

1 PLANNING BOARD
 2 BOROUGH OF MONTVALE
 3 COUNTY OF BERGEN

4 -----
 5 BLOCK 3201, LOT 4 :
 6 RIDGECREST REALTY ASSOCIATES, INC.:
 7 21 Philips Parkway :
 8 Application for Conditional Use :
 9 And Variance Approval, Major Soil :
 10 Moving Permit Approval, Bulk :
 11 Variance Approval, EIS Approval :
 12 And Site Plan Waiver :
 13 -----X

14 Tuesday, November 20, 2018
 15 Council Chambers
 16 12 Mercedes Drive
 17 Montvale, New Jersey

18 JOHN DePINTO, CHAIRMAN
 19 FRANK STEFANELLI, VICE CHAIRMAN
 20 JOHN CULHANE
 21 ROSE CURRY, COUNCIL PRESIDENT, absent
 22 JIMMY D'AGOSTINO
 23 MICHAEL N. GHASSALI, MAYOR, recused
 24 WILLIAM LINTNER
 25 MAGGIE O'NEILL
 26 ANNEMARIE RUSSO
 27 DANTE TEAGNO, absent
 28 ROBERT REGAN, BOARD ATTORNEY
 29 ANDREW HIPOLIT, BOROUGH ENGINEER
 30 DARLENE GREEN, BOARD PLANNER
 31 JOHN FETTE, CODE ENFORCEMENT, absent

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

3 BOARD SECRETARY: Mr. Culhane.

4 MR. CULHANE: Here.

5 BOARD SECRETARY: Councilwoman Curry.

6 Mr. D'Agostino.

7 MR. D'AGOSTINO: Here.

8 BOARD SECRETARY: Mr. Fette.

9 Mayor Ghassali.

10 MAYOR GHASSALI: Here.

11 BOARD SECRETARY: Mr. Lintner.

12 MR. LINTNER: Here.

13 BOARD SECRETARY: Miss O'Neill.

14 MISS O'NEILL: Here.

15 BOARD SECRETARY: Miss Russo.

16 MISS RUSSO: Here.

17 BOARD SECRETARY: Mr. Stefanelli.

18 MR. STEFANELLI: Here.

19 BOARD SECRETARY: Mr. Teagno.

20 And Chairman DePinto.

21 (Agenda)

22 CHAIRMAN DePINTO: Public hearing on Block
23 3201, Lot 4, Ridgecrest Realty Associates, 21 Philips
24 Parkway. It's an application for conditional use and
25 a variance approval, major soil moving permit

1 approval, bulk variance approval, Environmental Impact
2 Statement approval and site plan.

3 Is there anyone here representing
4 Ridgecrest Realty?

5 Okay. Good evening, Mr. Del Vecchio.

6 MR. DEL VECCHIO: Good evening, Mr.
7 Chairman, members of the Board, Andy Del Vecchio,
8 member of the firm of Beattie Padovano on behalf of
9 the applicant, Ridgecrest.

10 We're here this evening on continued public
11 hearings which had commenced, I believe, on October
12 16th originally.

13 Before we get started I do propose to mark some
14 additional exhibits.

15 CHAIRMAN DePINTO: Before we do that, Mr.
16 Del Vecchio, what witnesses have you brought this
17 evening to be heard?

18 MR. DEL VECCHIO: The project team is
19 here. I have our, I have an operational person to
20 supplement our operations testimony. Our architect
21 will be right behind that testimony and behind Bruce
22 will be Mike Dipple our engineer and Mr. Preiss is
23 here as well who is our planner on this project.

24 CHAIRMAN DePINTO: Okay. Members of the
25 public that are here that have an interest in this

1 application, who have attended any previous meetings
2 associated with this application, you are probably
3 aware at this point that as each of the witnesses are
4 presented to the Board, Board Members are then
5 permitted to ask questions of that witness. Following
6 the testimony and questioning of each of those
7 witnesses, the Chair will open the meeting to the
8 public to allow you to ask questions of that witness
9 as well.

10 But please be reminded the way this Board
11 functions, you're acting as if you are Board Members.
12 And that is, I am giving you the right to ask
13 questions of the witnesses but not at this stage of
14 the hearing to just get up to give your opinion
15 whether you love it or you hate it or somewhere in
16 between.

17 That happens when all of the testimony is
18 received from the various witnesses.

19 So when I do ask that you step forward and you
20 identify yourself, I am going to ask the Board
21 Attorney to swear you in but please bear in mind, keep
22 it to questions.

23 If you kind of stray from questions, towards
24 making statements or comments, I may cut you off. And
25 I'm not doing it to be rude. It's just a practice

1 that we do have.

2 Now I do understand that counsel may be here
3 representing a number of neighbors to this
4 application.

5 Is there an attorney representative?

6 MR. WISS: Yes, Mr. Chairman.

7 CHAIRMAN DePINTO: Could you kindly step
8 forward and state your name for the record, please.

9 MR. WISS: Good evening, Mr. Chairman,
10 Mayor, Board Members. Raymond R. Wiss, from the firm
11 of Wiss & Bouregy and, again, technically representing
12 the Bears Nest Condominium Association which does
13 include some of the individuals who asked questions at
14 the last hearing.

15 CHAIRMAN DePINTO: Which is fine.

16 And what I will do is, when I do open the
17 meeting to the public for questions, I will first go
18 to you, sir, to give you that courtesy and then
19 following your statement --

20 I would only ask that if anyone who wishes to
21 speak after you are not represented by you other than
22 through the association and their membership in the
23 association.

24 MR. WISS: That would be fine.

25 CHAIRMAN DePINTO: So long as that's

1 clearly understood by everybody I think we can do it.

2 Mr. Del Vecchio, do you have any objection to
3 counsel representing members of the neighboring
4 property owners?

5 MR. DEL VECCHIO: It would be the
6 applicant's position that to the extent the home
7 owners' association is represented all members of the
8 home owners' association are equally represented by
9 counsel and all communications should then come
10 through counsel and not by the individual members
11 themselves.

12 CHAIRMAN DePINTO: I'm going to defer to
13 Mr. Regan.

14 MR. REGAN: I think that's generally been
15 the Board's practice.

16 Mr. Wiss, do you have any objection to that?

17 MR. WISS: I don't know whether it's an
18 objection.

19 I would say that there could be, given the fact
20 that it is communal living, there are individual
21 rights and there are associational rights, depending
22 on what issues are being addressed, they may be
23 impactful on the individual home owners' rights as
24 opposed to the associational ones. So I'm not
25 disagreeing with counsel's premise but I don't think

1 it's uniform on all issues.

2 MR. REGAN: Okay.

3 CHAIRMAN DePINTO: I think that's valid.

4 Thank you.

5 MR. WISS: Thank you.

6 CHAIRMAN DePINTO: Mr. Del Vecchio, please
7 continue.

8 MR. DEL VECCHIO: A highly technical
9 question, are we able to turn the cameras on? I will
10 be able to put the materials on the screen.

11 What I'd like to propose is to mark some
12 additional documents that were submitted since the
13 last hearing. And the markings would be as follows
14 with your permission.

15 MR. REGAN: I think A-10 is next.

16 MR. DEL VECCHIO: Correct. A-10, I
17 propose to mark the Minno & Wasko architectural plans
18 consisting of 8 sheets last revised November 9, 2018.

19 A-11 would be the memo prepared by Minno & Wasko
20 summarizing the changes in those drawings also dated
21 November 9, 2018.

22 A-12 will be the L2A plan set consisting of 16
23 sheets last revised November 9, 2018.

24 And A-13 will be the L2A storm water report last
25 revised November 9, 2018 as well.

1 Now while I'm aware that we didn't get into
2 engineering testimony at the last hearing we started
3 skirting with some of the ownership and management
4 issues concerning the site. We did in fact amend the
5 site plan drawings in response to some of the members
6 we heard from, some of the comments we heard from the
7 public to move the loading area, the dumpster areas
8 outside of the back of the building which is why we
9 have those new markings this evening. But we'll get
10 into the details of all of the changes when we get the
11 engineering testimony but at last I wanted to let you
12 know why, without any engineering testimony, we
13 revised the plans, trying to address some of our
14 neighbors' concerns.

15 So with that said, I know we had an overview of
16 the management issues and operational stuff last time.
17 Mr. Hahn had indicated that we were going to be
18 partnering with a professional management company. We
19 have in fact done that. So their senior living is the
20 operational arm of this project who will be operating
21 the project. We have a representative of Solbere here
22 this evening who will touch upon some of the
23 operational items as well.

24 If you would come forward and state and spell
25 your last name for the Board and for the record.

1 THE WITNESS: Good evening. Marika
2 Johnson, J O H N S O N.

3 MR. REGAN: J O H N S O N?

4 THE WITNESS: Correct.

5 MR. REGAN: Marie?

6 THE WITNESS: Marika, M A R I K A.

7 MR. DEL VECCHIO: If you need to, you can
8 use the microphone, I'm naturally loud.

9 MR. HIPOLIT: How do you spell the
10 company?

11 MR. DEL VECCHIO: S O L B E R E, Solbere.

12 MR. REGAN: Would you raise your right
13 hand, please.

14 Do you swear or affirm that the testimony you
15 give in this proceeding shall be the truth so help you
16 God?

17 THE WITNESS: I do.

18 CHAIRMAN DePINTO: I think you were sworn.

19 MS. GREEN: Fine.

20 MR. REGAN: I'll check the transcript.

21 MR. DEL VECCHIO: It's quite nice how you
22 automatically put your hand up to be sworn.

23 MR. HIPOLIT: I do it at home, too.

24 MR. DEL VECCHIO: I wish I could get my
25 kids to do that.

1 MR. HIPOLIT: Never happen.

2 CHAIRMAN DePINTO: Please continue.

3 DIRECT EXAMINATION BY MR. DEL VECCHIO:

4 Q All right. Marika, if you could please
5 give the Board the benefit of your educational and
6 business background as it pertains to senior and
7 assisted living.

8 A Sure. Good evening. As Marika Johnson,
9 Senior Living Chief Strategy Officer. I've been a
10 senior housing operator for assisted living and memory
11 care communities for 20 1/2 years where I started at a
12 community level position and worked up through the
13 ranks over the years. I have operated over 200
14 communities in 27 states.

15 Q And your current position?

16 A Chief Strategy Officer.

17 Q And that's with Solbere Senior Living?

18 A That's correct.

19 Q And, in your capacity and your experience
20 has been in the operational component of senior living
21 facilities including the day-to-day operations and the
22 development of those centers.

23 Correct?

24 A That's correct.

25 MR. DEL VECCHIO: I would like to submit

1 Marika as an expert in the field of senior living
2 operations unless the Board would like me to continue
3 with her professional experience.

4 MR. REGAN: I have no objection to that.

5 CHAIRMAN DePINTO: I'll accept the
6 recommendation of counsel to accept the testimony
7 we're going to hear this evening.

8 CHAIRMAN DePINTO: Mr. Wiss, do you have
9 any objection to this --

10 MR. WISS: No objection.

11 CHAIRMAN DePINTO: -- this witness
12 testifying?

13 MR. WISS: No objection.

14 CHAIRMAN DePINTO: Mr. Wiss, maybe it
15 would be easier if you could come sit up front. This
16 way when we throw things at you it will be easier for
17 us.

18 MR. WISS: Thank you.

19 CHAIRMAN DePINTO: Thank you.

20 Please continue.

21 Q Marika, you've had an opportunity to
22 familiarize yourself with the building plans and the
23 layout for this proposed project.

24 Correct?

25 A That's correct.

1 Q And you in fact will be the operational
2 entity that runs this center if in fact it receives
3 this Board's approval and is built.

4 Correct?

5 A Yes, that's correct.

6 Q And in that role can you just provide us
7 with the general overview of how you envision the
8 operation of this center to take place if it is
9 constructed?

10 A Sure. So we operate our communities to
11 support the independence of the residents ensuring
12 that we're allowing the residents to age with dignity
13 and to age in their home communities.

14 We provide supporting services that include
15 medication management, bathing, grooming and ensure
16 the overall health and safety of our residents.

17 Q And in terms of the memory care facility,
18 there were questions last time, that component of it.
19 Can you just give us an overview of how that component
20 is managed in terms of say security, make sure the
21 patients remain safe given their ailments.

22 A Sure. Absolutely. So with memory care
23 residents they require a smaller, a more intimate
24 setting. We staff the memory care communities on a
25 24/7 basis just as we do in assisted living.

1 We have enhanced programming components which
2 allows additional staff and also to ensure that the
3 residents are being engaged and kept in a safe and
4 comfortable environment.

5 There's safety components that go into place for
6 a memory care community that are required by our State
7 regulations.

8 Q Now in terms of staffing, how does the
9 staffing of the overall facility levels, what are
10 those levels and how does the levels transition from
11 shift to shift?

12 Let me break it down. Let's start with, what is
13 the overall projected staffing of this project?

14 A And so at full capacity and where we're at
15 stabilization which is what we consider full capacity
16 and between our shifts we're looking at roughly 21
17 staff on duty and shift change.

18 Q And when a shift change occurs, do all 21
19 staff members leave at the same time or is there a
20 process where that is staggered?

21 A Sure. So we stagger our staffing in order
22 to meet the continued needs of the residents because
23 we have to maintain staff on the floor that are
24 providing services to the residents so it is
25 staggered.

1 Q And in terms of the likelihood of a
2 resident of the facility having a personal vehicle,
3 what's your experience in that area?

4 A Sure. So in memory care residents would
5 not have a vehicle on the premise. For assisted
6 living, it's a very low likelihood. Seniors, when
7 they're making that change into assisted living,
8 that's one of the decisions that they are looking to
9 relieve themselves is the transportation.

10 Q And how is transportation, is alternative
11 transportation provided if there is not a vehicle for
12 that particular resident of the center?

13 A So if the residents do not have their own
14 transportation or the family members are not providing
15 transportation the community would offer a shuttle
16 service to various events, medical appointments.

17 Q And you're aware that this applicant has
18 agreed or consented to private ambulance service for
19 this center?

20 A That's correct.

21 Q And that you had experience with that in
22 the past?

23 A Not that I can recall off the top of my
24 head.

25 Q So you're prepared, though, in this

1 particular facility to use a private ambulance service
2 for all emergency needs that arise out of the center?

3 A That's correct.

4 Q And for non-emergency situations is the
5 applicant's position that the shuttle or vehicular
6 service at center would be provided to the residents
7 to get them to non-emergency appointments or care?

8 A That's correct.

9 Q And in terms of on-site food deliveries to
10 and from the center, how often do food service
11 deliveries and the like likely to take place at a
12 center like this?

13 A Yes. Food service deliveries occur once a
14 week.

15 Q And those are typically by a box truck or
16 something smaller or bigger?

17 A Typically a box truck.

18 MR. DEL VECCHIO: I have no further
19 questions of Marika at this point and make her
20 available to the Board for any additional questions
21 that you may have.

