

BOROUGH OF MONTVALE, NEW JERSEY  
PLANNING BOARD

IN THE MATTER OF: : TRANSCRIPT OF  
: PROCEEDINGS  
WAYPOINT RESIDENTIAL :  
SERVICES, LLC :  
127 SUMMIT AVENUE :  
BLOCK 1002, LOT 7 :  
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Tuesday, February 16, 2021  
Via Zoom Teleconference  
Commencing at 10:03 p.m.

BOARD MEMBERS PRESENT:

JOHN DEPINTO, Chairman  
MICHAEL GHASSALI, Mayor  
ROBERT ZITELLI  
CHRIS GRUBER  
JOHN CULHANE  
THERESA CUDEQUEST  
ROSE CURRY  
WILLIAM LITNER

ALSO PRESENT:

ANDREW HIPOLIT, Board Engineer  
DARLENE GREEN, Borough Planner  
LORRAINE HUTTER, Board Secretary

LISA C. BRADLEY  
CERTIFIED COURT REPORTER

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

2

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13 Counsel for Objector Summit Ridge  
14 Condominium Association

1 CHAIRMAN DEPINTO: I've read into the  
2 record this is a continued public hearing on Block  
3 1002, Lot 7, Waypoint Residential of 127 Summit  
4 Avenue. Mr. Wolfson is representing the Applicant  
5 this evening.

6 Good evening, Mr. Wolfson.

7 MR. WOLFSON: Good evening, Mr.  
8 Chairman. Peter Wolfson of Day Pitney here on  
9 behalf of the Applicant.

10 CHAIRMAN DEPINTO: And I'm going to  
11 ask Mr. Kurshan representing an objector to please  
12 enter his appearance.

13 MR. KURSHAN: Good evening. Peter  
14 Kurshan, on behalf of Summit Ridge Condominium  
15 Association, a member of its board.

16 CHAIRMAN DEPINTO: Okay. Very good.  
17 Thank you.

18 Mr. Wolfson, it's all yours.

19 MR. WOLFSON: Thank you.

20 Mr. Chairman, in light of the fact that  
21 we've recently passed the one-year anniversary of  
22 the filing of the application and we're approaching  
23 the one-year anniversary of the commencement of this  
24 hearing, I'm aware of the late hour, but I think it  
25 would be useful if I just ran through how we got to

1 where we are tonight, and I'll do it as briefly as I  
2 can.

3 CHAIRMAN DEPINTO: I think that would  
4 be a good idea, number one. Number two, it's my  
5 understanding that you sent out notices again for  
6 this meeting; is that correct?

7 MR. WOLFSON: That's correct, Mr.  
8 Chairman. In light of the cancellation of the last  
9 meeting, we thought it was prudent.

10 CHAIRMAN DEPINTO: Okay. Very good.  
11 And, Ms. Hutter, you have proof of  
12 those notices being --

13 MS. HUTTER: I do.

14 CHAIRMAN DEPINTO: -- properly sent?  
15 Okay, good.

16 And both Mr. Kurshan and Mr. Wolfson,  
17 did you receive copies of the chart that was  
18 prepared by Darlene Green?

19 MR. WOLFSON: I did, Mr. Chairman.

20 CHAIRMAN DEPINTO: Mr. Kurshan, did  
21 you receive that?

22 MR. KURSHAN: Yes, I did. Thank you.

23 CHAIRMAN DEPINTO: Okay. Very good.  
24 Thank you.

25 Please continue, Mr. Wolfson.

3

1 I N D E X2 WITNESSPAGE

3 PATTI RUSKAN

35

5 E X H I B I T S6 NO. DESCRIPTIONPAGE7 B-12 Review Memorandum of Mr. Hipolit,  
dated 11/9/20

15

8 B-13 Agus letter, dated 11/3/21

18

9 B-14 Chart by Ms. Green

20

10 B-15 Review letter of Ms. Green,  
dated 10/28/2020

23

11 B-16 Fire Department review memo,  
dated 11/16/20

24

12 A-29 Architectural plans, dated 10/16/20

27

13 A-30 First-floor plan, updated 10/16/20

28

14 A-31 Second-floor plan, updated 10/16/20

28

15 A-32 Third-floor plan, updated 10/16/20

28

16 A-33 Exterior elevations

29

17 A-34 Letter of Ms. Ruskan, dated 6/26/20

29

18 A-35 Plans dated 10/16

32

<p style="text-align: center;">6</p> <p>1 MR. WOLFSON: Thank you, Mr. Chairman.</p> <p>2 As I indicated, we filed the original application on</p> <p>3 this matter on January 3, 2020. We attended a Site</p> <p>4 Plan Review Committee. We received some excellent</p> <p>5 comments that led to revisions in the plans and the</p> <p>6 submission on February 7, 2020 revised plans.</p> <p>7 We commenced our hearing before this</p> <p>8 Board on March 3, 2020, and presented testimony from</p> <p>9 a representative of the Applicant, and we commenced</p> <p>10 our civil engineering testimony with our project</p> <p>11 engineer, Patti Ruskan. Both witnesses were subject</p> <p>12 to questions from the Board and the public at this</p> <p>13 time.</p> <p>14 Following the hearing, the Applicant</p> <p>15 made substantial modifications to the plans in</p> <p>16 response to comments from the Board Members and the</p> <p>17 public and submitted the revised plans on June 26,</p> <p>18 2020.</p> <p>19 The Applicant next appeared before the</p> <p>20 Board on July 7th and provided testimony from</p> <p>21 Richard Preiss, the project planner; and again from</p> <p>22 Patti Ruskan, the engineer, who discussed the</p> <p>23 substantial revisions that had been made to the</p> <p>24 plans. Following that direct testimony, Mr. Preiss</p> <p>25 and Ms. Ruskan were questioned by the Board and</p>	<p style="text-align: center;">8</p> <p>1 2020, concerning Summit Ridge's allegations that</p> <p>2 there were D variances needed in conjunction with</p> <p>3 the application and other objections.</p> <p>4 At the December 1 hearing, each of</p> <p>5 Summit Ridge and the Applicant presented their</p> <p>6 positions, including planning testimony with respect</p> <p>7 to Summit Ridge's objections. And Summit Ridge had</p> <p>8 the opportunity cross-examine Mr. Preiss, the</p> <p>9 Applicant's planner.</p> <p>10 The Board did not render a final</p> <p>11 decision on the objections at that time as it sought</p> <p>12 further review and advice from its own</p> <p>13 professionals.</p> <p>14 Following that December 1 hearing, the</p> <p>15 Applicant received memoranda from the Board Planner,</p> <p>16 Darlene Green, dated December 14 and December 22,</p> <p>17 2020; from the Board Engineer, Andy Hipolit, dated</p> <p>18 December 16, 2020; and the Board's Attorney, Mr.</p> <p>19 Regan, dated December 22, 2020; all of whom largely</p> <p>20 agreed with the Applicant's positions.</p> <p>21 Additionally, the Board received a memorandum dated</p> <p>22 December 17, 2020, from Peter Steck, Summit Ridge's</p> <p>23 planner, who had testified at that hearing.</p> <p>24 The Applicant then appeared before this</p> <p>25 Board on January 5, 2021, where Summit Ridge</p>
<p style="text-align: center;">7</p> <p>1 members of the public.</p> <p>2 The Applicant appeared again before the</p> <p>3 Planning Board on July 21, at which time Ms. Ruskan</p> <p>4 completed her direct testimony and reviewed comments</p> <p>5 received from the Board's engineer, Mr. Hipolit.</p> <p>6 Following Ms. Ruskan's testimony, this</p> <p>7 application was then carried on the record until</p> <p>8 August 4. The August 4 meeting was postponed due to</p> <p>9 severe weather, so the Applicant re-noticed for its</p> <p>10 next appearance before the Board on September 15.</p> <p>11 At the September 15 meeting, other</p> <p>12 applications took up the agenda time, and this</p> <p>13 application was carried to October 6.</p> <p>14 Ms. Ruskan presented two new exhibits</p> <p>15 at the October 6 meeting, both confirming changes</p> <p>16 that were advocated by the Board professionals. One</p> <p>17 was turning restrictions from the project and the</p> <p>18 addition of a sidewalk along the driveway.</p> <p>19 Following an adjournment of the</p> <p>20 scheduled public hearing on October 26, the</p> <p>21 Applicant again re-noticed for the public hearing</p> <p>22 held on December 1. Prior to the December 1</p> <p>23 meeting, you'll recall that the Board received</p> <p>24 correspondence from Mr. Kurshan on behalf of Summit</p> <p>25 Ridge Condominium Association, dated January 23,</p>	<p style="text-align: center;">9</p> <p>1 continued its jurisdictional objections by</p> <p>2 presenting testimony of Mr. Steck. Following that</p> <p>3 testimony, the Board voted to reject Summit Ridge's</p> <p>4 objections and to allow the Applicant to proceed.</p> <p>5 The Applicant's architect, Mr. King,</p> <p>6 then presented his architectural testimony and</p> <p>7 discussed the elevations and floor plans for the</p> <p>8 Board. Mr. King was open to questions from the</p> <p>9 Board and members of the public at that time.</p> <p>10 So thank you for indulging me. It's</p> <p>11 been a long history. I just wanted to remind</p> <p>12 everybody where we are.</p> <p>13 And by way of further reminder, the</p> <p>14 Applicant seeks preliminary and final site plan</p> <p>15 approval to construct a multi-family active adult</p> <p>16 age-restricted 55-and-over residential community.</p> <p>17 The Applicant proposes 157 units, reduced from the</p> <p>18 original proposal of 170 units. Of the 157 units</p> <p>19 proposed, there will be 97 one-bedroom and 60</p> <p>20 two-bedroom. And 24 of the units will be affordable</p> <p>21 restricted units.</p> <p>22 The Applicant, as you recall, proposed</p> <p>23 to create a walking trail, and that's proposed to be</p> <p>24 accessed by both Waypoint residents and the general</p> <p>25 public, together with a gravel parking area for use</p>

