's correct.

15 MR. HIPOLIT: Jerry, be careful because  
16 8 inches is such a small amount you should be able to  
17 make it work or he needs to provide testimony of why  
18 you need the 8 inches. He hasn't done that yet.

19 He has to go through floor by floor why  
20 8 inches makes a difference.

21 THE WITNESS: I would be happy to do  
22 that.

23 MR. HIPOLIT: You could regrade the  
24 site to make 8 inches work.

25 We have seen this in front of this

1 board dozens and dozens of times where you could make  
2 this work.

3 So, I mean, there's something special  
4 in each floor and the joist you need 8 inches for or  
5 a design change.

6 MR. VOGEL: I fully understand when you  
7 say there's such a small number that you can always  
8 make the argument that, you know, you could lose it  
9 somewhere in the design.

10 Our application is that we've come up  
11 with a design that has a certain enhancement and  
12 requires 8 inches. So there's two sides that are --

13 MR. HIPOLIT: He has to go through what  
14 that is.

15 He hasn't really said, "okay, from the  
16 first floor to this joist," he hasn't done that  
17 profile.

18 THE WITNESS: I would be happy to do  
19 that for you.

20 MR. HIPOLIT: I think you have to.

21 MS. GREEN: For variance justification.

22 Provide a building cross-section to  
23 show why you need the 8 inches.

24 THE WITNESS: I would be happy to.

25 MR. TEAGNO: Can you just excavate 8



1 inches deeper?

2 THE WITNESS: It's -- okay. You heard  
3 testimony from Steve about how he went around and  
4 developed the natural grade and where we're setting  
5 it at -- There's a -- there's a medley of numbers  
6 that go into determining that number. We did that  
7 and we reduced it as much as we could, we felt,  
8 reasonably to still accommodate the design we wanted.  
9 Okay.

10 I will provide you with those numbers  
11 next time, the board would decide how they would like  
12 to move on this. It's a request. And I will provide  
13 justification.

14 CHAIRMAN DePINTO: Right. I made a  
15 recommendation of the cross-section will help the  
16 board understand.

17 THE WITNESS: Not a problem.

18 CHAIRMAN DePINTO: The reason behind  
19 the --

20 Ms. Green, do you have a question?

21 MS. GREEN: One other question.

22 On your front facade, on the  
23 porte-cochère there is an emblem and it's unclear  
24 what that is.

25 I'm trying to understand is that a sign

1 or does it constitute a sign and I can't tell.

2 THE WITNESS: It's a branding mark,  
3 Thrive.

4 MR. HIPOLIT: It's the sun.

5 MS. GREEN: We're going to need a  
6 detail of that.

7 MR. TEAGNO: Isn't it the letters "D"  
8 "S".

9 CHAIRMAN DePINTO: -- oh, sign.

10 MR. HIPOLIT: It's a sign.

11 MR. VOGEL: No, it's not in the sign,  
12 it's in the wall.

13 MS. GREEN: Well, that's a wall sign.

14 MR. REGAN: It's definitely a sign.

15 THE WITNESS: It's part of the  
16 architectural of the wall.

17 MS. GREEN: We need a detail,  
18 dimensions and more than likely you're going to need  
19 a variance.

20 THE WITNESS: Okay.

21 CHAIRMAN DePINTO: Frank, you have a  
22 concern with another building that had been proposed  
23 in town with the vinyl siding. And you took  
24 exception to the applicant presenting a proposal with  
25 that type of siding.

1 Did you ever reach an agreement with  
2 the applicant as to what type?

3 MR. STEFANELLI: He said Hardie Board.  
4 I would rather see a cement board.

5 CHAIRMAN DePINTO: A cement board  
6 versus Hardie Board.

7 MR. STEFANELLI: Hardie Board versus  
8 vinyl.

9 CHAIRMAN DePINTO: I'm not a fond  
10 believer of the Hardie Board product.

11 THE WITNESS: We have used both.

12 MS. O'NEILL: Wood panel.

13 CHAIRMAN DePINTO: Yeah.

14 MR. STEFANELLI: I mean for fire safety  
15 versus vinyl I would rather see a cement board. It  
16 looks like vinyl siding.