22 CHAIRMAN DePINTO: Marika, thank you.

23 Very good.

24 Questions starting with Mr. D'Agostino.

25 MR. D'AGOSTINO: I don't have any

1 questions.

2 CHAIRMAN DePINTO: Thank you.

3 Miss O'Neill.

4 MS. O'NEILL: I don't have any questions.

5 CHAIRMAN DePINTO: Thank you. ~

6 Mr. Culhane.

7 MR. CULHANE: No questions at this time,

8 Mr. Chairman.

9 CHAIRMAN DePINTO: Thank you.

10 Mr. Stefanelli.

11 VICE CHAIRMAN STEFANELLI: Just one.

12 This breakdown of staffing of the shift, is it
13 the seven people per shift?

14 You mentioned 21 people, 21 people for the
15 entire 24 hours?

16 THE WITNESS: No, shift-to-shift.

17 VICE CHAIRMAN STEFANELLI: So it's 21
18 people shift-to-shift?

19 THE WITNESS: Correct.

20 VICE CHAIRMAN STEFANELLI: Okay. No
21 further questions.

22 CHAIRMAN DePINTO: Ms. Russo.

23 MS. RUSSO: I have no questions.

24 CHAIRMAN DePINTO: Mr. Lintner.

25 MR. LINTNER: No questions at this time,

1 Mr. Chairman.

2 CHAIRMAN DePINTO: Thank you.

3 Mayor Ghassali.

4 MAYOR GHASSALI: No questions.

5 CHAIRMAN DePINTO: Thank you.

6 I'm sorry. Mr. Hipolit.

7 MR. HIPOLIT: 21 staff members, three
8 shifts?

9 THE WITNESS: Three shifts.

10 CHAIRMAN DePINTO: Where do they all park?

11 MR. DEL VECCHIO: They park on site,
12 obviously.

13 MR. HIPOLIT: Okay. So they basically
14 take up most of the parking lot?

15 Or, you have how many -- you have 43 spaces here
16 so you're going to take up half the spaces?

17 MR. DEL VECCHIO: Correct. Which we are,
18 by code standard, we do exceed the minimum by a fair
19 margin. 38 are required and 43 are being provided.

20 And, as Mr. Hahn had indicated, they do
21 encourage car pooling and other incentives for
22 employees to share rides of various sorts to the
23 center but in the worse case, you're absolutely right.

24 MR. HIPOLIT: Okay. I just wondered what
25 it was.

1 CHAIRMAN DePINTO: Thank you.

2 Miss Green.

3 MS. GREEN: The number of bedroom -- the
4 bedroom distribution shifted since the last set of
5 plans so could you tell us what you expect the total
6 resident count to be at full capacity?

7 THE WITNESS: So full capacity is 98 beds.

8 MS. GREEN: So 98 residents?

9 THE WITNESS: Correct, at full capacity if
10 every licensed bed was occupied.

11 MS. GREEN: And I guess one follow-up
12 question.

13 You said in your other facilities your assisted
14 living residents, very few of them bring cars.

15 Can you tie a percentage to that to help the
16 Board understand?

17 THE WITNESS: You know, I can't tie a
18 specific percentage. I can speak to some experience
19 with other communities with one in seven units so
20 there were six residents that had vehicles.

21 MR. HIPOLIT: So is most of the facility
22 memory care?

23 Do you push more memory care or whatever it is?

24 THE WITNESS: Correct. Yes. So memory
25 care there are no vehicles. And then, for the

1 assisted living population for that particular
2 community so there would have been 90 -- 87 units in
3 that particular community that would have been on
4 assisted living and there were six residents who had
5 vehicles.

6 MR. HIPOLIT: So as far as your breakdown,
7 it's irrelevant to memory care versus assisted living.
8 It's first come first serve basis for you?

9 You want to fill the beds?

10 THE WITNESS: I'm sorry. Can you rephrase
11 that for me?

12 MR. HIPOLIT: I'm just --

13 MR. DEL VECCHIO: I just checked. We have
14 30 beds in the memory care.

15 MR. HIPOLIT: So you're 30.

16 MR. DEL VECCHIO: If that's the number
17 you're looking for, I make that representation.

18 CHAIRMAN DePINTO: Miss Green, do you have
19 any other questions?

20 MS. GREEN: No, I don't. Thank you.

21 CHAIRMAN DePINTO: Mayor Ghassali.

22 MAYOR GHASSALI: Chairman. I apologize, I
23 came from the meeting last week from the Triboro
24 Ambulance. There's a challenge from other companies
25 looking to move and do similar service. It is a

1 challenge in finding an ambulance service that has
2 sustained businesses, that stays in business. They
3 seem to come and go real quick.

4 So the question I meant to ask, have you done
5 anything to look for a new service as of yet or you're
6 going to?

7 MR. DEL VECCHIO: We haven't started the
8 process of identifying a provider. I will --

9 You may be aware from Triboro, the Woodcliff
10 Lake facility at the corner of Chestnut Ridge Road,
11 that facility was also required by the Woodcliff Lake
12 Board to use private ambulance and they have
13 successfully been able to do it since they opened
14 their doors.

15 I think that was probably the first one in the
16 area that had the actual requirement to provide
17 private ambulance.

18 I can check with them and see who they're using
19 but they have been able to do it successfully since
20 they opened their doors.

21 MAYOR GHASSALI: Well, are you going to
22 find out at some point?

23 MR. DEL VECCHIO: Yeah. At some point
24 when we are hopefully through the approvals and
25 hopefully nearing the end of construction, at that

1 point we would look to try to provide, you know,
2 identify a provider and enter into a contract with
3 them because until we get closer to that point in time
4 there's no reason to sign a contract.

5 MR. REGAN: Mr. Chairman, I have an issue
6 with that.

7 Consistent with what this Board did on the Pike
8 application, we actually had a draft agreement that
9 was marked into evidence during the public hearing
10 process. We knew who the company would be.

11 Saying you'll provide it post approval, I don't
12 think that works.

13 MR. HIPOLIT: Well, it's going to have to
14 be a condition of approval, standard --

15 MR. REGAN: I want to see the draft
16 agreement like we did in connection with the Pike
17 application.

18 MR. DEL VECCHIO: I can't speak for Pike
19 but --

20 MR. REGAN: We can get you the name of the
21 company. There was an exhibit marked into evidence.

22 MR. DEL VECCHIO: But a contract for a non
23 land use related issue is no different than another
24 governmental approval that needs to be a post
25 condition of approval.

1 To suggest that it raises a land use concern
2 when we stipulated to having private ambulance I think
3 goes beyond the scope of land use.

4 MR. REGAN: Well, you may think that, Mr.
5 Del Vecchio, but it's a public safety concern and a
6 concern for the ambulance provider that Montvale
7 municipal government uses.

8 If Pike Development could comply with that
9 requirement I fail to see why this applicant can't.

10 MR. DEL VECCHIO: I'm just suggesting it's
11 not an appropriate condition.

12 MR. REGAN: Well, you can litigate it.

13 I'm recommending to the Board that we have a
14 draft agreement and it will also be a condition of
15 approval, we want to see a draft agreement that the
16 service will be provided.

17 I don't think it's that complicated.

18 MR. DEL VECCHIO: It's not complicated.

19 MR. REGAN: It's a public safety issue.

20 MR. DEL VECCHIO: Mr. Regan, with due
21 respect, we, obviously, have a difference of opinion
22 and I'll treat it respectfully. It doesn't need to be
23 taken to any other level than that.

24 MR. REGAN: I'm not taking it to any
25 level.

1 MR. DEL VECCHIO: I'm not saying you are.
2 I'm just trying to put my position on the record.

3 I recognize that nobody has to agree with my
4 position, they may disagree and I assume you would
5 take the same position. But I do have the right and
6 an opportunity to put things on the record and that's
7 what I'm doing. And I don't mean any disrespect by it
8 but I do need to make sure the record is complete for
9 my obligations to my client.

10 CHAIRMAN DePINTO: I think the record is
11 clear on the subject and I believe that, as suggested
12 by Mr. Regan, the Board will provide you with a copy
13 of the resolution and a copy of the agreement that was
14 presented to the Board in connection with an
15 application that recently preceded this application
16 and that might be of some help to you in moving
17 forward with the request of this Board.

18 I'd like to ask a question with respect to the
19 memory care patients that you have or residents that
20 you would have in the facility. I would presume that
21 memory care residents, because of the nature of their
22 condition, require more oversight on a daily or hourly
23 basis than other residents in the proposed facilities.

24 Is that correct?

25 THE WITNESS: That's correct.

1 CHAIRMAN DePINTO: And how are they
2 maintained in the building?

3 How -- what's to prevent them from wandering
4 outside of the building on their own when in fact that
5 may be of danger to themselves.

6 THE WITNESS: Absolutely the question; so
7 memory care communities are required to have access
8 control which is essentially it's a locked door which
9 prohibits the resident from being able to exit the
10 unit through the door unless there's an emergency in
11 the community. So it requires either a key fob or a
12 code access to both enter and exit the community.

13 If the resident was to or any visitor was to try
14 to exit the memory care without utilizing the Code,
15 there's an alarm that sounds in the community and
16 alerts the staff that there is a specific door that is
17 being accessed without a code.

18 CHAIRMAN DePINTO: You know, are there
19 security personnel there on a regular basis to attend
20 to this alert that may come?

21 THE WITNESS: Sure. There's always care
22 staff in the community 24/7 so in the assisted living
23 and within memory care. So if, for example, if the
24 door was to alarm in memory care also the assisted
25 living staff and the administrative staff will be

1 notified that the specific door was alarming.

2 CHAIRMAN DePINTO: So when you talk about
3 the exit doors do they have panic bars on them?

4 THE WITNESS: That's correct.

5 CHAIRMAN DePINTO: So whether you have a
6 key fob or key or code really doesn't matter. They
7 could exit through the panic bar.

8 THE WITNESS: Correct. If it's held for a
9 specific amount of time.

10 CHAIRMAN DePINTO: And what is your
11 response time for a staff member to attend to someone
12 who may attempt to exit the building?

13 THE WITNESS: Sure. It's very quick
14 because when the alarm goes off and everyone is
15 alerted and is aware of it, it's an urgent situation.

16 CHAIRMAN DePINTO: So when you say very
17 quick is that a minute, five minutes, 10 minutes?

18 THE WITNESS: It's -- I mean it's
19 difficult to put a specific time but it's definitely
20 not five minutes, it's probably close to a minute or
21 less.

22 CHAIRMAN DePINTO: Okay. That is my
23 concern because, unfortunately, I have known people
24 who have been admitted to memory care units in
25 facilities similar to this and my understanding is it

1 could be a problem if not properly managed.

2 Now the company that you represent manages
3 facilities such as this.

4 THE WITNESS: We do. Yes. We currently
5 manage 12 communities that are assisted living and
6 memory care and then we're also partners in 10
7 projects that are under development.

8 CHAIRMAN DePINTO: And are any of these
9 facilities in New Jersey?

10 THE WITNESS: Yes. We have a project in
11 Hamilton, New Jersey.

12 CHAIRMAN DePINTO: Hamilton?

13 THE WITNESS: Hamilton.

14 CHAIRMAN DePINTO: Anything closer than
15 Hamilton?

16 How about New York, like Rockland County?

17 THE WITNESS: We have, we have Staten
18 Island, New York.

19 Am I going in the wrong direction?

20 CHAIRMAN DePINTO: That's it, Hamilton or
21 Staten Island?

22 THE WITNESS: And then we have Virginia,
23 Maryland.

24 CHAIRMAN DePINTO: Okay. I have no other
25 questions at this time.

1 Any other Board Members have any other
2 questions?

3 MS. RUSSO: I did have one more question.

4 CHAIRMAN DePINTO: Yes, Ms. Russo.

5 MS. RUSSO: So with 30 memory care beds,
6 how many staff members -- now memory care, I, I have
7 firsthand experience with a family member. They need
8 to be bathed. They need to be dressed. They need to
9 have patience. They need to be fed. And they need
10 basically being a primary caregiver all day long.

11 With 30 beds and only 21 employees how many
12 patients per employee are there?

13 THE WITNESS: Sure. So in memory care
14 it's roughly a one to seven ratio, staffing ratio.

15 MS. RUSSO: So there's one staff member
16 for every seven memory care patients?

17 THE WITNESS: Correct.

18 MS. RUSSO: Not much attention to each
19 patient.

20 THE WITNESS: I'm sorry.

21 MS. RUSSO: It doesn't sound like very
22 much attention to each patient.

23 THE WITNESS: Oh, sure.

24 So, in addition to care giving staff we also
25 have activity staff for programing purposes and you

1 have a memory care director who is overseeing the
2 programming component.

3 MS. RUSSO: I'm talking about just the
4 basic needs.

5 THE WITNESS: Sure.

6 CHAIRMAN DePINTO: Okay. Thank you.

7 Any other Board Member questions?

8 Okay. Hearing none the Chair will entertain a
9 motion to open the meeting to the public.

10 VICE CHAIRMAN STEFANELLI: So move.

11 MS. O'NEILL: Second.

12 CHAIRMAN DePINTO: Mr. Stefanelli,
13 seconded Miss O'Neill.

14 All in favor?

15 (Aye)

16 Mr. Wiss.

17 MR. WISS: Thank you, Mr. Chairman.

18 CROSS-EXAMINATION BY MR. WISS:

19 Q Good evening. Just a few questions based
20 on your testimony if I might.

21 How many similar senior facilities have you been
22 involved in?

23 A I, personally, have been involved with
24 over 200.

25 Q Based upon that experience, you -- I just

1 want to go to something Mr. Hipolit had asked you.

2 There are three shifts involved at least
3 proposed here.

4 The hours of those shifts would be what?

5 A So the shifts vary based upon the needs of
6 the community so, as we mentioned, that there's
7 possible staggered staffing. Typically you're kind of
8 a 6:00 to 2:00, 10:00 to 7:00 or 10:00 to 6:00. Those
9 are kind of your standards.

10 However, based upon your staffing needs, we have
11 some that are earlier, some a little bit later,
12 shorter.

13 Q So, apart from the staggered shifts, the
14 core shift might be something like 6:00 in the morning
15 to 2:00 in the afternoon, 2:00 in the afternoon to
16 10:00 in the evening.

17 A Correct.

18 Q Would you agree that the 2:00 hour, the
19 afternoon hour would be a max shift that you would
20 have a maximum scheduled at 1:00, you probably have a
21 maximum schedule of the incoming shift at 2:00.

22 Is that fair?

23 A That's correct.

24 Q If I understand correctly, that the
25 maximum and I think the specific testimony offered to

1 the Board last time, the maximum scheduling staffing
2 would be about 21 employees?