<p style="text-align: right;">10</p> <p>1 by members of the public.</p> <p>2 In her latest report, Ms. Green opined</p> <p>3 that a variance will be necessary to permit public</p> <p>4 access on the proposed walking trail. In deference</p> <p>5 to Ms. Green, the Applicant revised its application</p> <p>6 to seek a C variance to permit public access to the</p> <p>7 proposed walking trail. Should the Board not act</p> <p>8 favorably on such a variance, the Applicant will</p> <p>9 simply remove the proposed public parking lot and</p> <p>10 prohibit public access to the proposed walking</p> <p>11 trail, restricting it only to its own residents.</p> <p>12 I wanted to take a moment just to</p> <p>13 remind the Board, since this hearing has been</p> <p>14 conducted over such an extended period, of what we</p> <p>15 believe is the most important point of this</p> <p>16 application. That is that it is an age-restricted</p> <p>17 55-and-up upscale rental community which could be</p> <p>18 confirmed by the recording of a deed restriction.</p> <p>19 It will not generate school children and will allow</p> <p>20 Montvale homeowners to downsize and remain in</p> <p>21 Montvale. And with the realities of affordable</p> <p>22 housing compliance in New Jersey and the next round</p> <p>23 of compliance not that far away, God forbid, coming</p> <p>24 in 2025, it will be less intensive, we believe, than</p> <p>25 what might well happen on this site if this</p>	<p style="text-align: right;">12</p> <p>1 time ago that allowed for conversions of what had</p> <p>2 been age-restricted projects. My vague recollection</p> <p>3 of that was that that had a time frame in it. And</p> <p>4 that may have sunsetted by now. In any event, this</p> <p>5 Applicant would stipulate that they would be bound</p> <p>6 by that. And believe there's case law that</p> <p>7 indicates that under those circumstances, the</p> <p>8 Applicant and successors could be bound to the</p> <p>9 55-year restriction.</p> <p>10 MR. REGAN: In perpetuity?</p> <p>11 MR. WOLFSON: Well, I just got a text,</p> <p>12 which is our way of communicating with our clients</p> <p>13 during the age of Zoom, and they indicated they'd be</p> <p>14 okay with no limit on the length of that restriction</p> <p>15 and indeed would agree to a deed restriction in</p> <p>16 perpetuity.</p> <p>17 MR. REGAN: Okay. Thank you.</p> <p>18 CHAIRMAN DEPINTO: Thank you.</p> <p>19 MR. KURSHAN: Mr. Chairman?</p> <p>20 CHAIRMAN DEPINTO: Yes.</p> <p>21 MR. KURSHAN: Just in response to what</p> <p>22 Mr. Wolfson said, I do not believe that there's been</p> <p>23 an opportunity to cross-examine Ms. Ruskan with</p> <p>24 regard to the exhibits she identified on October</p> <p>25 6th, with regard to the turning restriction on the</p>
<p style="text-align: right;">11</p> <p>1 low-intensity development does not go forward.</p> <p>2 Mr. Chairman, in terms of proceeding</p> <p>3 tonight, as I indicated in going over the history of</p> <p>4 what's happened here, we believe that Patti Ruskan</p> <p>5 closed her testimony and was made available to</p> <p>6 public questions. I have with me, Cory Chase, my</p> <p>7 traffic engineer; and Richard Preiss, our project</p> <p>8 planner. If for some reason the Board feels that</p> <p>9 Ms. Ruskan needs to present additional testimony,</p> <p>10 she is on the Zoom with us.</p> <p>11 MR. REGAN: Mr. Chairman, could I ask</p> <p>12 Mr. Wolfson a question?</p> <p>13 CHAIRMAN DEPINTO: Sure.</p> <p>14 MR. REGAN: Mr. Wolfson, what would be</p> <p>15 the length of time the age restriction for residents</p> <p>16 would be in effect? Is there a specific time</p> <p>17 period?</p> <p>18 MR. WOLFSON: I did not discuss that</p> <p>19 question with my client. I can ask them if they had</p> <p>20 a limitation in mind and I can circle back here.</p> <p>21 MR. REGAN: Well, isn't it true that a</p> <p>22 developer of this type of a project could eliminate</p> <p>23 the age restriction convenience, if you will, and</p> <p>24 convert it to non-age-restricted?</p> <p>25 MR. WOLFSON: There was a statute some</p>	<p style="text-align: right;">13</p> <p>1 new plan. And just so the record is clear, during</p> <p>2 the testimony of December 1st, my cross-examination</p> <p>3 of Mr. Preiss was not completed because the Board at</p> <p>4 that point believed that it had to address the D</p> <p>5 variance jurisdictional issue.</p> <p>6 Thank you.</p> <p>7 MR. WOLFSON: Mr. Chairman, if Mr.</p> <p>8 Kurshan has questions limited to the two very narrow</p> <p>9 exhibits and he'd like to ask Patti Ruskan, I can</p> <p>10 bring her up. In terms of any questions he has for</p> <p>11 Mr. Preiss, as I indicated, he will be testifying at</p> <p>12 the end of our presentation, and he'll certainly</p> <p>13 have an opportunity to cross him at that time.</p> <p>14 CHAIRMAN DEPINTO: Well, before we do</p> <p>15 that, let's first discuss -- I'm going to go Mr.</p> <p>16 Hipolit.</p> <p>17 Mr. Hipolit, your office prepared</p> <p>18 technical reviews of the plans as revised and</p> <p>19 submitted by Patti Ruskan, is that correct?</p> <p>20 MR. HIPOLIT: That is correct.</p> <p>21 CHAIRMAN DEPINTO: And have those</p> <p>22 plans been entered into evidence as Board exhibits?</p> <p>23 MR. HIPOLIT: That's a good question.</p> <p>24 CHAIRMAN DEPINTO: Why don't you first</p> <p>25 identify your review letters by date, and let's see</p>