17 CHAIRMAN DePINTO: Yeah. Yeah. Give  
18 that some consideration.

19 THE WITNESS: We certainly will, sir.

20 CHAIRMAN DePINTO: Do we have anything  
21 else?

22 I think that's it.

23 No one from the public is here.

24 With that said, let the record show  
25 that the Chair has announced that this hearing will

1 be carried to our July 17TH meeting, no further  
2 notice will be given to the public other than this  
3 announcement.

4 It will be posted on the bulletin board  
5 in the lobby and also be posted on the Montvale  
6 Planning Board website.

7 Mr. Vogel, if you would communicate  
8 directly with Mr. Regan with regard to clearing up  
9 the questions with regards to the numbering of the  
10 exhibits, and I guess, Bob, a summary.

11 MR. REGAN: Yeah, a title for each  
12 exhibit.

13 CHAIRMAN DePINTO: A title for each  
14 exhibit, but I do believe Mr. Vogel's recommendation  
15 of putting it on the disk or a drive or something.

16 MR. REGAN: Everybody will get paper  
17 copies.

18 CHAIRMAN DePINTO: And paper copies.

19 MR. REGAN: Also when will we get a  
20 transcript? There are several members who are  
21 absent.

22 THE WITNESS: I'll have them to you the  
23 first of the week.

24 CHAIRMAN DePINTO: No, the transcript.

25 THE WITNESS: I'm sorry. I didn't hear

1     you, sir.

2                     MR. REGAN:   Mr. Vogel will provide the  
3     transcript.

4                     MR. VOGEL:   We'll have them the first  
5     of the week, beginning of next week.

6                     MR. REGAN:   Fine.

7                     MR. VOGEL:   I will get sufficient  
8     copies for the board and deliver them to Ms. Hutter  
9     and I will deliver one directly to Mr. Regan as well.

10                    CHAIRMAN DePINTO:  She's going to need  
11     a copy of the list.

12                    MR. VOGEL:   A copy to the reporter as  
13     well.

14                    THE WITNESS:   I'll send you a  
15     transmittal with all the boards with their numbers on  
16     them.

17                    MR. VOGEL:   I heard before, I need to  
18     be correct, how many copies.

19                    MR. REGAN:   Seventeen.

20                    MR. VOGEL:   How many?

21                    MR. REGAN:   Seventeen.  That takes care  
22     of everybody.

23                    MR. NAPOLITANO:  Full size and half  
24     sizes.

25                    MR. STEFANELLI:  No, full size.

1 BOARD SECRETARY: Full.

2 MR. REGAN: I only want half sizes.

3 CHAIRMAN DePINTO: I think you can do  
4 the half sizes.

5 MR. VOGEL: Half sizes.

6 MR. HIPOLIT: Give Lorraine one full  
7 size.

8 CHAIRMAN DePINTO: Yeah. Let's have a  
9 full size, a half size.

10 MR. HIPOLIT: One full size and 16 half  
11 size.

12 MR. VOGEL: Okay.

13 THE WITNESS: Do you want them signed  
14 and sealed?

15 BOARD SECRETARY: Yes.

16 CHAIRMAN DePINTO: Yes.

17 THE WITNESS: Anything else?

18 Thank you so much.

19 MR. VOGEL: Thanks for your time.

20 (Whereupon, this matter is continuing  
21 at a future date. Time noted: 10:40 p.m.)  
22  
23  
24  
25

## C E R T I F I C A T E

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

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney or counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

-----  
DONNA LYNN J. ARNOLD, C.C.R.  
LICENSE NO. XI00991  
MY COMMISSION EXPIRES 08/04/19