3 A Correct.

4 Q So arguably on the outgoing shift the
5 shift coming off duty at 2:00 we would have 21
6 employees and on the incoming shift that's going to
7 start at 2:00 we're going to have 21 employees.

8 Is that right, about 42 people?

9 A So 21 -- yes. So that number matches.
10 But you don't have 21 people that are leaving at 2:00,
11 21 people that are coming at 2:00.

12 Q But I didn't understand from your
13 testimony how I could quantify how many people are in
14 staggered shifts. If I just did the math of that
15 shifting I would have 21 coming off and 21 going on.

16 Correct?

17 A Correct.

18 Q And the only way that I could ameliorate
19 that would be to know exactly how many people are on
20 staggered shifts.

21 Is that correct?

22 A Correct.

23 Q Would it be fair also to say that I have
24 to put in some type of a factor for residential
25 vehicles? And to help you, and I don't know if you

1 saw the testimony last time around, there was an
2 indication that if a resident had a spouse who didn't
3 require assisted living, that arrangements might be
4 made for that spouse to live there and that spouse may
5 be fully ambulatory and may have a vehicle?

6 A Sure.

7 Q So based on your 200 facility experience,
8 is there a factor that you would use to add vehicles
9 that might be housed there or parked there on a more
10 or less permanent basis because a resident lives
11 there?

12 A Sure. As I mentioned, my prior experience
13 is that in a community with 87 assisted living that
14 there were six residents who had vehicles which
15 include spouses.

16 Q So if, again, without regard to the
17 staggered shifts, I have 21 at 1:00 or 2:00, I have
18 another 21 coming on. I may have six vehicles that
19 are there part time, more or less permanent basis,
20 would it be fair to say that certain of the residents
21 might have physicians or doctors visiting them during
22 the course of the day?

23 A Correct.

24 Q And they would traverse there logically in
25 their own vehicle?

1 A Correct.

2 Q And is there a factor that one typically
3 uses for how many doctors in a facility of this size
4 might be in attendance in a given day?

5 A There's no factor.

6 Q No factor. But we know that would be a
7 very common aspect of life at a facility like this.

8 Correct?

9 A Yes.

10 Q And if I extended my question and said in
11 addition to doctors, a certain number of nurses might
12 come from the outside and attend the facility during
13 the course of the day.

14 Correct?

15 A Correct.

16 Q And, in all likelihood, we would expect
17 those doctors and nurses to visit the facility during
18 a working day as opposed to the midnight hour.

19 Right?

20 A Correct.

21 Q And those would be something that would be
22 a la carte to the numbers we already talked about.

23 Right?

24 A Correct.

25 Q Visitors, is it fair to say that's

1 something that would be encouraged at the facility?

2 A Yes.

3 Q Have family members in attendance.

4 Is there a factor that you use based on your
5 experience at these 200 other facilities, how many
6 visitors in a facility that has 98 beds might
7 anticipate during the course of the day?

8 A I mean there's -- I don't have a factor to
9 use. Just based upon experience you might have five,
10 six visitors at the same time.

11 Q And, and then, logically, most of those
12 visitors would be during the course of what I'll call
13 the working day?

14 A Sure.

15 Q And I think we would agree that that would
16 be a la carte to the numbers we already reviewed.

17 Correct?

18 A Yes.

19 Q And I think I heard testimony the totality
20 of the parking spaces that had been proposed on this
21 facility is 43 spaces.

22 Is that my understanding?

23 A That's correct.

24 Q Based on your operational experience, do
25 you encourage outdoor enjoyment by the residents of

1 the facility?

2 A Of course.

3 Q And that would include the memory care
4 patients.

5 Right?

6 A Correct.

7 Q You want them outside, you want them to
8 enjoy a nice day, maybe not like what we're having
9 today but you do know this is a very constrained
10 facility in terms of size?

11 A Correct.

12 Q I think that I saw Mr. Hipolit's report
13 refer to 10 acres being required and this is a
14 facility of less than three acres.

15 Do you understand that, as part of this
16 application, it's a less than three acre facility?

17 A I don't. I don't have that information.

18 Q I'll represent that to you.

19 A Okay.

20 Q All right. I don't think there's going to
21 be a disagreement on that.

22 What type of outdoor programs, entertainment,
23 leisure activities might well be contemplated at a
24 facility like this?

25 A Sure. So residents typically, when it's a

1 nice weather day, enjoy sitting outside, have a cup of
2 coffee, afternoon beverage, visiting with their
3 friends and families, could be playing a game, card
4 games, reading.

5 Q And those would be the type of activities
6 that actually would be encouraged and would be part of
7 the life that would be advertised or, or shown to
8 perspective residents at this facility.

9 Right?

10 A Right.

11 Q So, so this less than three acre facility,
12 we've got the structure itself that's going to be
13 located on the facility.

14 Correct?

15 A Correct.

16 Q And that parking area that you and I were
17 just talking about.

18 And we have to have some, I guess, open area to
19 accommodate the type of leisure activities that we're
20 talking about.

21 A Correct.

22 Q And we have some 98 beds hopefully, I
23 guess, from a business standard fully occupied.

24 Correct?

25 A Correct.

1 Q With all of the visitors that we talked
2 about coming there and all of these leisure activities
3 have to take place on whatever green space is left on
4 this property.

5 Is that correct?

6 A It doesn't have to be on the green space.
7 It could be on the patio.

8 Q Okay. Patio. It wouldn't be the parking
9 lot.

10 Right?

11 A Right.

12 Q And we're talking about being outside the
13 main building itself?

14 A Right.

15 MR. WISS: Thank you. I have nothing
16 further.

17 Thank you, Mr. Chairman.

18 CHAIRMAN DePINTO: Thank you.

19 Okay. Anyone else from the public have any
20 questions?

21 Hearing none, the Chair will entertain a motion
22 to close the meeting to the public.

23 MR. STEFANELLI: So move.

24 MR. D'AGOSTINO: Second.

25 CHAIRMAN DePINTO: I'm sorry. Mr.

1 Stefanelli, seconded Mr. D'Agostino.

2 All in favor?

3 (Aye)

4 CHAIRMAN DePINTO: Mr. Del Vecchio, before
5 you present your next witness, we're going to take a
6 five minute break and when we return we're going to --
7 the attorney for the Also & Gianni's application is
8 here. So when we return, we're going to go back to
9 that application and we'll pick up with your next
10 witness.

11 MR. DEL VECCHIO: Mr. Chairman, could I
12 ask the Board's indulgence for two minutes on redirect
13 so I can excuse this witness.

14 CHAIRMAN DePINTO: Sorry. Go ahead.

15 REDIRECT EXAMINATION BY MR. DEL VECCHIO:

16 Q Marika, you were asked about outdoor
17 activity. We're not talking about loud frat parties
18 or keg parties at this location.

19 Right?

20 A That's correct.

21 Q These are quiet, sedentary activities
22 outside not likely to generate a lot of noise or
23 commotion?

24 A That's correct.

25 Q Do you envision that any of the outdoor

1 activity could disturb any of the neighbors or
2 adjoining users to the property?

3 A No. Definitely not.

4 Q And there is a patio or enclosed or
5 covered porch on the back of this proposed project
6 proposed?

7 A Correct.

8 Q Is that where you would envision most of
9 the outdoor activity to occur?

10 A Yes, that's correct.

11 Q And there is a sidewalk area that's been
12 provided around the perimeter of the building which
13 provides a walking path, if you will, to the
14 residents?

15 A Correct.

16 Q And to the extent that activity requires
17 mobility exercises that sidewalk would provide the
18 prime location for that to occur?

19 A Absolutely.

20 MR. DEL VECCHIO: Thank you. I don't have
21 any further questions.

22 CHAIRMAN DePINTO: Thank you. We'll take
23 a five minute break.

24 (A recess is taken.)

25 CHAIRMAN DePINTO: Let's return to

1 Ridgecrest Realty.

2 MR. REGAN: Mr. Chairman, the Mayor is
3 recusing himself from the Board.

4 In addition, I checked the transcript. Mr.
5 Hipolit is --

6 MR. HIPOLIT: Okay.

7 CHAIRMAN DePINTO: Thank you, Mr. Mayor.
8 Have a good Thanksgiving.

9 Mr. Del Vecchio, is this what this project is
10 going to look like when you're done.

11 MR. DEL VECCHIO: Only if you want it to.

12 MR. REGAN: You might need a height
13 variance.

14 CHAIRMAN DePINTO: Okay. Please continue.

15 MR. DEL VECCHIO: All right. At this
16 point we'd like to call our project architect, Bruce
17 Englebaugh from Minno & Wasko.

18 MR. REGAN: Sir, raise your right hand.

19 Do you swear or affirm that the testimony you
20 give in this proceeding shall be the truth so help you
21 God?

22 THE WITNESS: Yes, I do.

23 MR. REGAN: For the record state your full
24 name, spell your last name.

25 THE WITNESS: First name Bruce, last name

1 Englebaugh, E N G L E B A U G H.

2 MR. REGAN: B A U G H.

3 THE WITNESS: B A U G H.

4 DIRECT EXAMINATION BY MR. DEL VECCHIO:

5 Q Okay. I believe we can start with some
6 preliminaries.

7 Bruce, you are a licensed architect in the State
8 of New Jersey?

9 A Yes, I am.

10 Q Have had it for awhile?

11 A Yes.

12 Q How long?

13 A Over 35 years.

14 Q And you are currently affiliated with
15 Minno & Wasko?

16 A Yes. I'm one of eight partners in the
17 firm.

18 Q And you were the partner who is charged
19 with this project so you are familiar with the
20 project?

21 A That is correct, yes.

22 MR. DEL VECCHIO: I would like to submit
23 Mr. Englebaugh as a professional or expert in the
24 field of architecture.

25 MR. REGAN: Have you previously been

1 qualified before land use boards in New Jersey?

2 THE WITNESS: Yes, I have.

3 MR. REGAN: I recommend he be so
4 qualified, Mr. Chairman.

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

7 Please continue, Mr. Del Vecchio.

8 Q Bruce, the number of items have been
9 marked into the record for our exhibit markings, some
10 of them were attributed to Minno & Wasko. The ones
11 that were, they were prepared by you or under your
12 supervision?

13 A Yes.

14 Q You made yourself familiar with the
15 property which is the subject of the application?

16 A Yes.

17 Q Made yourself familiar with the ordinances
18 of the Borough of Montvale as they might impact your
19 design and layout proposed for this building?

20 A Yes.

21 Q In fact we did mark this evening some
22 revised drawings, I believe they were A-10 along with
23 your summary, A-11, revising the drawings even though
24 you didn't get to testify last time.

25 Is that correct?

1 A That is correct.

2 Q And that while we talk about the details,
3 the essential purpose of the revision was the flipping
4 of the building to allow certain of the back of house
5 uses to be rotated away from the back property line?

6 A That is correct, yes.

7 Q Okay. So let's talk about A-10, if you
8 can, which is the current set of the architectural
9 plans. And I ask you to walk the Board through what
10 you did, how you did it and some of the selections you
11 made in your design choices for this building.

12 A I could do it with the boards up here.

13 Q You could it with the boards and our I.T.
14 specialist will follow along on the electronics.

15 A That sounds like a plan.

16 Q Bruce, what I would suggest, take the mike
17 over there, take it out of the stand so the transcript
18 picks you up or the tape.

19 A Good evening. Working? Testing. No? I
20 can talk loud.

21 Okay. Good evening. The drawing that I wanted
22 to start out first with was the aerial photo. I think
23 everybody knows where the subject property is in the
24 center of this photograph. You can see the property
25 line shown in yellow around it.

1 The reason I wanted to show this is just to help
2 you with orientation as we get through to some of the
3 other drawings.

4 The key item to note here is the north arrow
5 which is facing up on the aerial photo. And when we
6 get into the actual engineer's site plan and then my
7 architecture drawings that arrow is going to face down
8 so the building is going to rotate 180 degrees from
9 what we see here.

10 So just while we have the aerial photo, you can
11 see towards the lower side which would be the south,
12 this would be the Bears Nest townhouses. Then we have
13 office buildings on each side, Kidde Fire Trainers and
14 Empire America on the right side and, of course,
15 Philips Parkway up at the top.

16 So next I'm going to flip to the engineer's site
17 plan.

18 MR. REGAN: Mr. Del Vecchio, is the aerial
19 marked?

20 MR. DEL VECCHIO: It's part of the set so
21 let's reflect that we are, the witness is referring to
22 A-12. The aerial Sheet CO2 in that set.

23 MR. REGAN: It's not part of the
24 architecturals.

25 THE WITNESS: No, it is not.

1 The date on this is, the last revision date is
2 9/11/2018.

3 Q I think we're going to have to mark this
4 before you start. This is Sheet C04 of the A-12 set.
5 It has been color rendered for the display.

6 And I would propose we mark that as A-14.

7 Can you give the identifier and the revision
8 date on that, please?

9 A Certainly. This is the civil engineering
10 drawing. The last revision date is 11/9/18 and it's
11 labeled site plan.

12 Q Thank you.

13 A So, again, just to get you oriented, you
14 can see the north arrow is facing down so this
15 building is rotated from what we just looked at from
16 the aerial photo so the Bears Nest town homes are up
17 at the top of the page.

18 The one thing I want to show you on this drawing
19 is we, if you take an imaginary access and you draw it
20 like a 45 degree angle, the original plan that you saw
21 last time had the trash receptacle back here as well
22 as the transformers. What we did is we rotated this
23 or flipped the building to have that access. So now
24 the trash receptacles and transformers are located
25 over here on the right-hand side which faces the Kidde

1 Fire Trainers office building.

2 That's basically all I want to show you on this.

3 A couple things while we have it up. You can
4 see the front entrance is right here. The main bulk
5 of the building is right here and then we have two
6 wings that come off at 45 degree angles and without,
7 I'll go into the architectural drawings at this point.

8 Okay. The drawing that we're looking at now is
9 labeled Sheet A1 prepared by Minno & Wasko Architects
10 and it has a revision date of November 9th, 2018.

11 There are two drawings shown on this sheet, a
12 ground floor plan on the right side and then off to
13 the left side is the basic floor plan.

14 If you look to the drawing to the right, ground
15 floor plan, this is the main entrance which is right
16 at the, kind of embraced by the wings of the building.
17 This is showing a black and white but there's a large
18 rectangle out here. That's the porte cochere that you
19 drive under for a drop-off. The clearance on that is
20 11 feet 9 inches.

21 In the center of the building, in this lighter
22 yellow color, this is basically most of the
23 administrative and dining facilities. And then coming
24 off of that main core, at 45 degree angles, you have
25 the two wings which are resident rooms and they're

1 made up of one and two bedrooms. The one-bedrooms are
2 shown in darker yellow from the admin and then the
3 two-bedrooms are shown in the blue color.