<p style="text-align: right;">14</p> <p>1 if Mr. Wolfson and Mr. Regan and Mr. Kurshan are on  2 the same page with respect to those reviews.  3 MR. HIPOLIT: What I have are -- the  4 last two letters I have are November 9, 2020, which  5 is really a review of the project that lists in it  6 in appendix -- Exhibit 1, all the plans we reviewed.  7 So that's really three pages of documents. It goes  8 all the way to comment DD, so it goes all the way  9 through A to Z and then up to DD. So were they  10 actually marked as exhibits? It's been such a  11 while, I don't know.  12 CHAIRMAN DEPINTO: Bob, do your  13 records show in Andy's review letter of 11/9 being  14 marked into evidence?  15 MR. REGAN: I'm going to look. I have  16 the letter, but it's not shown on my copy of it as  17 being marked.  18 MR. HIPOLIT: I never testified to it.  19 MS. HUTTER: I don't have it as  20 marked. The last time thing I have marked is the  21 December 16th.  22 MR. REGAN: Yeah, that was B-9. I  23 have that.  24 MR. WOLFSON: So if I might, I think  25 we got waylaid by the 11th hour D variance</p>	<p style="text-align: right;">16</p> <p>1 MR. REGAN: That was marked as B-9.  2 MR. WOLFSON: That's what I have.  3 MR. HIPOLIT: I think that's kind of  4 -- at that point, I think we're really back to the  5 November 9th letter. That was kind of looking at  6 the Summit Ridge letter, so I don't really think  7 that's relevant anymore.  8 MR. WOLFSON: Also, for Mr. Hipolit, I  9 had I have a December 4, 2020 letter --  10 CHAIRMAN DEPINTO: I'm sorry. Mr.  11 Wolfson, can you repeat that?  12 MR. WOLFSON: Yeah. I have a Mr.  13 Hipolit report, dated December 14, 2020, which was  14 marked as B-7, but I believe that that dealt with  15 the D issue.  16 MR. HIPOLIT: It did.  17 And there was -- and we have to go back  18 to the record, Mr. Chairman, but my recollection in  19 one the hearings, there was a discussion, I believe,  20 by Patti Ruskan about our letter which she just  21 basically said they reviewed it and they were going  22 to agree to it and make changes to it.  23 Mr. Wolfson, I don't think we've seen  24 revised plans in their entirety to this entire set.  25 Correct?</p>
<p style="text-align: right;">15</p> <p>1 discussion. But the November 9, 2020 memorandum  2 from Mr. Hipolit has not been yet marked into the  3 record. In addition, the landscape consultant  4 review memorandum, last revised November 3, 2020,  5 has not. And finally, the updated Fire Department  6 review memo, dated November 16, 2020, has not. So  7 perhaps we can mark those three Board exhibits in if  8 it pleases the Board.  9 MR. REGAN: I have B-12 as the next  10 Board exhibit number.  11 MR. WOLFSON: I do as well, Bob.  12 MR. REGAN: So that would be B-12  13 would be 11/9, Mr. Hipolit's letter of 11/9.  14 CHAIRMAN DEPINTO: So we're going to  15 mark 11/9 as B-12.  16 - - -  17 (Exhibit B-12, Review Memorandum of  18 Mr. Hipolit, dated 11/9/20, is marked for  19 identification and received into evidence.)  20 - - -  21 CHAIRMAN DEPINTO: Now, Andy, do you  22 have anything more recent than 11/9?  23 MR. HIPOLIT: So I had the  24 December 16th letter, which was a review of the  25 Summit Ridge, and I think you marked it already.</p>	<p style="text-align: right;">17</p> <p>1 MR. WOLFSON: I'm going to ask Patti  2 Ruskan to come forward. She's been sworn already.  3 MR. HIPOLIT: Because we had the  4 driveway sidewalk issue. We had some little issues,  5 and I don't know -- you have some exhibits, but I  6 don't see the revised plans in all that.  7 MS. CURRY: I have a January 11, 2021  8 letter from Andy.  9 CHAIRMAN DEPINTO: Does anyone else  10 have that letter?  11 MR. KURSHAN: I have not seen that  12 letter.  13 MR. REGAN: I don't believe I have it  14 either.  15 MR. HIPOLIT: Is that a different  16 application, Rose?  17 MS. CURRY: What block is this?  18 MR. HIPOLIT: 1002-7.  19 MS. CURRY: 1002?  20 MR. HIPOLIT: 7.  21 MS. CURRY: Yes, it is a different  22 application. My mistake. Sorry.  23 CHAIRMAN DEPINTO: Thank you.  24 So, Andy, you have no other technical  25 review letters other than your report of 11/3 that's</p>