4 We also see kind of a rust or burnt orange
5 color. That represents vertical circulation. You can
6 see there's a stair tower, one on each end of the
7 building and in the center there are some elevators,
8 two elevators.

9 Just briefly looking over to the left, you can
10 see the basement floor plan. It's about the third of
11 the building area. And we have two stairs that go
12 down as well as one elevator. And basically the
13 basement is just for storage.

14 We'll move on to the next drawing. This is
15 Sheet A2. It shows a second floor plan and a third
16 floor plan. And it has a revision date of November
17 9th, 2018.

18 If you look on the right-hand side that is the
19 second floor plan. Again, you can see this, this main
20 area, core area in the center. That's basically not
21 so much administrative but support functions. And
22 then off of that we have two 45 degree angle wings
23 which basically make up the resident rooms.

24 Again, you can see the same two-bedrooms in this
25 light blue color. There's only three of them at the

1 corners of the building. And, again, you see this
2 burnt orange that represents the vertical circulation,
3 the stairs and the elevators.

4 It's not, it's not overly clear here but you can
5 see in this yellow color up front here that is the
6 terrace area in the front of the building but, again,
7 that's up one level.

8 We slide over to the drawing on the left. That
9 is a third floor. And, this is where the memory care
10 units are. This diagonal slashing represents about,
11 in this area on over, that's where the memory care
12 units are located.

13 Again, you could see the vertical circulation
14 and then the darker yellow represents one-bedrooms and
15 then the lighter blue represents the two-bedroom
16 units.

17 So we'll go on to the next architectural exhibit
18 which is Sheet A3. It has a revision date same as the
19 others, November 9th, 2018.

20 And this shows two elevations; on the lower
21 drawing is the front elevation and the upper drawing
22 is Elevation 2 which is the side elevation that faces
23 Philips Parkway.

24 So, in general, let's just focus on the lower
25 drawing which is the front elevation. Right in the

1 center you can see the porte cochere. This would be
2 the drop-off. And then you can also see how the side
3 starts to articulate, the windows align vertically.
4 We have broken up the facade with offsets. I think
5 that was in one of the review letters, just to keep it
6 interesting and to help to break down the scale and
7 then we see the roof line is breaking up, is broken up
8 by gables that project up.

9 Materials, down at the lower level we're looking
10 to have a stone wainscoting along the bottom. And
11 then, as you work up, it goes to horizontal siding.

12 But you can see it actually changes colors and
13 that's how we're looking to keep interest, help break
14 down the scale of the facade.

15 So we have two colors of horizontal siding, sort
16 of a tan color and then a blue color and then up at
17 the very top we're looking to put a cement panel board
18 which would be white.

19 Overall, it's sort of a traditional style I
20 would classify it as although there is contemporary
21 elements but, overall, it's very traditional.

22 I'm not going to spend a whole lot of time other
23 than to tell you that we have elevations. If you look
24 up in the upper right hand corner you'll see a key
25 plan. And the elevations that we have drawn, there

1 are six of them, they spin counterclockwise in the
2 building.

3 So, again, this top one is what would face
4 Philips Parkway.

5 I'll go on to the next one. This is Sheet A4,
6 again the same revision date, November 9th, 2018.

7 Two drawings are shown on this sheet. On the
8 lower level is Elevation 3. And this would be the
9 view from the Kidde Fire Training office building. We
10 go to the upper one, Elevation No. 4. This would be
11 what I call the rear elevation which is, if you look
12 over on the right side, you can see the key plan.
13 It's this 45 degree angle in the back.

14 Q Can you just spend one minute to review
15 the one feature that is unique to that elevation which
16 is the covered porch and I had called it off the back
17 of that building that provided some outdoor area?

18 A Sure. Let me refer to the plan a bit.

19 We're now looking at the ground floor plan.
20 You're talking about these areas in the back of the
21 building here.

22 Q Right.

23 A Again, the elevation that we're going to
24 look at is this 45 degree angle.

25 So the terrace area that you're referring to,

1 I'm pointing about right in the center of the
2 building, you can see there's a column. These areas
3 would be the covered terrace and then, as I move to
4 the right over here, that would be the uncovered area;
5 the same thing over on this side as well. It's
6 symmetrical, about that center line.

7 Q And about how much outdoor space does that
8 provide?

9 A I think that's about 630 square feet on
10 each side.

11 Q Thank you.

12 A The sheet that we're looking at now is
13 labeled A-5, the same revision date November 9th,
14 2018.

15 This shows Elevation 5 and Elevation 6.
16 Elevation 5 is at the bottom. And this is the view
17 from the Bears Nest town homes.

18 If you look at the key plan in the upper right
19 hand corner you'll see this is that location.

20 If you look at Elevation 6, which is up on the
21 top, we're back around to what I'll call the front
22 side of the building. This will be the view from the
23 entire corporate center.

24 In general, now that we've spun around the
25 building, you see the materials are basically the same

1 on all sides of the building. I think the
2 articulation is kept interesting as well.

3 This next sheet is labeled A6. The same
4 revision date November 9th, 2018.

5 This drawing was as a result of some of the
6 engineering review letters and the planning review
7 letters. There was a question as to how the
8 mechanical equipment was being handled up on the roof.

9 Here you can see in this cutaway section on the
10 left side is, the roof is sloped and then in the
11 center of the roof we have a little flat area and we
12 have mechanical equipment there.

13 But the way the roof is designed it hides that
14 mechanical equipment that is up there.

15 One other thing to note on this, I think there's
16 been some confusion in the review letters. This
17 dimension that we're showing doesn't necessarily
18 represent building height. It just represents a
19 dimension from the finished floor to the midpoint of
20 the roof. And then the civil engineer takes this
21 information and he puts it on his plan after he
22 determines the grade line.

23 So, again, this elevation, this dimension that
24 we're looking at 43 feet 1 inch is not a building
25 height.

1 Over on the right-hand side you'll see a roof
2 plan. These are the wings that we were talking about
3 earlier that had the resident rooms. And this would
4 be the porte cochere out front here.

5 This dark brown area in the center, that would
6 be the flat area where this mechanical equipment would
7 be.

8 So I'll move on to the next exhibit. I don't
9 think this was in your package. There was a request
10 to see the trellises.

11 Q That was not in the set. Let's mark that
12 now. It's labeled as Sheet A7. We're on A-15, I
13 believe.

14 That is a Minno & Wasko drawing, again A-7.

15 If you could just give us the date on that,
16 Bruce.

17 A The date is November 20th, today, 2018.

18 The purpose for this drawing was to show what
19 the trellis would look like. And down below we have
20 the front elevation again shown. And, these trellises
21 are shown in brown, right here on the left side, and
22 then over here on the right side.

23 Right in the center of this exhibit is a
24 photograph and this photograph is labeled inspiration
25 image. This is where we, we were inspired, I drew up

1 inspiration as to where this trellis design would come
2 from. So this photograph didn't illustrate exactly
3 what we're going to do.

4 The detail over on the left side actually is the
5 detail of what we're proposing to do but we drew our
6 inspiration from that photograph.

7 Lastly, we have the perspective drawing where it
8 brings it all together. You can see the colors, the
9 materials, the architecture. This really helps to
10 show the interesting geometry, the 45 degree angle
11 wings that come up off the building and the little bit
12 of landscaping out in front hopes to make this, you
13 know, give a nice, cosmetic appeal to the front of the
14 building.

15 So with that, I would wrap up my testimony, if
16 anybody has any questions.

17 Q Bruce, if I could just ask a couple. That
18 Minno & Wasko drawing is dated November 9th, labeled
19 as perspective which we can mark that as A-16.

20 A It was.

21 Q Then I withdraw the marking request.

22 And then, Bruce, do you have a materials sample
23 that we can talk to the Board about as well?

24 A I do.

25 MR. DEL VECCHIO: I guess we can mark the

1 sample board as A-16.

2 Q Bruce, does that have any date on it?

3 A It does not.

4 MR. DEL VECCHIO: Okay. So it's an
5 undated material sample board produced by Minno &
6 Wasko to be marked as A-16.

7 A Just, just briefly, down in the lower
8 right hand corner we're showing stone. That would be
9 the wainscoting that would be along the bottom of the
10 building.

11 We're showing this sort of a teal or almost a
12 blue fiber cement. That would be this color right
13 here that we see in the middle of the building.

14 Then we're showing a lighter almost like an
15 off-white color. Again, this is fiber cement
16 horizontal siding.

17 You can see that that goes up into some of these
18 gable areas vertically and it also goes horizontally
19 on some of the top areas.

20 I don't have a sample of this white cement board
21 but it basically is like this, only white, and it's
22 smooth. This is showing a wood grain pattern. The
23 top would be smooth.

24 And then we're showing an asphalt roof shingle
25 which is what you would be seeing here for this roof.

1 We also have a cast stone accent. That would
2 occur on top of this stone wainscoting that would run
3 across the base of the building.

4 That's it for the samples.

5 MR. DEL VECCHIO: I don't have any further
6 questions of Mr. Englebaugh and make him available to
7 the Board for their questions.

8 CHAIRMAN DePINTO: Thank you.

9 Mr. Englebaugh, if I could draw your attention
10 to A-5, Elevation 05 which is labeled view from Bears
11 Nest town homes.

12 The other elevations on pages that preceded this
13 one, seem to have greater interest with respect to
14 gables and the, the design and layout of the stone
15 clapboard is far more interesting on the other three
16 sides of this building.

17 Is there a reason why we neglected to make this
18 side of the building as interesting as the other
19 sides?

20 THE WITNESS: I suppose --

21 CHAIRMAN DePINTO: You might say it's the
22 back of the building which I'm not going to accept
23 because this is the only facade of the building that
24 faces a residential zone. And, it will be visible
25 from the units that lie behind the subject in the

1 Bears Nest.

2 Are we being kind to our neighbors in scaling
3 back the features on the back side of the building?

4 THE WITNESS: I would say that I could
5 take it up with the applicant and, you know, if he
6 wants to add more gables, we can certainly do that.

7 CHAIRMAN DePINTO: Is there some sort of
8 mechanical reason or other where you eliminated the
9 interesting architectural features that you employ on
10 three sides of the building?

11 Is there anything that forced you to do that
12 mechanical or otherwise?

13 THE WITNESS: No.

14 CHAIRMAN DePINTO: So it was just let's
15 just treat it like the back of a building as if it
16 backed up to a wooded area or, or something of that
17 nature?

18 THE WITNESS: Yeah. Typically we -- you
19 know, less to the rear and the sides.

20 CHAIRMAN DePINTO: And I applaud you for
21 flip flopping the building in respect to that
22 residential neighborhood behind you but I do believe
23 something should be done with the rear of the
24 building.

25 Please take that into consideration.

1 Questions from Board Members starting with Mr.
2 Culhane.

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

5 CHAIRMAN DePINTO: Thank you.
6 Mr. Stefanelli.

7 VICE CHAIRMAN STEFANELLI: No questions
8 either.

9 CHAIRMAN DePINTO: Thank you.
10 Ms. Russo.

11 MS. RUSSO: I have no questions.

12 CHAIRMAN DePINTO: Thank you.
13 Mr. Lintner.

14 MR. LINTNER: Could you describe what a
15 typical, what would be in a typical living unit,
16 typical one or two-bedrooms?

17 What is there besides just the square you see on
18 your drawing?

19 THE WITNESS: Yeah. We have a small
20 kitchen, one or two-bed, depending if it's a one or
21 two-bedroom unit and then small living area.

22 MR. LINTNER: Handicapped accessible?

23 THE WITNESS: Yes. The whole building is.

24 MR. LINTNER: There is a kitchen entity in
25 these?

1 THE WITNESS: Um-hum.

2 MR. LINTNER: Okay. How about room
3 heating and cooling, how is that handled, through a
4 window? Are there wall units? Is it all central,
5 heating coils? How is that handled?

6 THE WITNESS: It's probably too early to
7 answer that definitively but what I would suspect we
8 would use is what's called a VRF system where the
9 building would be zoned and we have units that sit on
10 top with refrigerant lines that handle several units,
11 each thermostat would control each unit.

12 MR. LINTNER: Is the thermostat off of the
13 central plane each unit would have?

14 THE WITNESS: Well, it's not a central
15 plane. It's more of like three, four or five units.

16 MR. DEL VECCHIO: Those would be roof
17 mounted units?

18 THE WITNESS: Correct.

19 MR. LINTNER: I guess there's provisions
20 for duct work to get down to the first and second
21 floors off of the rooftop?

22 MR. STEFANELLI: Refrigerant pipe.

23 THE WITNESS: Yeah, it's refrigerant
24 pipes. It's tubes and an air handler unit where that
25 transfer takes place.

1 MR. LINTNER: Okay. Then just one other,
2 I guess it's a question but along the roof height if
3 this was a traditional -- if this was an office
4 building with a 50 foot maximum height, the flat top
5 office building would be 50 feet from grade. The fact
6 that you've got a gabled roof on it now you actually,
7 the roof is actually going to be taller than 50 feet.

8 THE WITNESS: I don't think so. Let me
9 get the section.

10 MR. LINTNER: Your cut shows about a 19.7
11 peak to eave.

12 And the building height on the plan is listed as
13 45.67. So if I add those together, half of 19.7 and
14 45.67, I get a roof height, the top of that roof is
15 over 55 feet.

16 THE WITNESS: I don't think it would be
17 that tall. I can't definitively give you an answer at
18 this point but let me tell you why I think that.

19 MR. LINTNER: Sure.

20 THE WITNESS: If you look closely at this
21 roof plan, you'll see that this flat area represents
22 this in here. Then we have this higher area which
23 runs around here.

24 The only piece going up higher is this little
25 piece right here. Okay. It's just a small percentage

1 of the roof and I really don't even think that it
2 would get that high.

3 MR. LINTNER: That's something to
4 consider.

5 And, also, in that O-5 section that you looked
6 at before, Chairman DePinto how you look at that, the
7 white pieces above the roof, is that something that's
8 going to be visual?

9 Are we going to see that?

10 THE WITNESS: You would.

11 MR. LINTNER: And what's it going to be,
12 to look like?

13 THE WITNESS: It would be siding.

14 MR. LINTNER: Siding up there.

15 THE WITNESS: Yes.

16 MR. LINTNER: And that's where the
17 equipment would be sitting, behind the roof but in
18 that area.

19 THE WITNESS: Correct, the equipment would
20 be down inside.

21 MR. LINTNER: Right. Actually looking at
22 the building would you see that siding up there?

23 THE WITNESS: I think you would see
24 portions of that siding, yes, because this actually
25 varies in height in places.