<p style="text-align: right;">18</p> <p>1 yet to be marked into the record, is that correct?</p> <p>2 MR. REGAN: 11/9.</p> <p>3 MR. HIPOLIT: 11/9.</p> <p>4 CHAIRMAN DEPINTO: I'm sorry. 11/9.</p> <p>5 MR. REGAN: I think we just marked it</p> <p>6 as B-12.</p> <p>7 MR. HIPOLIT: There was a letter</p> <p>8 before it, but it's irrelevant because this letter</p> <p>9 covers -- that letter and all the comments made the</p> <p>10 first revision. So this is the letter for</p> <p>11 engineering on this application.</p> <p>12 CHAIRMAN DEPINTO: So we're going to</p> <p>13 mark that as B-12.</p> <p>14 Then there's a landscape letter of</p> <p>15 11/3. Is that Agus letter?</p> <p>16 MR. HIPOLIT: It is.</p> <p>17 CHAIRMAN DEPINTO: And that has not</p> <p>18 been marked into evidence, is that correct?</p> <p>19 MR. HIPOLIT: Correct.</p> <p>20 CHAIRMAN DEPINTO: And, Bob, we're</p> <p>21 going mark that B-13?</p> <p>22 MR. REGAN: B-13.</p> <p>23 - - -</p> <p>24 (Exhibit B-13, Agus letter, dated</p> <p>25 11/3/21, is marked for identification and</p>	<p style="text-align: right;">20</p> <p>1 is B-11, right.</p> <p>2 CHAIRMAN DEPINTO: Right. But the</p> <p>3 last Board exhibit was B-13?</p> <p>4 MR. REGAN: B-13, that was Mr.</p> <p>5 DeBlasio's report.</p> <p>6 CHAIRMAN DEPINTO: Why don't we mark</p> <p>7 Darlene Green's chart as B-14?</p> <p>8 - - -</p> <p>9 (Exhibit B-14, Chart by Ms. Green, is</p> <p>10 marked for identification and received into</p> <p>11 evidence.)</p> <p>12 - - -</p> <p>13 MS. GREEN: Mr. Chairman, I'm not sure</p> <p>14 that my October 28th letter, which was the last full</p> <p>15 technical review, was ever marked.</p> <p>16 MR. WOLFSON: There was a Board</p> <p>17 Planner letter marked as B-2, I have.</p> <p>18 CHAIRMAN DEPINTO: Ms. Hutter, what</p> <p>19 are you showing as B-2?</p> <p>20 MR. REGAN: I might have that. Let me</p> <p>21 take a look.</p> <p>22 MR. WOLFSON: I don't know that we've</p> <p>23 seen an October one. The B-2 would have predated</p> <p>24 October.</p> <p>25 MR. REGAN: Yeah, it definitely would</p>
<p style="text-align: right;">19</p> <p>1 received into evidence.)</p> <p>2 - - -</p> <p>3 CHAIRMAN DEPINTO: Let's move on to</p> <p>4 planning.</p> <p>5 Ms. Green, what are your -- what are</p> <p>6 the dates of your technical review letters? And</p> <p>7 have they been marked into evidence?</p> <p>8 MS. GREEN: So I'll go back to my last</p> <p>9 full technical review letter, which was dated</p> <p>10 October 28, 2020. Then my next letter was an</p> <p>11 analysis of the Summit Ridge objections, dated</p> <p>12 December 14, 2020. Then I had a review of the Steck</p> <p>13 planning memo, dated December 22, 2020, and then the</p> <p>14 table that has been distributed tonight to Mr.</p> <p>15 Kurshan and Mr. Wolfson.</p> <p>16 MR. WOLFSON: The reports that Darlene</p> <p>17 just referred to were marked as B-8 and B-11,</p> <p>18 respectively.</p> <p>19 CHAIRMAN DEPINTO: That's 12/14 is</p> <p>20 B-8?</p> <p>21 MR. REGAN: B-8 was December 14th.</p> <p>22 B-11 was December 22nd.</p> <p>23 CHAIRMAN DEPINTO: And is that the</p> <p>24 last Board exhibit, Bob, B-11.</p> <p>25 MR. REGAN: Well, the last of Darlene</p>	<p style="text-align: right;">21</p> <p>1 because --</p> <p>2 MR. WOLFSON: That would have predated</p> <p>3 October.</p> <p>4 I don't believe that we've seen that.</p> <p>5 MS. HUTTER: Darlene, the</p> <p>6 October 28th, did we ever mark that?</p> <p>7 MR. REGAN: I have B-2 as Darlene's</p> <p>8 July 7th. That was the first planning report that</p> <p>9 was marked. Then I have B-8, Darlene,</p> <p>10 December 14th.</p> <p>11 MS. HUTTER: What about October 28th?</p> <p>12 MS. GREEN: I don't have any notes of</p> <p>13 it being marked.</p> <p>14 MR. REGAN: I don't think that was</p> <p>15 marked.</p> <p>16 MS. HUTTER: It was never marked.</p> <p>17 MR. REGAN: Never marked. I mean, I</p> <p>18 have B-1, 2, 3, 4, 5. Those are Hipolit, Green,</p> <p>19 Police Department, Fire Department, Triborough;</p> <p>20 that's B-1 through 5. B-7 is Andy Hipolit, 12/14.</p> <p>21 I don't think it's been marked.</p> <p>22 CHAIRMAN DEPINTO: So, Darlene, with</p> <p>23 your review letter of 10/28, were your comments and</p> <p>24 recommendations incorporated on your letter of</p> <p>25 12/14?</p>

<p style="text-align: right;">22</p> <p>1 THE WITNESS: No. So the two December</p> <p>2 letters were a direct response to the D variance</p> <p>3 issues raised by Summit Ridge. Both of those</p> <p>4 letters were solely focused on the arguments put</p> <p>5 forth about the supposed D variances.</p> <p>6 MR. REGAN: And they were marked as</p> <p>7 B-8 and B-11.</p> <p>8 CHAIRMAN DEPINTO: Correct. So</p> <p>9 outstanding is your technical review of 10/28 which</p> <p>10 was never marked into the record?</p> <p>11 MR. REGAN: I have my copy of the</p> <p>12 October 28th report from Darlene. And normally, I</p> <p>13 mark the document. It's not marked.</p> <p>14 MS. HUTTER: It's not marked in my</p> <p>15 file either.</p> <p>16 CHAIRMAN DEPINTO: Mr. Wolfson, do you</p> <p>17 have a copy of that one?</p> <p>18 MR. WOLFSON: I do not.</p> <p>19 CHAIRMAN DEPINTO: Mr. Kurshan?</p> <p>20 MR. KURSHAN: I do not have it.</p> <p>21 CHAIRMAN DEPINTO: You do not have</p> <p>22 that one either?</p> <p>23 MR. KURSHAN: I do not -- I stand</p> <p>24 corrected, Mr. Chairman. I do have the October 28,</p> <p>25 2020 letter.</p>	<p style="text-align: right;">24</p> <p>1 MR. WOLFSON: Yeah, it's an updated</p> <p>2 review memo.</p> <p>3 CHAIRMAN DEPINTO: And was that marked</p> <p>4 into evidence, Mr. Wolfson?</p> <p>5 MR. WOLFSON: I don't show it as being</p> <p>6 marked. I would propose it be marked as B-16.</p> <p>7 CHAIRMAN DEPINTO: Okay. Lorraine or</p> <p>8 Bob, do you have the 11/16 Fire Department?</p> <p>9 MR. REGAN: I am looking right now.</p> <p>10 Let me see what I have.</p> <p>11 MS. HUTTER: I have it, and it is not</p> <p>12 marked.</p> <p>13 MR. REGAN: I agree. It's not marked.</p> <p>14 CHAIRMAN DEPINTO: Why don't we mark</p> <p>15 that one. And I guess that's what, B-15 now?</p> <p>16 MR. REGAN: B-16.</p> <p>17 MS. HUTTER: B-16.</p> <p>18 - - -</p> <p>19 (Exhibit B-16, Fire Department review</p> <p>20 memo, dated 11/16/20, is marked for</p> <p>21 identification and received into evidence.)</p> <p>22 - - -</p> <p>23 MR. KURSHAN: May I request a copy of</p> <p>24 B-16, please?</p> <p>25 MS. HUTTER: Yes.</p>
<p style="text-align: right;">23</p> <p>1 CHAIRMAN DEPINTO: Okay.</p> <p>2 MR. REGAN: Mr. Chairman, do you want</p> <p>3 to have that marked?</p> <p>4 CHAIRMAN DEPINTO: You have it, Bob?</p> <p>5 MR. REGAN: Yeah, October 28th. My</p> <p>6 notes do not reflect it being marked.</p> <p>7 CHAIRMAN DEPINTO: Well, let's mark</p> <p>8 that, but I would like a copy of it sent to Mr.</p> <p>9 Wolfson, Lorraine.</p> <p>10 MS. HUTTER: I'm doing that now.</p> <p>11 MR. REGAN: That would be B-15.</p> <p>12 - - -</p> <p>13 (Exhibit B-15, Review letter of Ms.</p> <p>14 Green, dated 10/28/2020, is marked for</p> <p>15 identification and received into evidence.)</p> <p>16 - - -</p> <p>17 CHAIRMAN DEPINTO: I think we've</p> <p>18 covered all planning and engineer technical reviews.</p> <p>19 How about other agencies and departments? What</p> <p>20 exhibits do we have?</p> <p>21 MR. WOLFSON: We have an updated Fire</p> <p>22 Department review memo, dated November 16, which has</p> <p>23 not been marked.</p> <p>24 CHAIRMAN DEPINTO: I'm sorry, 11/16</p> <p>25 from the Fire Department?</p>	<p style="text-align: right;">25</p> <p>1 MR. KURSHAN: Thank you.</p> <p>2 CHAIRMAN DEPINTO: How about any other</p> <p>3 exhibits from Fire Department or Police Department?</p> <p>4 MR. WOLFSON: There was an original</p> <p>5 Police Department report which was marked as B-3 and</p> <p>6 an original Fire Department as B-4, and Triborough</p> <p>7 Ambulance was B-5.</p> <p>8 MR. REGAN: Mr. Kurshan, do you have</p> <p>9 those?</p> <p>10 MR. KURSHAN: I have B-3. I do not</p> <p>11 have B-4 nor do I have B-5.</p> <p>12 CHAIRMAN DEPINTO: Lorraine, do you</p> <p>13 have B-4, B-5?</p> <p>14 MS. HUTTER: Yeah, hold on. I will</p> <p>15 send them to him. They should be up in the</p> <p>16 documents on the Google Docs, but I'll double-check.</p> <p>17 CHAIRMAN DEPINTO: How about you, Bob?</p> <p>18 MR. REGAN: I don't have that.</p> <p>19 MS. HUTTER: What don't you have, Bob?</p> <p>20 CHAIRMAN DEPINTO: B-4, B-5.</p> <p>21 MR. REGAN: Let me take a look.</p> <p>22 B-4 is Fire Department July 6th; B-5,</p> <p>23 Triborough, July 7th.</p> <p>24 MS. HUTTER: Which has not been</p> <p>25 discussed. I don't remember it being discussed.</p>