1 MR. LINTNER: Based upon the width of the
2 building?

3 THE WITNESS: That's correct.

4 MR. LINTNER: No other questions, Mr.
5 Chairman.

6 Mr. D'Agostino.

7 MR. D'AGOSTINO: Yes.

8 Can you speak at all to any additional
9 mechanicals?

10 You have a kitchen for the cafe and dining area.
11 So an exhaust fan, to get an idea of the noise that
12 could be generated from the operation. Exhaust fans
13 dumping out the back towards the residential
14 neighborhood, is that something vented to the roof?

15 THE WITNESS: It's a good question. I'm
16 not sure I can answer that a hundred percent only
17 because I haven't enlisted the services of my
18 mechanical engineer yet.

19 My instincts tells me I would have some sort of
20 vent on the side of the kitchen.

21 MR. D'AGOSTINO: As far as, just looking
22 at the engineer's site plan looking at, when you
23 mentioned it, when you moved the trash and the
24 transformer locations I noticed a generator.

25 Is there anything else out there that could

1 produce any noise besides the generator?

2 THE WITNESS: I don't believe so. I mean
3 you would have vehicles driving by.

4 MR. D'AGOSTINO: Okay. What about signage
5 on the building, any proposed signage on the building
6 itself?

7 THE WITNESS: To the best of my knowledge,
8 at this point the only sign we have is out in front
9 that I'll call the marquee sign. We would have
10 smaller wayfinding signs throughout the site that
11 haven't been designed yet.

12 MR. D'AGOSTINO: Nothing on the building
13 itself?

14 THE WITNESS: There's not a big sign
15 outside that says, you know, the name.

16 MR. D'AGOSTINO: No further questions.
17 Thank you.

18 CHAIRMAN DePINTO: Ms. O'Neill.

19 MS. O'NEILL: Do we need to review the way
20 finding signage? Should they not be reviewed in other
21 applications, specifically Sloan Kettering.

22 CHAIRMAN DePINTO: Are you looking at the
23 architect's plan.

24 MS. O'NEILL: I'm on that, too.

25 CHAIRMAN DePINTO: The testimony of the

1 architect because I think the wayfinding signs should
2 be dealt with when we listen to the testimony --

3 MS. O'NEILL: Perfect.

4 CHAIRMAN DePINTO: -- of the design
5 engineer.

6 MS. O'NEILL: Can you speak to the
7 drainage of that roof mechanical area because on your
8 section which you have testified is inaccurate,
9 there's no sloping, there's no -- I don't see any
10 drainage up there and my experience is that in
11 mechanical areas on roofs, if there's no plan for
12 drainage, no sloping it gets unattended to.

13 So I recognize that that section is not
14 particularly detailed.

15 THE WITNESS: You're talking about the
16 drainage in here?

17 MS. O'NEILL: Yes.

18 THE WITNESS: We have roof drains in
19 there.

20 MS. O'NEILL: Roof drains built in. Any
21 pitching?

22 THE WITNESS: There will be just a tiny
23 slope to each roof drain, absolutely.

24 MS. O'NEILL: Sure. And then on A-1 and
25 the ground floor plan, the staff lounge which is on

1 the, on the right-hand wing is incredibly odd-shaped
2 and 140 square feet.

3 Have you ever designed a staff lounge with 140
4 square feet in a triangle shape?

5 THE WITNESS: Probably not.

6 MS. O'NEILL: My professional opinion is
7 that that is functionally not useable and probably
8 could hold maybe a folding chair.

9 I don't mean that, that sounded, the tone on
10 that came out all rude but I just don't frankly know
11 who would use that space.

12 THE WITNESS: Well, I can also say that,
13 as this progresses, this, this will change in here.
14 This isn't the final plan. We'll have to work with
15 operations to massage these shapes and sizes and
16 things like that.

17 MS. O'NEILL: Okay. Will there be a staff
18 lounge because there isn't any space in here dedicated
19 to staff? And it's my experience with elder care is
20 that it is very taxing and I think a staff space would
21 be necessary.

22 THE WITNESS: There would be a staff
23 lounge.

24 MS. O'NEILL: I would recommend that it is
25 at least double the size.

1 THE WITNESS: Again, I'll work with the
2 operations to program this out a little tighter.

3 MS. O'NEILL: All right. And, and that's
4 it.

5 CHAIRMAN DePINTO: Thank you.
6 Mr. Culhane.

7 MR. CULHANE: You started with me, I
8 believe.

9 CHAIRMAN DePINTO: Yes. Okay.

10 MR. HIPOLIT: I have questions.

11 CHAIRMAN DePINTO: Yeah. Mr. Hipolit.

12 MR. HIPOLIT: Your, I'll say, canopy, your
13 canopy in front of the building.

14 THE WITNESS: Um-hum.

15 MR. HIPOLIT: It's less than the required
16 height for say larger trucks.

17 THE WITNESS: 11 feet 9 inches.

18 MR. HIPOLIT: How are you going to sign
19 that so vehicles don't run into it?

20 THE WITNESS: I suppose we'll have a
21 clearance sign up there. We might have a bar or
22 something as well.

23 MR. HIPOLIT: That's it? You guys have
24 the proposed sign. I can't tell you what to do but
25 you can't leave it unmarked.

1 MR. DEL VECCHIO: We'll take it under
2 advisement and our engineer will come up with an
3 appropriately approved municipal sign or of that
4 concern.

5 MR. HIPOLIT: Yeah. Just put the height
6 on it.

7 MR. DEL VECCHIO: Um-hum.

8 MR. HIPOLIT: Your architectural plans, so
9 if I understand you correctly, your architectural
10 plans are only preliminary not final.

11 THE WITNESS: That's correct.

12 The layouts of the rooms. Basically what we're
13 trying to do is get the volume of the building,
14 bedroom mix, all the big picture items squared away.
15 Once we feel like we have a project and approval then
16 I'll tighten up this in here.

17 MR. HIPOLIT: Were we seeking preliminary
18 and final or just preliminary, Andy?

19 MR. DEL VECCHIO: Both.

20 MR. HIPOLIT: That's the problem. We need
21 to see final plans.

22 MR. REGAN: Before the vote we need final.

23 MS. O'NEILL: I would much prefer final.

24 MR. DEL VECCHIO: Understood.

25 MR. HIPOLIT: They're applying for

1 preliminary but --

2 MR. DEL VECCHIO: Understood.

3 CHAIRMAN DePINTO: Anything else, Mr.
4 Hipolit?

5 MR. HIPOLIT: That's it for me.

6 CHAIRMAN DePINTO: Miss Green, with
7 respect to the testimony we've heard from this
8 witness.

9 MS. GREEN: Yes. Thank you.

10 How do you intend to access that roof mounted
11 equipment?

12 THE WITNESS: There will have to be some
13 sort of like one of the utility spaces, the roof hatch
14 to get up there.

15 MS. GREEN: So I guess if revised plans
16 are prepared that would be illustrated.

17 THE WITNESS: Yes.

18 MS. GREEN: My other question is on the
19 second floor plan there are terraces to the rear.

20 THE WITNESS: Correct.

21 MS. GREEN: Are those functional?

22 THE WITNESS: Not publicly accessible,
23 accessible to those individual units.

24 MS. GREEN: Perfect. Thank you.

25 Those are all my questions, Mr. Chairman.

1 CHAIRMAN DePINTO: Any other questions
2 from Board Members?

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

5 MS. O'NEILL: So move.

6 MR. D'AGOSTINO: Second.

7 CHAIRMAN DePINTO: Miss O'Neill, second
8 Mr. D'Agostino.

9 All in favor?

10 (Aye)

11 Mr. Wiss.

12 MR. WISS: Thank you, Mr. Chairman. Very
13 briefly.

14 CROSS-EXAMINATION BY MR. WISS:

15 Q Mr. Englebaugh, good evening?

16 A Good evening.

17 Q You had indicated in response to a
18 question concerning the height, maximum height that
19 you can't answer the question now. You gave a best
20 guesstimate that it will not exceed the height
21 limitation?

22 A Oh, I can testify that it will not.

23 Q It will not?

24 A Yes.

25 Q So the 45.67 plus the 9.7, you do not

1 believe will ever exceed the 50 foot elevation?

2 MR. DEL VECCHIO: I apologize for
3 interrupting but I think the question is confusing two
4 different dimensions and I want the record to be
5 clear.

6 Mr. Englebaugh made it clear that his testimony
7 concerned a calculation of finished floor to a
8 distance measured to the roof. That is not how this
9 community measures building height. There's a very
10 specific definition of building height which hasn't
11 yet to be testified to by our engineer.

12 So I don't want the record to reflect any height
13 testimony by Mr. Englebaugh to be the official zoning
14 height calculation as opposed to just a calculation of
15 finished floor to a measured point on the dimension
16 drawings. They're different dimensions.

17 MR. WISS: And I could accept the
18 representation of that testimony.

19 CHAIRMAN DePINTO: Yes.

20 MR. WISS: That's fine.

21 Speaking of forthcoming testimony, I think you
22 had answered in response to a question regarding
23 venting and possible noise controls particularly as it
24 relates to the Bears Nest site.

25 Is there going to be and you said you hadn't

1 engaged your mechanical engineer.

2 Is there going to be testimony on that point?

3 MR. DEL VECCHIO: We would stipulate for
4 the record any and all mechanicals on the site would
5 in fact meet the state noise code requirements at the
6 measured distance which is the property line and we
7 agree to a post construction testing to confirm that.

8 MR. WISS: I have nothing further.

9 CHAIRMAN DePINTO: Thank you.

10 Anyone else have any questions? No.

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

13 MR. STEFANELLI: So move.

14 CHAIRMAN DePINTO: Mr. Stefanelli,
15 seconded by Ms. O'Neill.

16 All in favor.

17 (Aye)

18 CHAIRMAN DePINTO: Mr. Del Vecchio, your
19 next witness, please.

20 MR. DEL VECCHIO: Mr. Dipple.

21 MR. REGAN: Mr. Dipple, would you raise
22 your right-hand, please.

23 Do you swear or affirm that your testimony given
24 will be the truth, so help you God?

25 THE WITNESS: I do.

1 MR. REGAN: For the record, state your
2 full name.

3 THE WITNESS: Michael Dipple, D I P P L E.

4 MR. REGAN: Mr. Dipple has previously been
5 qualified before this Board for civil engineering and
6 I recommend he be so qualified in connection with this
7 application without any further testimony.

8 CHAIRMAN DePINTO: I accept the
9 recommendation of counsel.

10 Please continue, Mr. Del Vecchio.

11 DIRECT EXAMINATION BY MR. DEL VECCHIO:

12 Q Mr. Dipple, the drawings by L2A were
13 prepared by you or under your supervision?

14 A They were, yes.

15 Q You have visited the property which is the
16 subject of this application?

17 A I have.

18 Q And you have visited the neighborhood in
19 which this property sits?

20 A Yes, I have.

21 Q Did you make yourself familiar with the
22 development regulations of the Borough of Montvale as
23 they may apply to this project?

24 A I have, yes.

25 Q And you are the one who authored the site

1 plan drawings and will provide height testimony of the
2 zoning issue.

3 Correct?

4 A That's correct.

5 Q So if you could start off with maybe what
6 I would suggest, I'll leave it to you if it's easier,
7 testify by turning the sheets and indicate what you
8 did and how you did it as a way of covering the
9 material.

10 A Well, I'm going to start, I'll start going
11 through the set and I'm going to start with Sheet CO3
12 which is entitled existing conditions and demolition
13 plan.

14 I'm going to skip CO2 because that's just an
15 aerial depiction of the area and I think we've already
16 covered that through Mr. Englebaugh's testimony.

17 So on Sheet CO3 entitled existing conditions and
18 demolition plan, what's depicted is the existing
19 medical office building with the parking lot to the
20 southwest corner of the facility. It's a one-story
21 office building. It appears at one point there was an
22 addition put on the back of it and that is on the
23 south side or closest to the Bears Nest facility.

24 It's basically an asphalt parking lot with one
25 access point from Philips Parkway and everything on

1 the site will be removed with the exception of some
2 areas in the back where we have some dense vegetation.

3 There's a sanitary sewer easement along the
4 south side between the facility and the Bears Nest
5 facility and that will remain untouched with some
6 vegetation and I'll bring up a colored rendering to
7 depict that better.

8 I'm going to move on to Sheet C04 with the site
9 plan. You've seen the colored rendering already. I'm
10 going to, you know, I'm going to switch the easel with
11 my colored rendering since we have the plans. Okay.

12 So on Sheet C04 entitled site plan, it depicts
13 the existing building as Mr. Englebaugh described it
14 with the center core and the two wings, one wing
15 extends towards Philips Parkway, the other wing to the
16 east, toward the adjacent office building.

17 There is one access point. It's a full movement
18 driveway off of Philips Parkway on the north end of
19 the site.

20 And then I'm going to walk you through the
21 property as designed.

22 So if a vehicle were to enter the property off
23 of Philips Parkway and they wanted to head toward the
24 front door where perhaps they want to drop off an
25 individual or someone needs a little extra care

1 getting out of the vehicle, they could pull up and
2 under the, and continue under the porte cochere that
3 Mr. Englebaugh described, the one with the 11 foot 9
4 inch height. And then they could position themselves
5 there.

6 The aisle width there is 24 feet. So they could
7 pull over and then a vehicle could continue past them
8 if in fact we saw multiple vehicles in that area at
9 the same time.

10 There is a total of 12 parking spaces in that
11 area. There are six of which are head in spaces and
12 six of which are parallel spaces.

13 And this is kind of a typical configuration for
14 a drop-off where you have some parallel spaces which
15 tend to allow people to just move over to the right, a
16 quick in and quick out. And then you have some
17 perpendicular spaces or vehicles who want to spend
18 just an extra minute there, have to run in, can pull
19 in and wait there for awhile and of course we have
20 four ADA spaces in that area also.

21 So this is, this area in front of the building
22 is really for kind of a very quick or temporary
23 movement and not the long stay.

24 So, again, getting back to Philips Parkway, the
25 vehicle enters the site. They can also go off to the

1 left or bear left and then continue and there's a,
2 which we think will be designated for visitors, and
3 that will be 10 parking spaces and they face in a
4 north easterly direction, away from the building.

5 And then they have pedestrian access from those
6 spaces under the porte cochere and into the building.
7 And you can see it depicted here on the screen.

8 So we've kind of enter the site in two different
9 ways. We have the patient experience and then we have
10 the resident experience I should say and then we have
11 the visitor experience.

12 If you notice the driveway continues at least
13 all the way around the building. So we have very good
14 access for emergency vehicles, fire access and good
15 circulation around the entire building facility.

16 As we mentioned there is a number of exits and
17 we have positioned three separate parking areas toward
18 the rear of the building. And, these parking spaces
19 would be, would be used by, by employees of the
20 facility or people in the facility who would be there
21 for the longest time.

22 Looking at the extreme east corner of the
23 property there are four spaces. And they're depicted
24 there on the screen. So we have a small parking area
25 that you encounter first. There are angle spaces

1 because, again, this is a one-way circulation aisle.

2 If a vehicle were to continue behind the
3 building they would have the opportunity to park in
4 one of 10 spaces which are facing the building. And,
5 again, I think this was described kind of generally or
6 quickly that those spaces used to face away from the
7 building and, again, maybe in the direction of the
8 Bears Nest community and in this is revision that was
9 resubmitted, that I'm describing here, they were
10 flipped the other way. So those spaces now face into
11 the building and away from the Bears Nest. There
12 would be no potential headlight glare.

13 So if one continues around the building and now
14 we're heading in a westerly direction, there would be
15 seven more spaces, again angled spaces, and they are
16 pointed in a southwesterly direction.

17 I should also say that there is, they are
18 surrounded by a retaining wall because we have a fair
19 amount of slope there and those do not face towards
20 Bears Nest. They face more in a westerly direction
21 than directly at Bears Nest. But, again, there is a
22 retaining wall there, the spaces are on the low side
23 of the wall so any glare would be blocked by that
24 retaining wall which supports the slope.

25 Okay. So continuing around the building we have

1 the one-way circulation aisle and then we encounter
2 the relocated mechanical utility area I should say and
3 then we have the loading area which is directly
4 adjacent to an access point on the west side of the
5 building. Across from that we have the space for the
6 transformer and electrical generator. And then just
7 to the north of that we have an angled space for a
8 trash enclosure.

9 So, again, this is all accessible, you know, in
10 order for the trash truck to come in. We positioned
11 it, it's generally across from the delivery area so
12 that a truck would either go head in or they could
13 roll the, the units out and they could pick them up
14 but you have a lot of area here in order to work, you
15 know, and pick up the trash or to load as, as we heard
16 already once a week, there would be one loading or one
17 delivery of food and that space right there, the
18 hatched space is 15 feet wide, could be utilized for
19 that, for that delivery operation.

20 And then you continue again to the north and the
21 one-way circulation aisle and, and you rejoin with the
22 traffic and you can make a left and leave the
23 facility.

24 So, in general, that's the layout.

25 There's a detention basin which I'll refer to in

1 the grading plan. So storm water is collected in the
2 northeast corner of the property. That's the lowest
3 point on the site. And that's all the storm water
4 runoff that's tributary to that, collects there and
5 then discharges out into the storm sewer system in
6 Philips Parkway. We're really trying to limit any
7 over land flow.

8 Another feature that was added to the plan is
9 this gravel walking trail. I know that that got a lot
10 of interest in your professionals' letters so I'll
11 just point out where it is now and we can talk about
12 it more. But connecting the sidewalks to the back, we
13 produce like a softer gravel walking trail.

14 We are exceeding the limit of impervious
15 coverage here. I haven't gone through the zoning
16 table but just under 2 percent. But that didn't
17 really drive this design. It was more of a very kind
18 of passive, you know, gravel walking trail. We
19 understand that people with walkers may not really
20 experience that well but it would be a compacted
21 gravel trail just to keep, to soften it up and work
22 with the landscaping.

23 So, so that was added to give some kind of
24 passive outdoor recreation space. If, if a resident
25 wanted a little bit of privacy and wanted to sit down

1 out there, there might be some benches and stuff in
2 that area and surrounded by landscaping, would be some
3 privacy.

4 The monument sign is located in the front of the
5 site and it's 15 feet back from the right of way line.
6 And we're going to get back to the monument sign.
7 There's still a little bit of an inconsistency between
8 the two plan sets. But I just want to point out that
9 that's where it's located, the double sided monument
10 sign. It has a light shining on the face of the sign,
11 a small light just to give it a little bit of
12 illumination.

13 So I think I'm going to move on to the Sheet
14 CO5, if I may, grading, drainage and utility plan.

15 And, if you're familiar with the area you would
16 know that the high side is to the west and then it
17 slopes downward toward the east and if you went one
18 more property, two more properties beyond, you would
19 eventually hit, you would hit the stream at Bear Brook
20 and so everything is flowing in an easterly direction.
21 We're not really changing drainage patterns here much
22 at all.

23 We are continuing the flow in a north easterly
24 fashion toward the detention basin in the front. The
25 detention basin collects runoff from the entire

1 developed portion of the site. There's no portion of
2 this parking lot or building or anything that doesn't
3 get captured and goes into this detention basin.

4 The areas that do drain off are really just kind
5 of the fringe areas around, the heavily landscaped
6 areas around the edges of the site. And that's
7 consistent with the way that the site drains today.

8 And we did perform an analysis which shows that
9 we're improving the drainage situation in all aspects
10 off-site to Philips Parkway and, and causing no more
11 or any detriment to any area, neighbors, Bears Nest,
12 Philips Parkway or anything, anything like that.

13 Q Mike, before you switch that sheet. On
14 the existing conditions scenario is there any existing
15 drainage out in the parking lot?

16 A Well, there are, there is a drainage
17 collection system and we also believe that there may
18 be a small detention system underground adjacent to
19 what I pointed out is the building addition. We found
20 a couple of inlets which was hard to tell where they
21 went. But, it appears that some of the roof leaders
22 disappeared and went into maybe an underground
23 collection system.

24 We did perform a test pit in the area but it was
25 pretty indicative of what that was. And the building

1 addition didn't really match the existing building.

2 I don't know if I ever followed up with Mr.
3 Livingston on that but it was clear that the only real
4 drainage or detention system might be a very small one
5 in the back which served the building addition that's
6 put on the site. Otherwise, everything just kind of
7 drains off the parking lot and out into Philips
8 Parkway uncontrolled and undetained.

9 And that's, that's pretty consistent of a
10 building of this age. It looks like it was a '60s,
11 1970s. Perhaps Mr. Livingston would know exactly.
12 But that's, again, I think what we did with our
13 detention system is a, is a vast improvement to what's
14 there now.

15 So if I can move on, I'm going to go to Sheet
16 CO6 and that's our lighting plan and I am -- and why
17 don't we just focus on the light fixtures down in the
18 lower right hand corner for a minute there.

19 So what you see are four fixtures here we're
20 proposing I'll take them from left to right.

21 On the left side are these small accent lights
22 which would only illuminate the sign in the front.
23 There will be a flag pole and perhaps one might shine
24 on the flag pole. But that's really a very small
25 accent light commonly used for exactly that

1 application, just to throw a little bit of light on to
2 the sign.

3 We have some roof mounted fixtures which is the
4 next one which would be underneath the porte cochere
5 to give the porte cochere some illumination and to
6 keep that area very bright. And right now we're
7 proposing four fixtures underneath the porte cochere.
8 They wouldn't be visible from anywhere but from
9 directly underneath.

10 The third light is the post-op light which is
11 more of a traditional post-op fixture, colonial some
12 people would say, and those are positioned around the
13 property in various locations throughout the property,
14 around the ring road and in the parking areas to
15 illuminate the parking and, and that provides the bulk
16 of the illumination throughout the site.

17 And then the fourth light is a bollard light and
18 we have included these bollards around all sidewalks
19 around the building and you can see them marked with a
20 Letter G or H. And, and they would, again, go
21 completely around the building just to provide some
22 illumination to anyone either walking or driving this
23 time of year at 4:30, 5:00, it's already dark, so they
24 would illuminate the pedestrian areas.

25 So, in general, I think we have very good

1 illumination around the parking area. I'm seeing foot
2 candle levels of about two or three in the drivable
3 area. We get no spillage off the site.

4 I believe your engineer or planner picked it up.
5 We're seeing, you know, at the property lines Point 1
6 foot candles which is, which is barely noticeable.
7 And I should also say our model doesn't include any
8 landscaping or any change in grade which would then
9 impact that throw.

10 And, we are proposing heavy, dense landscaping
11 between this property and the Bears Nest facility so
12 this is a general interpretation of lighting as if
13 this was a flat surface with no barriers. So, if
14 anything, this is very conservative as to throw of
15 light.

16 Looking at the two commercial sites, we get very
17 minimal throw on to the eastern side, the commercial
18 property there. That's where our road comes closest,
19 about 15 feet away from the property boundary. And,
20 of course mon the west side we get almost no
21 illumination past the property line and there is a
22 significant grade change there.

23 So, again, that would even be conservative.

24 So that's the lighting. And now I'll move onto
25 our landscaping plan and we consulted with a landscape

1 architect. And he helped us with the plans.

2 We have a fair number of, you can see it from
3 the plan that it's very densely populated. This is an
4 area where really an assisted living or memory care
5 facility really doesn't want to skim and really not
6 provide the total experience on the property.

7 So landscaping really helps that and we have a
8 fair number of shade trees. We have very dense
9 plantings along the foundation of the building. And
10 that's depicted here on the color and that's why I put
11 the colored rendering up so you could see some of the
12 landscaping.

13 But, of course, very important along the back.
14 And you can see it depicted on the colored rendering
15 is that green area to the upper left-hand corner of
16 the page which is the dense, mature landscaping which
17 is to remain and then we're supplementing that with a
18 double row of arborvitae which we'll try to produce a
19 more dense screen to the back of the site.

20 And let me just confirm the species for a
21 second. Yeah, they're green giant arborvitae, which
22 are deer tolerant arborvitae. And they're mixed in
23 with a double row. So that can again provide extra
24 buffer and screening for any potential headlight glare
25 or anything else that's going on, on the facility.

1 Q Mike, what's the installation height on
2 those?

3 A That is 8 to 10 feet. So we know that
4 that came up that some of our landscaping was shown as
5 seven to eight. And we've changed that to eight to
6 ten which is a common size that you can purchase and
7 have installed. So that's the, for the green giant
8 around the back of the site.

9 And then we added again that passive landscaped
10 area in the back of the site where we have that gravel
11 walking path. We created an experience there where
12 someone might be out in that area and wouldn't be
13 distracted by the parking or the circulation aisle.
14 So we created a lot of heavy and very creative
15 landscaping in the back of the facility.

16 I'm sure we'll have more questions on that.

17 And then we have soil erosion and sediment
18 control which we already applied to the Bergen County
19 Soil Conservation District.

20 Q Mike, can you go over the soil moving
21 quantities?

22 A Yeah. I think I'm getting to that.

23 Q Hold that if it's on a later sheet.

24 A It is on C11. We're only on C09.

25 Q Okay.

1 A CO9 is entitled vehicle circulation plan.
2 This is an important plan. It shows not only
3 emergency vehicles or what's labeled fire truck in
4 red. It shows the depiction of the fire truck. And
5 I'm familiar with the Montvale fire truck. I did
6 another application here in town and that was, and
7 that was a very important issue.

8 So we modeled the fire truck coming into the
9 site, circulating all the way around the site and that
10 defines some of the radii that we had. We didn't have
11 it right at first. We amended it, changed it, made
12 sure that the fire truck can get all the way around
13 the property and that's traced in red.

14 We also used a refuse truck which is kind of a
15 single unit about 30 feet and that is depicted in
16 blue. And, again, they choose to come in from either
17 side. They could leave on either side. They have no
18 problem maneuvering the front driveway.

19 So we have the refuse truck coming down Philips
20 Parkway and, again, circulating around the building,
21 pulling in toward the garbage, the trash enclosure
22 area, having little room to back up and jockey if need
23 be and then continuing out back onto Philips Parkway.

24 So, again, we studied the circulation and the
25 circulation drove the design in some respect and this

1 plan could fix that.

2 As I move on to the snow storage plan. Again,
3 very important, we already had one snow storm this
4 year, November. But we looked at this and we have
5 used the same analysis on another project in the area.

6 And we looked at how much 6 inches of snow, you
7 know, what kind of problems that would cause. And we
8 know that we get more than 6 inches, we got five plus
9 in November, we might get a foot of snow. But just in
10 general a 6 inch storm is a pretty decent size storm,
11 comes maybe once or twice a year, sometimes not at
12 all, sometimes heavier but we looked at this and said
13 how much storage area do we have for this and in fact
14 this site works very well because we have a full
15 circulation ring road without parking on every single
16 foot of that ring road. So we have places where we
17 can push the snow off of the ring road and push it on
18 to the landscape -- on to the lawn area behind it and
19 the landscaping has been set back far enough so that
20 the landscaping won't be damaged by snow removal.

21 And that was a comment by your professionals and
22 we incorporated that into the design.

23 I won't dwell on that but, again, we have a lot
24 of opportunities for a lot of snow storage here.

25 And as Mr. Del Vecchio asked me to do, we're

1 going to move on to soil movement.

2 So the design change we changed the design. We
3 added, we lifted the site just a little bit in order
4 to, to try to balance our soil the best we could. I
5 think we were pretty successful. We took a look at
6 the cut fill on the site. We did this simple grid
7 analysis and then we took out the basement and we just
8 took out a factor that we often use for foundations,
9 utilities, some storm water pipes and things like
10 that. And we see now that this is swung toward a soil
11 import of about 121 cubic yards of fill.

12 So we probably need to find some dirt. But as
13 the site refines a little bit around the building,
14 perhaps there will be a few more foundations than we
15 think there would be because it's got a large
16 footprint that we could actually come pretty close to,
17 to a balance on this site.

18 So we spent a lot of time really kind of
19 analyzing this and trying to figure out what's the
20 proper elevation to the building so we're not stuck
21 with a lot of soil or, or we need a lot of soil.

22 Q Mike, can you just articulate for the
23 record what those quantities are?

24 A Yes. So we did a cut to fill and that's
25 basically looking at the site and saying how much soil

1 we have to move from one place to another. That's
2 sometimes called a cut to fill. And we came up with
3 4,161 cubic yards of earth that we would have to move
4 from one place on the site to another place on the
5 site.

6 And then we subtracted out the size of the
7 basement. We give it a little bit more area because
8 we have to construct it and then we can backfill it.
9 There would be some stone and things. And that came
10 out to 3,240 cubic yards of actual cut. So that
11 offset a lot of that fill that happened in the cut to
12 fill calculation.

13 And, then we took out that factor for asphalt
14 depth, utilities, some building foundations, some
15 storm drainage. A lot of that is designed but not all
16 of it. So we use a factor, depending on the size of
17 the building and stuff and we came up with about 800
18 cubic yards of more cut. So that offset again some of
19 that fill and we balanced it pretty well, I think.

20 Out of 4,000 cubic yards we came up with 121 so
21 I think that tells us we have the building at about
22 the right height, the right elevation to try to
23 balance this site.

24 So the rest is finer construction details. So I
25 think, in general, that's the plan set.

1 Q Now, of all the testimony you put in
2 tonight the only thing you didn't testify to is the
3 only question I asked you is the building height. So
4 if we could backtrack for a second and talk about
5 building height and how we calculate that for the
6 zone. That will put a check in that box.

7 A Okay. I, yeah, perhaps when I went
8 through the site plan I missed the zoning table which
9 is a very important part of our set.