<p style="text-align: right;">26</p> <p>1 MR. REGAN: They've been marked, 2 though. 3 MS. HUTTER: Yes. 4 MR. REGAN: They were marked on 7/21. 5 MS. HUTTER: Mr. Wolfson, do you have 6 copies of those? 7 MR. WOLFSON: Yes. 8 MS. HUTTER: I'll get them to Mr. 9 Kurshan. 10 CHAIRMAN DEPINTO: Mr. Kurshan, do you 11 have copies of those as well? 12 MR. KURSHAN: B-3, yes. I am 13 requesting copies of B-4 and B-5, please. 14 MS. HUTTER: I'll do that right now. 15 CHAIRMAN DEPINTO: Are there any other 16 outstanding exhibits to be marked into the record 17 either on behalf of the Applicant or the Borough or 18 the objector? 19 MR. WOLFSON: Mr. Chairman, on behalf 20 of Applicant, you'll recall the last time we had a 21 session on the hearing, we had our architect testify 22 and then we were adjourned. We presented plans 23 dated October 16, AEX 1, 2, 3, 4, and 6. The first 24 is AEX 1, garage plan. I would propose that that be 25 marked as A-29.</p>	<p style="text-align: right;">28</p> <p>1 and received into evidence.) 2 - - - 3 CHAIRMAN DEPINTO: And then A-30 would 4 be AEX 2, first-floor plan, also updated 10/16/20. 5 MR. REGAN: That's the first-floor 6 plan? 7 MR. WOLFSON: Correct. 8 - - - 9 (Exhibit A-30, first-floor plan, 10 updated 10/16/20, is marked for 11 identification and received into evidence.) 12 - - - 13 MR. WOLFSON: Then A-31 will be 14 AEX-03, second-floor plan, also updated 10/16/20. 15 - - - 16 (Exhibit A-31, second-floor plan, 17 updated 10/16/20, is marked for 18 identification and received into evidence.) 19 - - - 20 MR. WOLFSON: And then A-32 is AEX-04, 21 third-floor plan, also updated 10/16/20. 22 MR. KURSHAN: That's AEX-4? 23 MR. WOLFSON: AEX-4, yep. 24 - - - 25 (Exhibit A-32, third-floor plan,</p>
<p style="text-align: right;">27</p> <p>1 CHAIRMAN DEPINTO: Bob, do you have 2 that? 3 MR. REGAN: I don't know if I do. 4 From Ms. Ruskan? 5 MR. WOLFSON: These are architecturals, 6 Bob. 7 MR. REGAN: From Myer? 8 MR. WOLFSON: Yes. 9 MR. REGAN: The garage plan is dated 10 6/26? 11 MR. WOLFSON: No. Updated 10/16. 12 MR. REGAN: I don't have it. I've got 13 6/26. 14 10/16? 15 MR. WOLFSON: Correct. 16 MR. REGAN: I do have it. Okay. It 17 was in back of the other one. We're going to call 18 that A-29? 19 MR. WOLFSON: Please. 20 MS. HUTTER: What's the date on that, 21 Bob? 22 MR. REGAN: 10/16. 23 - - - 24 (Exhibit A-29, Architectural plans, 25 dated 10/16/20, is marked for identification</p>	<p style="text-align: right;">29</p> <p>1 updated 10/16/20, is marked for 2 identification and received into evidence.) 3 - - - 4 MR. WOLFSON: And then finally for the 5 architecturals, A-32 would be AEX-6, exterior 6 elevations. 7 (Exhibit A-33, exterior elevations, is 8 marked for identification and received into 9 evidence.) 10 - - - 11 MR. WOLFSON: And finally, Mr. 12 Chairman, in preparing for tonight, I realize that 13 we submitted a letter over the signature of Patti 14 Ruskan of PS&amp;S, dated June 26, 2020, directed to 15 Lorraine Hutter for the Board. We'd ask that that 16 be marked as A-34. 17 - - - 18 (Exhibit A-34, Letter of Ms. Ruskan, 19 dated 6/26/20, is marked for identification 20 and received into evidence.) 21 - - - 22 MS. HUTTER: I thought A-6 was 34. 23 MR. WOLFSON: I have that as 33. 24 MS. HUTTER: Okay. 25 CHAIRMAN DEPINTO: Lorraine, do you</p>



<p style="text-align: right;">30</p> <p>1 have the Ruskan of that date?</p> <p>2 MR. REGAN: What's the date of that</p> <p>3 letter?</p> <p>4 MR. WOLFSON: June 26, 2020. It was a</p> <p>5 very long letter with a submission that also</p> <p>6 responded to engineering and planning issues.</p> <p>7 CHAIRMAN DEPINTO: Any other</p> <p>8 outstanding exhibits?</p> <p>9 Ms. Green, have all of your documents</p> <p>10 been covered?</p> <p>11 MS. GREEN: Yes.</p> <p>12 CHAIRMAN DEPINTO: Mr. Hipolit, all of</p> <p>13 your reports covered?</p> <p>14 MR. HIPOLIT: Yes.</p> <p>15 CHAIRMAN DEPINTO: How about under</p> <p>16 landscaping with Mr. DeBlasio, Mr. Hipolit?</p> <p>17 MR. HIPOLIT: Yes. That's the one</p> <p>18 they talked which was dated -- I have a date here --</p> <p>19 dated November 3rd was his last review letter which</p> <p>20 is the most current one.</p> <p>21 CHAIRMAN DEPINTO: And Ms. Hutter, you</p> <p>22 have no other outstanding reports from either</p> <p>23 Triborough, Police, Fire, or other agencies?</p> <p>24 MS. HUTTER: No.</p> <p>25 CHAIRMAN DEPINTO: Mr. Wolfson, where</p>	<p style="text-align: right;">32</p> <p>1 submitting anything back to the County, pending the</p> <p>2 Board's review of our latest plans.</p> <p>3 CHAIRMAN DEPINTO: Mr. Hipolit, have</p> <p>4 you had any contact with the County with respect to</p> <p>5 this plan?</p> <p>6 MR. HIPOLIT: So I had direct contact,</p> <p>7 as directed by the Board, on that left turn. And</p> <p>8 the County is in agreement with the plan that Ms.</p> <p>9 Ruskan presented, in concept. We need final plans</p> <p>10 on it, but they agreed with it.</p> <p>11 MS. RUSKAN: Mr. Hipolit, if I could,</p> <p>12 the plans that were submitted have a revision date</p> <p>13 of October 16, 2020, incorporated the left turn lane</p> <p>14 in that set of plans.</p> <p>15 MR. HIPOLIT: That's fine.</p> <p>16 MR. WOLFSON: Mr. Chairman, with that</p> <p>17 comment, perhaps we should mark the 10/16 updated</p> <p>18 plans that Patti just referred to as A-35.</p> <p>19 CHAIRMAN DEPINTO: Okay.</p> <p>20 - - -</p> <p>21 (Exhibit A-35, Plans dated 10/16, is</p> <p>22 marked for identification and received into</p> <p>23 evidence.)</p> <p>24 - - -</p> <p>25 CHAIRMAN DEPINTO: Is Mr. Preiss still</p>
<p style="text-align: right;">31</p> <p>1 are we with respect to submission to the county?</p> <p>2 Was an application made to the County for site plan</p> <p>3 approval?</p> <p>4 MR. WOLFSON: Yes, sir. It was</p> <p>5 submitted 2/18/2020. Ms. Ruskan can give us any</p> <p>6 status on that.</p> <p>7 MR. KURSHAN: What date was it</p> <p>8 submitted, please?</p> <p>9 MR. WOLFSON: 2/18/2020. We also have</p> <p>10 a pending application before the Soil Conservation</p> <p>11 District, the Bergen County Municipal Utilities</p> <p>12 Authority, and the DEP.</p> <p>13 CHAIRMAN DEPINTO: Are any approvals</p> <p>14 back from the County?</p> <p>15 MR. WOLFSON: Ms. Ruskan.</p> <p>16 MS. RUSKAN: Good evening.</p> <p>17 CHAIRMAN DEPINTO: Good evening.</p> <p>18 MS. RUSKAN: No, not any formal</p> <p>19 approvals. The County had reviewed, in concept, and</p> <p>20 agreed to the left turn lane that I had presented --</p> <p>21 I think it was October 6th -- to the Board. They</p> <p>22 were in agreement with that left turn lane and said</p> <p>23 that we can go ahead and make the resubmission to</p> <p>24 the County. Yet we have been making other</p> <p>25 modifications to the plan, so we have held off on</p>	<p style="text-align: right;">33</p> <p>1 with us.</p> <p>2 MR. PREISS: Yes, I am.</p> <p>3 CHAIRMAN DEPINTO: Mr. Preiss, did you</p> <p>4 receive a copy of the table that was distributed</p> <p>5 this evening prepared by Darlene Green?</p> <p>6 MR. PREISS: Yes, I just received it.</p> <p>7 CHAIRMAN DEPINTO: Have you had an</p> <p>8 opportunity to review it and to confirm the validity</p> <p>9 of her statements relative to variances needed?</p> <p>10 MR. PREISS: Yes. There was -- I</p> <p>11 think there's one which we disagree with.</p> <p>12 MR. WOLFSON: The setback to the</p> <p>13 interior roadway, Richard, because it's a driveway?</p> <p>14 MR. PREISS: Yes. There's a question</p> <p>15 on that and also with regard to the combined side</p> <p>16 yard setback and buffer area.</p> <p>17 MR. WOLFSON: Mr. Chairman, Richard</p> <p>18 will go through all that when we get to him for his</p> <p>19 testimony unless you need him to do something now.</p> <p>20 CHAIRMAN DEPINTO: No. I ask that</p> <p>21 this chart be put together in the interest of</p> <p>22 simplifying and consolidated the review letters. We</p> <p>23 don't often have an application where we're winding</p> <p>24 up with 50 or 60 exhibits. So consequently, it</p> <p>25 becomes very confusing. And in this particular</p>

<p style="text-align: right;">34</p> <p>1 hearing, between delays due to weather and COVID and 2 whatever, it's challenging.</p> <p>3 In addition to what was stated in that 4 table, Richard, are there any other variances that 5 Ms. Green may have overlooked?</p> <p>6 MR. PREISS: No, not in my opinion.</p> <p>7 CHAIRMAN DEPINTO: So in your opinion, 8 it's all-encompassing, however, you do dispute two 9 of them?</p> <p>10 MR. PREISS: There's one I dispute. 11 There's another that I think logic would have it 12 be -- it's the setback from the internal -- it says 13 setback to an internal street; and we have a 14 driveway, so we don't think that applies. And then 15 the combined setback, we think with the changes we 16 just made, we meet that requirement as to 75 feet. 17 Those are the two. But I'll get into more detail on 18 that when I testify.</p> <p>19 CHAIRMAN DEPINTO: Okay. I guess, Mr. 20 Wolfson, do you want to have Ms. Ruskan give a 21 report on her last revised plan and statement that 22 she is in compliance with all recommendations as set 23 forth in those plans by Maser Engineering?</p> <p>24 MR. WOLFSON: Patti, can you speak to 25 that?</p>	<p style="text-align: right;">36</p> <p>1 page 5 -- it's actually a continuation from the 2 bottom of page 4, number 20. It has to do with the 3 revised driveway and the left turn lane. I just 4 wanted to clarify that I think there was a comment 5 from -- it might have been one of the -- maybe the 6 Fire Department.</p> <p>7 MR. HIPOLIT: The Fire Department.</p> <p>8 MS. RUSKAN: The concrete curb island 9 is a mountable curb. And I think you agreed with 10 that, Andy. I just wanted to get that on the record 11 that that was what we agreed to. That's what's 12 shown on the current plans.</p> <p>13 MR. HIPOLIT: I do. I think it was a 14 combination between police and fire. They were both 15 talking about that being mountable; more fire. It's 16 going to have to be mountable for them to get into 17 the site.</p> <p>18 MS. RUSKAN: Right.</p> <p>19 The next item I think is number -- let 20 me double-check. Number 21, and it has to do with 21 the revised grading at the rear of the building on 22 the north side of the building where we have 23 incorporated a rain garden between the building and 24 the property line. There was, I believe, a request 25 to connect the emergency access from the northwest</p>
<p style="text-align: right;">35</p> <p>1 MS. RUSKAN: I think there were a few 2 items in the November 9, 2020 letter that we needed 3 to review. I don't know that we can just blanketly 4 say that we're going to agree.</p> <p>5 CHAIRMAN DEPINTO: Mr. Hipolit, are 6 you prepared to respond to Ms. Ruskan as she does a 7 review of your letter of 11/9, Exhibit B-12?</p> <p>8 MR. HIPOLIT: I am.</p> <p>9 CHAIRMAN DEPINTO: Okay. And, Mr. 10 Wolfson, if you want to move in that direction, I 11 think that would be appropriate at this time.</p> <p>12 MR. WOLFSON: Mr. Chairman, thank you 13 to all of you for your patience as we cleared up the 14 record. It's been a long fog so I'm glad that we 15 have that complete.</p> <p>16 CHAIRMAN DEPINTO: Okay. Very good.</p> <p>17 - - -</p> <p>18 PATTI RUSKAN, previously sworn, and 19 testified as follows:</p> <p>20 - - -</p> <p>21 EXAMINATION BY MR. WOLFSON:</p> <p>22 Q. Patti, are you able to speak to the 23 issues in Mr. Hipolit's review memo that you believe 24 require comment?</p> <p>25 A. Sure. Let's start on page 5. On</p>	<p style="text-align: right;">37</p> <p>1 corner to the walkway on the southeast. And we 2 don't believe that that is necessary to provide 3 connectivity there. We have access from the rear of 4 the building to the walking trail as well as just an 5 emergency access. That's the paved surface that the 6 Fire Department wanted. To put another sidewalk in 7 through the rain garden area would be steeply 8 sloping, and my personal opinion, I don't believe 9 it's necessary.</p> <p>10 MR. HIPOLIT: I agree with that.</p> <p>11 MS. RUSKAN: The next item is number 12 27. And number 27 has to do with the sidewalk along 13 Summit Avenue. We had always shown sidewalk along 14 Summit Avenue and relocation of the sidewalk that's 15 along the Summit Ridge frontage, and that was 16 something that the County had requested. So I just 17 wanted to clarify that that is something that the 18 County requested and we are continuing to provide, 19 and it's been shown on the plans.</p> <p>20 MR. HIPOLIT: Can we go back to 25?</p> <p>21 Are you guys agreeing to put in the cameras that the 22 Police Department's requiring?</p> <p>23 MR. WOLFSON: Yes, we agree. The one 24 clarification that we've made, and it was a long 25 time ago, was that the cameras would not be designed</p>