10 And we show how we comply or did not comply with
11 sections of the ordinance.

12 So I'm just going to go through it real quick.
13 Minimum lot area, of course, in your ordinance the O-4
14 zone requires an assisted living as a conditional use
15 to be on a 10 acre lot. We are at 3.00 acre lot,
16 slightly less than three but about it rounds to three.

17 We comply with minimum lot width, 200 feet. We
18 have 272 and change. Front yard where 75 feet is
19 required we're at 75.12.

20 Side yard where 50 feet is required we have 50,
21 no less than 50.19 feet so we comply with the side
22 yard requirements.

23 The combined side yard where 100 feet or double
24 that is required, we do comply with that at 100.74.

25 Our rear yard setback towards Bears Nest, the

1 building, where 50 feet is required we have 74.61 feet
2 so we comply there.

3 And then maximum lot coverage where 50 percent
4 is permitted, we're actually at 51.91 percent. And
5 that was through the redesign. We added a few parking
6 spaces through some discussion with the group.

7 We flipped the building. Again, that changed a
8 few things and, and created just a little more
9 pavement and we couldn't quite get down to 50 so we're
10 at 50.91. Floor area ratio, where .35 is the maximum
11 in the zone, we're at 0.52. So we noticed for that
12 variance.

13 Building height. So where 50 feet is required,
14 our building height is proposed to be 45.67 feet. We
15 comply with the three story requirement.

16 So we have a building height calculation and we
17 have the definition. I'm just going to read the
18 definition real quick because I think I'm going to get
19 questions about it. It's the vertical distance
20 between the average ground elevation around the
21 foundation of the building and the elevation of the
22 highest point of the building if the roof is flat or
23 in the case of a sloping roof, in the case of sloping
24 roofs to a grade point one-half the distance between
25 the rafter plate and the upper most point on the roof

1 inclusive of any parapet structure, apparatus or
2 equipment included on top of the roof except as
3 permitted in the section, the section it goes on.

4 So what we did is we calculated the average
5 height of the ground, around the building. We came up
6 with that number. We called it 300, 346.46 in
7 elevation. That's based upon certain datum.

8 And then we asked Mr. Englebaugh how tall is
9 your building. We set our finished floor at Elevation
10 303, if I'm correct.

11 303. Sorry. Our elevation -- I'm sorry. I
12 read the wrong number. Average ground elevation is
13 300.79. We set our building at 303. He tells me it's
14 43 feet 1 inch. We add the two numbers together. We
15 subtract -- we calculate the highest point. We
16 subtract it from the average grade and we get 45.67
17 feet. That's all spelled out right on the plans.

18 So that's how we calculate, and it's there on
19 the screen, that's how we calculate building height
20 it's less than 50 so therefore it complies.

21 MR. DEL VECCHIO: At this point, Mr.
22 Chairman, we do or we would intend to venture into
23 area of review letters. I know the Board's practice
24 is different on that. So I defer to the Board as to
25 how you want us to proceed at this point.

1 CHAIRMAN DePINTO: No. 1, the hour is
2 late. I think, before we get started on review
3 letters I'm inclined to ask Board Members if they have
4 any questions and then open it up to the public for
5 questions and then we're going to carry this meeting
6 to a future date to cover review letters on
7 engineering and then we'll hear testimony, I presume,
8 from your planner and review by our planner as well.

9 So questions starting with Mr. Stefanelli,
10 questions of Mr. Dipple for the plans that he
11 testified to this evening.

12 VICE CHAIRMAN STEFANELLI: Well, one of
13 the questions I have is traffic. Did you look at the
14 traffic on a facility like this going on and off the
15 number of visitors?

16 THE WITNESS: We did not perform a traffic
17 impact analysis. The site only has, you know, the
18 site has 43 parking spaces so it's a, you know, we
19 characterize this as very low volume in terms of
20 number of trips. And our familiarity with Philips
21 Parkway from coming here often is that it's a very low
22 volume road.

23 VICE CHAIRMAN STEFANELLI: I'm not worried
24 about the volume of the road. I'm just worried about
25 the impact of the facility and the number of vehicles

1 coming in and out of the facility.

2 THE WITNESS: I don't have a specific
3 number of vehicles for this facility coming in and
4 out.

5 I think the testimony that was given by the
6 operations individual indicates that initially there
7 would be 21 cars on their shift and they would get
8 some visitors from time-to-time, not only physicians
9 but also visitors and maybe mentioned five or six at a
10 time over the course of, you know, at any one time.

11 So if I look at all those numbers again, I'm not
12 seeing a big impact to the site.

13 But we haven't produced any formal report or
14 analysis.

15 VICE CHAIRMAN STEFANELLI: Andy, is that
16 something that's on the trip generation?

17 MR. HIPOLIT: I mean it should be. I
18 mean --

19 VICE CHAIRMAN STEFANELLI: That's why I'm
20 asking for your opinion.

21 MR. HIPOLIT: The site, a site of this
22 nature for both, from both the trip generation
23 perspective and parking perspective, because I heard
24 both questions already this is very low.

25 You had an office building here before that

1 was -- how many square feet was it?

2 THE WITNESS: I could tell you at one
3 point, I don't know if I have it at my finger tips but
4 the building coverage is almost compliant. I think
5 it's compliant with FAR and it's only, it's 14, 14
6 percent.

7 MR. HIPOLIT: It's not going to produce
8 significantly much more traffic. So anything put here
9 is going to be a very, very low trip generation. I
10 don't know the exact number. It's very low.

11 The same with the parking, it's going to be a
12 very, very low requirement except for holidays which
13 we know they haven't testified to that, how they're
14 going to handle that but in these facilities you get
15 four or five days a year. We always look at
16 Thanksgiving, Christmas, Easter, potentially if
17 there's a lot of Jewish holidays that would fall in
18 there, pretty well attended, depending on cultures,
19 other cultures. There's usually five or six holidays
20 where the parking could be, that could be a lot per
21 bed.

22 I'm not worried about the trip generations.
23 It's not something...

24 VICE CHAIRMAN STEFANELLI: There was
25 something I wanted to talk about and that was the

1 generator requirements for -- what are the
2 requirements for a site facility of this site?

3 THE WITNESS: I don't know if I'm the
4 expert. What we did on the generator is we left the
5 pad, we considered the entire area impervious just for
6 the calculation in case, in case a question could be
7 going in that direction. I don't think it is but --
8 so we guessed at the transformer size and generator
9 size based upon some actual experience and some cuts
10 from other sites.

11 MR. HIPOLIT: Can I get involved in this
12 conversations a little bit. I have a few facilities
13 like this in some of my other towns and the older
14 facilities that either predate me or predate 1990
15 could tend to be a disaster because the generators
16 only provide coverage in some of the main areas and,
17 these facilities the people need to stay in their
18 rooms, they can't just be wandering around.

19 From our perspective you would want a generator
20 that could power the majority of the building because
21 of the residents you have in it. So I think it's a
22 good discussion between the Board and the applicant
23 because we don't want our Fire Department to have to
24 be dragging people out here in stretchers and vehicles
25 to get them to a facility with heat, light and all the

1 above. It's just the main hallway areas doesn't cover
2 it.

3 VICE CHAIRMAN STEFANELLI: That's where I
4 was going with the questioning because I guess there
5 was a few facilities that had some power failures.

6 MR. HIPOLIT: Pre mid '90s, it's disaster
7 for all of New Jersey.

8 VICE CHAIRMAN STEFANELLI: That's it for
9 my questions.

10 CHAIRMAN DePINTO: Thank you.

11 Ms. Russo.

12 MS. RUSSO: I'm not sure if my question is
13 for Mr. Dipple or I speak to Andy now because of what
14 we were just talking about.

15 But my question was about the parking. So what
16 will you do in the case of holidays or, you know,
17 let's say a resident decides to have a party in one of
18 the common rooms. And, you know, you've got peak
19 times, I guess, do you recall -- say you're at a 3:00
20 shift change, you have 21 on, 21 coming off. So maybe
21 most of the time that 40 spaces is adequate but what
22 are you going to do in those few times, maybe there's
23 12, maybe there's 20. I don't know.

24 What are you going to do in those times when
25 it's not adequate? Where are those cars going to go?

1 THE WITNESS: I can tell you we will
2 provide more testimony on parking in general and, and
3 I'm going to and I know, I know the hour is late but
4 if you don't mind holding that to give the question,
5 just for some additional testimony that you can give
6 regarding parking that was discussed tonight.

7 But I will say that accommodations are made for
8 the big days, I should say Mother's Day.

9 MR. HIPOLIT: Mother's and Father's Day.

10 THE WITNESS: I thought he was going to
11 say that but Mother's Day is the one that came to me.

12 And you're absolutely right, they do get more
13 visitation during that time and there's some
14 additional accommodations made with the shuttle in
15 order to get employees to park elsewhere where there
16 are facilities that they can use, somewhere else,
17 maybe at another office building or something like
18 that. But it would be an accommodation that would be
19 made so that it would free up a little more space so
20 their employees wouldn't be taking the 21 and we have
21 the shuttle that's there. So there's always, they can
22 always see it coming, they can see the holidays
23 coming, they can make accommodations, they can do
24 this.

25 This is commonly done at a lot of the facilities

1 because the parking ratio is typically very low. It
2 is very low so you don't always build for that one
3 occurrence. But it is a good question. It came up in
4 the letters. And, if you don't mind, I do want to
5 provide a little more testimony with perhaps some,
6 some further analysis.

7 CHAIRMAN DePINTO: Thank you.

8 Mr. Lintner.

9 MR. LINTNER: I have no questions, Mr.
10 Chairman.

11 CHAIRMAN DePINTO: Thank you.

12 Mr. D'Agostino.

13 MR. D'AGOSTINO: I have no questions.

14 CHAIRMAN DePINTO: Thank you.

15 Ms. O'Neill.

16 MS. O'NEILL: I have no questions.

17 CHAIRMAN DePINTO: Thank you.

18 Mr. Culhane.

19 MR. CULHANE: Would any of these parking
20 spaces accommodate a jitney bus say.

21 THE WITNESS: Yes. We are proposing to
22 have, we would have, I believe it would be in the back
23 rear of the site in the seven spaces, perhaps the one
24 furthest away from the door but we believe that, that
25 unit which, you know, will be used from time-to-time

1 could use that space.

2 MR. CULHANE: We heard earlier tonight
3 that there were 21 people per shift.

4 THE WITNESS: Yes.

5 MR. CULHANE: I notice you have exactly 21
6 spots at the south end of the site.

7 THE WITNESS: Yes.

8 MR. CULHANE: Now during the shift
9 changes, I would assume that just because of the way
10 it works several spots in the front would have to be
11 used.

12 THE WITNESS: I just want to clear up that
13 shift change and I think I heard it a couple times
14 where it's 21 on and 21 off. That's not really the
15 case.

16 We've had a lot of discussions on the team about
17 this where it's stagger starts and I don't know
18 exactly how many minutes they would be but I think the
19 testimony was that as operations continue and they see
20 what kind of patient care that is needed, that they
21 would stagger them. I wouldn't exactly say 2:00 but
22 it might start at 1:40, 1:50 so it's phased out so you
23 just don't have 21 people grabbing their coats while
24 98 beds worth of assisted living residents are
25 standing there waiting for the next shift to come in.

1 But that's what they're implying.

2 But I think you're correct. We do have 21 in
3 the back. We have a couple challenges on the site, 50
4 percent impervious coverage. You have drainage.

5 But we are five spaces over. We looked at this
6 operationally and we believe that the 43 spaces is
7 adequate for this facility based upon other facilities
8 that are owned and operated by this entity.

9 But you are correct. But there could be a space
10 here or there. It could be a temporary space until
11 someone says well, my car, I'm going to move my car
12 back there. We're going to have a couple visitors,
13 whatever.

14 And, I think some of that self polices after a
15 while with the back. It depends where you're entering
16 the building.

17 There could be other building entrances that
18 these people have key fobs to that they can come in if
19 they're working in that area of the building versus
20 the upper floors versus in the administrative office
21 where they might want to park in that area.

22 MR. CULHANE: I assume basically the
23 employees will enter the building through that
24 stairwell from that side of the building?

25 THE WITNESS: I, I believe so. I don't,

1 you know, the largest entrance is in the back, the
2 back entrance is over by the loading area.

3 MR. CULHANE: That's not as convenient as
4 the other one.

5 THE WITNESS: Pardon me?

6 MR. CULHANE: That's not as convenient, in
7 my judgment, as the other one.

8 THE WITNESS: Understood.

9 And that was part of the flipping of the
10 building moving things in a way that we felt respected
11 the community to the rear that, that we did lose a
12 little bit of convenience with the, with the employee
13 parking. But there are a lot of entrances throughout
14 the site, around the building. You can see some of
15 the doorways and entering it through the hallways.

16 So you're absolutely right, Mr. Culhane, that
17 before we had the parking focused at that, that
18 entryway but when we flip it around to move things
19 away, we lost a little bit of that convenience.

20 MR. CULHANE: I have another question on a
21 slightly different subject. I notice on the
22 demolition plan that you had three or four trees you
23 had to demolish by the Bear Brook site and I was
24 curious why those trees were being demolished or
25 removed.

1 THE WITNESS: We had three or four trees
2 that were being taken down in the rear.

3 MR. CULHANE: Yeah.

4 THE WITNESS: They conflict with the
5 retaining wall that's going back there. And some
6 grade change.

7 So when we grade the site out, we have to be
8 careful of the changing grade. It's really going to
9 kill any tree whether we cut or fill in that area.

10 So one of those trees closest to the, one of
11 those trees closest to the rear may have been just a
12 leftover 'X' we had on the plan when the parking was
13 back there. I'll have to check that. One of those
14 trees may be able to remain.

15 I think the other two closest to the existing
16 parking will have to go but I'll check on that third
17 one.

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

20 CHAIRMAN DePINTO: Thank you.

21 Mr. Dipple, have you designed parking areas on
22 your plan for trucks and vehicles other than the once
23 a week food truck that we heard about from operations?
24 Where are your UPS, your FedEx, your Amazon trucks,
25 where are they going to be parking?

1 THE WITNESS: So they, so they, they would
2 -- so those trucks would typically be the size of the
3 garbage trucks so we, we use the single unit 30 for
4 that. They could be a little bit larger but they're
5 probably not a hinged vehicle probably a single unit
6 30 or slightly larger.

7 Now deliveries would be taken to the back, to
8 the loading area. They would be directed there. And
9 that's the most convenient place to get into the
10 building.

11 If they were, like you said Mr. Chairman, a
12 FedEx, an Amazon delivery or something like that, they
13 could pull over and park there temporarily and then
14 continue on.

15 You mentioned other vehicles. I'm sorry.

16 CHAIRMAN DePINTO: Well, it's -- you know,
17 times are changing. I look in my neighborhood and on
18 a daily basis I'll see UPS and FedEx and Amazon, other
19 type delivery vehicles. And it seems to me the most
20 convenient location and that's typically where these
21 trucks tend to stop are right in the front of this
22 building. And, unfortunately, I don't think you have
23 an aisle width large enough to accommodate that and
24 the other activity that you're expecting to occur in
25 front of the building.

1 So I'm curious if you have considered those
2 types of vehicles and designated elsewhere on the
3 site.

4 Because I think that area which the architect
5 has marked as receiving area --

6 THE WITNESS: Yes.

7 CHAIRMAN DePINTO: -- and I think you've
8 hatched it off as a loading site, is that going to
9 provide adequate space for those type of vehicles, for
10 the hundred or so residents that may be residing
11 there?

12 THE WITNESS: I think it will. I think
13 it, I think in the front of the site -- well, first of
14 all we talk about directional signage. Let me start
15 from the beginning.

16 We talked about small directional signage which
17 may say all deliveries and if someone from FedEx, some
18 new driver comes and decides to pull right up in
19 front, stop, put his lights on, that will be the end
20 of that and operations will say no, that has to
21 continue around and use that facility in the back.

22 And, and I'm familiar with facilities who have
23 had that experience, sometime my own office has said
24 this is the way this has to go and they have to
25 comply.

1 I think it's a very good loading area. It is 90
2 feet long at the front so I would bet that it's about
3 65 or 75 feet in its shallowist or narrowist spot
4 closest to the door.

5 So with a, with a 30 foot plus truck and some of
6 the FedEx trucks are smaller, I think that would
7 accommodate that quick delivery. That could be there
8 for minutes. I mean literally two minutes, three
9 minutes tops to make the delivery, drop off and move
10 on.

11 I do think that that's adequate. I do think
12 that people are going to have to make sure that that
13 delivery vehicle knows exactly where it has to go and
14 we can add things to the plan to make sure.

15 CHAIRMAN DePINTO: I think we have to
16 address it through signage. I think we do have to
17 address it in a resolution of approval, strictly
18 prohibiting any deliveries through the front of the
19 building. Otherwise, we're going to have to change
20 that entryway and the parking that you've provided in
21 that loop because I don't think that road area is
22 adequate to accommodate that usage.

23 I'd like to bring your attention to the
24 detention basin.

25 THE WITNESS: Yes.

1 CHAIRMAN DePINTO: Is it a detention or
2 retention? Is it open, is it fenced, is it
3 landscaped? How deep is it at the center point?

4 THE WITNESS: It is strictly detention.
5 It will not hold water for any period of time. The
6 water will enter the basin. It will be held there,
7 you know, essentially during the length of the storm
8 and a little bit after and it's allowed to bleed out
9 and go out into Phillips, the storm water system in
10 Philips Parkway.

11 The depth of the basin at its lowest is
12 Elevation 292. The highest elevation is 298 which
13 makes it -- excuse me, makes it 6 feet. However,
14 there's an emergency spillway which is set a little
15 bit lower which is 297.75 I think and that would be
16 the ultimate emergency spillway if everything else
17 failed.

18 So I think -- I don't have my report right here
19 in front of me but I would guess that the hundred year
20 water surface elevation if we got another hundred year
21 storm, it would come up about 5 1/2 feet to about the
22 elevation of that overflow spillway.

23 It is fenced. We do have a fence detail. It
24 runs on all sides of the detention basin to keep
25 anyone out of that or straying into that. It also has

1 a water quality devise as water comes into the basin
2 and then as it's discharging it passes through a water
3 quality device. It's up there on the screen which can
4 provide some water quality and we're bound to do that
5 not only by your ordinance but New Jersey Storm Water
6 Management Rules.

7 So it's all grass. There's landscaping around
8 it. We would try to make it as attractive as possible
9 but it is a necessity.

10 CHAIRMAN DePINTO: So the landscaping
11 would be to the exterior of the proposed fence?

12 THE WITNESS: Yes. I have some
13 landscaping not only around the, around the exterior
14 of the basin, around the parking. I have some street
15 trees around the basin and I have a few little plants
16 down in the basin just to try to hide the outlet
17 structures and some of the concrete that's down in
18 there.

19 CHAIRMAN DePINTO: I believe because of
20 its proximity to the walkway, and in anticipation of
21 pedestrian traffic, I think we have to be very careful
22 that we protect it as best we can so that someone does
23 not stray into that area.

24 THE WITNESS: I agree.

25 MR. HIPOLIT: Yes.

1 CHAIRMAN DePINTO: Yes, Mr. Hipolit.

2 MR. HIPOLIT: Mike, on the emergency
3 spillway, it's a stone structure that discharges right
4 out to our sidewalk if in fact it's used. Why can't
5 that discharge out into your parking lot right around
6 the curb line and then to the street?

7 THE WITNESS: It could. I don't know the
8 elevations. It could.

9 MR. HIPOLIT: From a visual, visual it
10 would be more desirable to not have the stone along
11 the street and it would get it out to the curb line
12 that goes across your sidewalk.

13 THE WITNESS: Yeah. I don't think that's
14 a bad option. I just -- they appear to -- yeah, it's
15 a little bit high on that side so what we did is we
16 came in off of Philips Parkway and rise up from that
17 elevation, 299 to 303. I'll take a look at that, see
18 if I can get that coming out the other way. The
19 emergency spillway really is for that absolute
20 emergency. Everything else is failed, all the pipes
21 got clogged, everything got failed at the same time,
22 we got a hundred year storm and it has to go over or
23 it gets to be a higher storm than a 100 year. It's
24 possible.

25 MR. HIPOLIT: It runs across our sidewalk,

1 it becomes, at least until, until we can get your,
2 your client engaged becomes our problem. So we're
3 dealing with it and now we have your client, running
4 across. If it runs down the curb line, it's not an
5 issue.

6 THE WITNESS: I see it potentially going
7 toward that inlet but I will take a look at that.

8 CHAIRMAN DePINTO: Okay. The Chair will
9 entertain a motion to open the meeting to the public.

10 MR. D'AGOSTINO: So move.

11 CHAIRMAN DePINTO: Mr. D'Agostino,
12 seconded Miss Russo.

13 All in favor?

14 (Aye)

15 MR. WISS: Thank you, Mr. Chairman.

16 CROSS-EXAMINATION BY MR. WISS:

17 Q Good evening, Mr. Dipple, at least good
18 late evening.

19 I'm going to defer some of my questions because
20 I understand you want to have an opportunity to
21 revisit the parking issue and make, supplement your
22 testimony.

23 Is that correct?

24 A I do.

25 Q So I may defer some of the questions I

1 would otherwise ask to our next session.

2 There two points of clarification, you testified
3 there is a sanitary sewer easement adjacent to the
4 Bears Nest property.

5 Is that correct?

6 A That's correct. It's on the subject
7 property but it is adjacent to the Bears Nest.

8 Q How is that landscaped?

9 A It's just wooded.

10 Q Just wooded?

11 A Yeah.

12 Q What would be permissible there and what
13 do you contemplate there?

14 A I don't know what would be permissible. I
15 really didn't ask the Borough or anyone what they
16 would want in there. Usually you don't put a lot of
17 dense landscaping in there.

18 MR. HIPOLIT: We would permit nothing but
19 grass in the easement.

20 Q And I guess my question is, do you know
21 what property or properties that easement serves?

22 A Yes, I do actually. The sanitary, it's a
23 36 inch sanitary sewer line and it runs all the way up
24 to, back up to the end of Mercedes and goes around.
25 I'm sorry.

1 MR. HIPOLIT: It services like the whole
2 west side.

3 A The whole corporate area all the way down
4 to the Lifetime Fitness, everything comes that way and
5 heads down there.

6 Q Thank you for that.
7 You testified to a one-way circulation traffic.
8 Correct?

9 A Only in the, only on the sides. There is
10 a two-way circulation plan in the front. On one of
11 them there's a one-way through, under the porte
12 cochere, becomes a two-way on the entrance and on the
13 side and one-way around the back.

14 Q So in terms of, for instance, the garbage
15 trucks --

16 A Yes.

17 Q -- what access do you envision for those
18 trucks, access and egress?

19 A Well, I actually have that depicted on the
20 truck circulation plan which shows it coming in off of
21 Philips Parkway going around the building in a, in a
22 clockwise manner and then continuing back onto Philips
23 Parkway.

24 Q So is it fair to say those trucks would
25 traverse past the Bears Nest property?

1 A Yes. They would come to the back of the
2 site, continue around and then the garbage is over on
3 the west side, yes.

4 Q And if we were talking about delivery
5 trucks, what would the travel way be?

6 A Same one.

7 Q Again traverse past the Bears Nest
8 property?

9 A That's correct.

10 Q The vehicles of visitors, guests to the
11 facility, what traffic pattern do you envision?

12 A Well, if they find the parking space in
13 the front, they could utilize -- the front 10 spaces
14 are typically what we think is the visitor spaces.
15 They do have the opportunity to use the six parallel
16 spaces and if they require ADA access, they could use
17 any of the other six spaces.

18 So really the front of the site is the visitor
19 area of the facility, the back tends to be more
20 employees.

21 Q And if those front 10 spaces were filled
22 again would the vehicles have to follow the same
23 pattern as delivery trucks and garbage trucks we just
24 talked about?

25 A Yes, they would.

1 Q You, you referred to the parking in the
2 rear of the facility closest to the Bears Nest as the
3 likely parking area for employees.

4 Is that correct?

5 A That's correct.

6 Q And the closest point of access to the
7 facility for those employees would be where?

8 A There is multiple. There are doorways on
9 the east side. There are, there's at least one
10 doorway on the south side. There are -- again,
11 further circulation around the back. The parking
12 space in the rear could be served by the doorways on
13 the west side. So tears multiple entryways.

14 Q Would you agree with me that the entryway
15 most proximate to the spaces that are closest to the
16 Bears Nest property is right there?

17 A You're pointing at it, yes.

18 Q There was some testimony by the operations
19 person of shift changes that might occur at 10:00 in
20 the evening.

21 Were you here for that testimony?

22 A I was.

23 Q And I guess with the staggered shifts
24 maybe some people are not reporting at 10:00, they're
25 reporting at 11:00 in the evening?

1 A I don't know if it goes to 11:00 but I
2 know that it's staggered. As I mentioned, I don't
3 know exactly what minutes beyond the 10:00, before or
4 after but...

5 Q Hypothetically, do you understand the
6 testimony to mean that there may be staggered shifts
7 that include, that will go beyond the actual shift
8 change?

9 A I agree with that.

10 Q And since these are employees coming on
11 and coming off shift and I think you told me parking
12 in the front is typically for guests and visitors
13 parking, in the rear would be the employees who would
14 be the ones subject to a shift change.

15 Right?

16 A Typically.

17 Q These are people who are going to be
18 accessing and egressing their vehicle in the evening
19 hours at a location most proximate to the Bears Nest.

20 Correct?

21 A That's correct.

22 Q And the easiest access for them to the
23 facility, opening and closing and entering would be
24 the door most proximate to the Bears Nest.

25 Is that correct?

1 A That's correct.

2 Q In terms of issues like noise control,
3 headlights and I think you testified about parking but
4 you have these vehicles coming around the bend.

5 Right?

6 A Yes.

7 Q Initially pointing, some were toward the
8 Bears Nest before they hit the parking bays.

9 Right?

10 A I agree.

11 Q I think I heard someone say earlier 4:30,
12 it now gets dark, certainly 10:00 in the evening it's
13 dark with the lights on.

14 A That's right.

15 Q Have you thought about as part of your
16 plans whether a wall would serve any purpose for light
17 control, noise control or given the nature of this
18 facility some type of a security device as well?

19 A No, I really haven't considered that. We,
20 along the plans, I believe we solved the issue with
21 the dense landscape buffer and abutting up against the
22 existing vegetation there, understanding that in the
23 winter when everything drops its leaves or whatnot,
24 that's why we have used arborvitae or something very
25 dense to block that, to block any kind of glare that's

1 possible for vehicles, you know, moving in that
2 direction. So that's how we would go.

3 Q We could agree a wall would be more
4 impervious for that purpose.

5 Right?

6 A I'm sure we could agree to that. Yes.

7 Q Did I hear, did I hear correctly that the
8 thought was to create a gravel trail for a walking
9 trail at an assisted living facility rather than
10 something impervious and that had nothing to do with
11 impervious surfaces?

12 A No. I said that it was, it was designed
13 -- I didn't -- you know, we are up against the gravel,
14 we are up against an impervious coverage limit. But
15 we've exceeded that. We, we sought the variance for
16 the exceedance.

17 What we looked at is a small, passive area in
18 the back. This isn't any large, grandiose path. This
19 is just a small area in the rear and we came up with a
20 compacted gravel surface, a soft surface and then we
21 heavily landscaped it.

22 Q And then certainly it was an impervious
23 path, you would only increase the degree of deviation
24 from the impervious surface?

25 A It would, yeah.

1 Q Would a smaller facility also help you to
2 accommodate that particular variance request?

3 A I'm sure a smaller building and smaller
4 parking area would definitely do that.

5 MR. WISS: I have nothing further.

6 Thank you, Mr. Chairman.

7 CHAIRMAN DePINTO: Thank you.

8 Anyone else from the public? Hearing none, the
9 Chair will entertain a motion to close the meeting to
10 the public.

11 MS. O'NEILL: So move.

12 CHAIRMAN DePINTO: Miss O'Neill, seconded
13 Mr. D'Agostino.

14 All in favor?

15 (Aye)

16 CHAIRMAN DePINTO: Thank you, Mr. Dipple.
17 Mr. Del Vecchio, thank you.

18 I guess at this point your request is going to
19 be to carry to another date.

20 Margarita, did Lorraine leave you any calendar?

21 Well, I think for the purposes of announcement,
22 we should carry this meeting to December 4th subject
23 to this Board being able to get a quorum together.

24 I am going to suggest to everyone they should
25 contact the Board Secretary prior to the 4th to

1 determine whether or not we will have that meeting on
2 the 4th.

3 This time of the year it's often difficult to
4 get a quorum because of the holidays.

5 But for the purposes of not having the applicant
6 be required to re-notice everyone, there will be no
7 other notice other than this announcement that it will
8 be carried to the 4th.

9 If there is any change, it will be incumbent
10 upon you to contact the Board Secretary to find out
11 that day.

12 And with that said, thank you very much for
13 coming.

14 MR. DEL VECCHIO: Thank you, Mr. Chairman.

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

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

6 I DO FURTHER CERTIFY that I am neither a
7 relative nor employee nor attorney or counsel of any
8 of the parties to this action, and that I am neither a
9 relative nor employee of such attorney or counsel, and
10 that I am not financially interested in this action.

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