<p style="text-align: right;">38</p> <p>1 to read the license plate numbers. And I was told</p> <p>2 that that was vetted back to the police, and as long</p> <p>3 as they were identifiable cameras as shown on the</p> <p>4 architectural at a number of locations, that that</p> <p>5 was acceptable to the police.</p> <p>6 MR. HIPOLIT: Okay. I'm fine with</p> <p>7 that.</p> <p>8 MS. RUSKAN: The next item is item</p> <p>9 number 37. And this has to do with our request for</p> <p>10 a waiver from doing a tree survey. We haven't heard</p> <p>11 whether or not that's acceptable. I know we talked</p> <p>12 about doing if it's not acceptable that we would</p> <p>13 propose a representative area tree survey. So that</p> <p>14 is, I think, more for the Board.</p> <p>15 MR. HIPOLIT: Yeah, it's really for a</p> <p>16 comment, 37 is for the Board to decide if, in fact,</p> <p>17 they need a tree survey of the whole site. The site</p> <p>18 is pretty heavily wooded. In the area of the</p> <p>19 construction, they're taking down everything. If</p> <p>20 the Board wants a representative, as you've done</p> <p>21 before, they can do that, keeping in mind from the</p> <p>22 driveway all the way around the whole building,</p> <p>23 you're clearing every tree. Correct, Patti?</p> <p>24 MS. RUSKAN: That's correct.</p> <p>25 MR. HIPOLIT: So it's below the</p>	<p style="text-align: right;">40</p> <p>1 MS. RUSKAN: We had submitted on the</p> <p>2 plans the base design being a timber guide rail with</p> <p>3 an alternate for the W-beam guide rail in the event</p> <p>4 that that would be acceptable. That was something</p> <p>5 that the Applicant may want to install rather than</p> <p>6 the timber guide rail. That's why we have two</p> <p>7 details.</p> <p>8 MR. HIPOLIT: Both are fine with us.</p> <p>9 The timber guide rail looks nicer, but both would be</p> <p>10 fine with us.</p> <p>11 MS. RUSKAN: Okay.</p> <p>12 MR. HIPOLIT: So this might be a</p> <p>13 longer discussion. Comment number 35 is the water</p> <p>14 service.</p> <p>15 MS. RUSKAN: Correct. So on the</p> <p>16 current plans that we had submitted in October, we</p> <p>17 have incorporated a hotbox because that -- we are</p> <p>18 not showing the connectivity through Summit Ridge</p> <p>19 which the Fire Department prefers and SUEZ would</p> <p>20 endorse, but we've kept everything on the site</p> <p>21 itself with a booster pump and the separate services</p> <p>22 running up the driveway and into the building.</p> <p>23 MR. HIPOLIT: Well, let me address</p> <p>24 this to the Board first. So the issue that's come</p> <p>25 up going almost back a year ago was our Fire</p>
<p style="text-align: right;">39</p> <p>1 retaining walls as you kind of head east and north</p> <p>2 where other than the walking path, all the trees</p> <p>3 will be preserved. Even the walking path is going</p> <p>4 to meander through trees so you're not really</p> <p>5 proposed to clear anything other than maybe that</p> <p>6 little parking.</p> <p>7 MS. RUSKAN: Other than the gravel</p> <p>8 parking area. And, yes, the intent is that the</p> <p>9 trail would be installed in the field to meander</p> <p>10 around the trees.</p> <p>11 MR. HIPOLIT: Right. So the Board is</p> <p>12 going to have to give them -- they're asking for a</p> <p>13 waiver from locating all the trees they're taking</p> <p>14 down in the construction area. That's up to the</p> <p>15 Board.</p> <p>16 CHAIRMAN DEPINTO: We're going to poll</p> <p>17 the Board on that, but I want to hear all of the</p> <p>18 comments, Patti, on this document that you're</p> <p>19 reviewing right now.</p> <p>20 MS. RUSKAN: Sure.</p> <p>21 MR. HIPOLIT: Patti, if you back up</p> <p>22 to -- if you go back to comment 34. That's the</p> <p>23 guide rail. You're looking at some alternate guide</p> <p>24 rail design along the street? Or what are you</p> <p>25 actually designing to do there?</p>	<p style="text-align: right;">41</p> <p>1 Department and SUEZ Water separately identified that</p> <p>2 the innermost portions of Summit Ridge has pressure</p> <p>3 and flow problems. The identification of that comes</p> <p>4 from complaints of both the Fire Department and SUEZ</p> <p>5 over a number of years. And when you start getting</p> <p>6 to the back development, they can't provide adequate</p> <p>7 pressure and flow, not only for domestic water, but</p> <p>8 even potentially for fire-fighting services.</p> <p>9 If the Board were to act favorably on</p> <p>10 this application, the Fire Department has discussed</p> <p>11 with me and SUEZ the ability to interconnect these</p> <p>12 mains, thereby providing a benefit and adding</p> <p>13 adequate pressure and flow to the northeastern</p> <p>14 portion of the Summit Ridge development. Obviously,</p> <p>15 it's private property. I mean, Mr. Kurshan is on</p> <p>16 here. I'm not sure if he can speak to it or agree</p> <p>17 to it, but if we're looking for a betterment of</p> <p>18 Montvale, similar to what we did when we did -- I</p> <p>19 mean, many developments in Montvale, when we moved</p> <p>20 our water mains, we're always looking out for the</p> <p>21 betterment of all of Montvale when somebody's</p> <p>22 building. We did it with the Wegman's development,</p> <p>23 with Mercedes, with Serrell Drive. We loop as much</p> <p>24 as we can. So I'm not telling the Board how they</p> <p>25 have to vote or what they have to do in this</p>

<p style="text-align: right;">42</p> <p>1 application. But if it is to move forward, my  2 desire and other professionals' desire and other  3 emergency services are to loop this main which  4 requires agreement between both Summit Ridge and  5 this developer. So I don't know where we take that.  6 Bob, do you have any comments on that?  7 This is more of public health and safety and trying  8 to get a benefit for everybody out of it if there  9 was potentially a problem in the future. We know  10 there's a problem.  11 MR. REGAN: I don't think it's  12 possible to compel an easement from Summit Ridge, an  13 easement if Summit Ridge is unwilling to negotiate  14 and enter into an agreement for it. It would have  15 to be subject to condemnation, which I don't think  16 the Borough is going to want to do.  17 MR. HIPOLIT: That would silly. I  18 mean, Summit Ridge has a problem that can't be fixed  19 unless you loop it somewhere.  20 MR. WOLFSON: Mr. Chairman, I can  21 represent that we had discussions with Summit Ridge  22 on that possible looping, and the result of those  23 discussions ended up with them lodging a formal  24 objection which continues on.  25 CHAIRMAN DEPINTO: Mr. Kurshan, do you</p>	<p style="text-align: right;">44</p> <p>1 explain how this connection would work?  2 MR. HIPOLIT: So currently, Mr.  3 Kurshan, you have an existing water main that comes  4 in off of Summit Avenue and services your site,  5 which is what we refer to as a dead-end water main.  6 So it only has one connection, Summit Avenue, and  7 then runs back out to Summit Avenue, the same  8 connection. So it's dead-end. So the pressure and  9 flow from both the domestic and the fire-fighting  10 protection is low because once you get to the end of  11 your development, specifically where it goes off to  12 the cul-de-sac, it is literally really a big  13 dead-end because it doesn't move around, back out to  14 Summit Avenue.  15 Now, this is not coming from me; it's  16 coming from the Fire Department and SUEZ who fields  17 these complaints. They've told me that they've  18 fielded complaints in the dozens over the last 10 or  19 plus years from your residents that have domestic  20 water problems with pressure in there. The only way  21 to fix that is to put a new water main in, and they  22 would have to loop back out to Summit Avenue and  23 connect back out to create a flowthrough.  24 Both SUEZ and the Fire Department has  25 said if you have an applicant putting in another</p>
<p style="text-align: right;">43</p> <p>1 want to speak to this?  2 MR. KURSHAN: Mr. Wolfson is correct.  3 We did have some discussions. And I think that  4 Waypoint was trying to package an agreement by  5 Summit Ridge as an agreement to the entire Waypoint  6 proposal, which Summit Ridge was not prepared to  7 give. If there is a specific betterment or  8 improvement at Summit Ridge notwithstanding its  9 objection, current objection to the Waypoint  10 proposal, that's certainly something I would take  11 back to the Summit Ridge Board for discussion and  12 consideration. Of course, I'd have to understand  13 and the Board would want to understand exactly what  14 would be necessary within the Summit Ridge  15 development to make -- Mr. Hipolit referred to a  16 domestic water route. Are we talking about, you  17 know, cutting a pathway through the entire  18 development? Is it limited to one specific area? I  19 think to -- Summit Ridge would need a better  20 understanding of how we could work with Montvale and  21 with Waypoint on this particular issue,  22 notwithstanding its current objection to the  23 Waypoint project.  24 CHAIRMAN DEPINTO: Understood.  25 And, Mr. Hipolit, briefly, could you</p>	<p style="text-align: right;">45</p> <p>1 dead-end water main which is right next to you, it  2 only makes sense to connect the two, and that  3 creates a circulation between the two which raises  4 the pressure and flow for domestic and fire. That  5 connection at the end of your cul-de-sac at the end,  6 the dead-end, your water main dead-ends there. They  7 would just have them coming onto your property to  8 connect the two, interconnect the two. That would  9 require them to come in. Whatever they disturb,  10 they have to repave; any roads or landscaping they  11 would have to fix. But would make that connection,  12 those repairs, at their cost. They would also do  13 what any other applicant does, they have bond those  14 improvements on your property. I'm not a lawyer,  15 but usually there's some type of insurance guarantee  16 and hold harmless that go back and forth.  17 But I can tell you that the details of  18 that could be worked out later. If you guys don't  19 agree to it, then there's no reason to work anything  20 else out.  21 In my opinion -- this is just my  22 opinion, I'm not an attorney -- if this was  23 approved, Summit Ridge would be foolish not to agree  24 to this. The reason I say that is because it  25 provides an added level of protection to your</p>

<p style="text-align: right;">46</p> <p>1 development and provides water into your site from a</p> <p>2 secondary source in case there's a water main break.</p> <p>3 If there's a break now, you're cut off. You're dry.</p> <p>4 If you were connected, you wouldn't be dry. And,</p> <p>5 again, from a flow and fire-fighting perspective,</p> <p>6 the flow is low in there and barely meets the</p> <p>7 minimum requirements. So if you were to have a fire</p> <p>8 in a building at the end of that loop, those</p> <p>9 buildings are all in jeopardy as we sit here now.</p> <p>10 MR. KURSHAN: If I may, Mr. Chairman,</p> <p>11 may I ask Mr. Hipolit a question?</p> <p>12 CHAIRMAN DEPINTO: Sure.</p> <p>13 MR. KURSHAN: The construction that</p> <p>14 you envision, is this digging up the water main from</p> <p>15 Summit Avenue going north? Or is this creating a</p> <p>16 connection in and around the cul-de-sac and going</p> <p>17 east to the adjacent property that we're discussing?</p> <p>18 Or is it a combination of the two?</p> <p>19 MR. HIPOLIT: No, it's the latter.</p> <p>20 It's just a connection from where your water main</p> <p>21 ends, it would go from that point east to Waypoint.</p> <p>22 MR. KURSHAN: So that is what you're</p> <p>23 referring to as the loop. So the Summit Ridge north</p> <p>24 to south main would then go north, loop to the east,</p> <p>25 and then the Waypoint access would be heading south</p>	<p style="text-align: right;">48</p> <p>1 CHAIRMAN DEPINTO: Here, we're</p> <p>2 proposing, contiguous to this property, a much</p> <p>3 larger project and it would have the same design</p> <p>4 feature of not looping or dead-ending if, in fact,</p> <p>5 they don't get agreement with Summit Ridge to loop?</p> <p>6 MR. HIPOLIT: Correct, but they have</p> <p>7 one difference. This development is going to</p> <p>8 propose a pumping station to raise that pressure and</p> <p>9 flow. So they're going to spend, we'll call it, a</p> <p>10 large amount of money to create a solution to that</p> <p>11 pressure and flow problem. Summit Ridge --</p> <p>12 CHAIRMAN DEPINTO: So Waypoint could</p> <p>13 get adequate supply and pressure without the loop?</p> <p>14 MR. HIPOLIT: Correct. I'm forcing</p> <p>15 the argument to make them connect is the smarter</p> <p>16 thing to do.</p> <p>17 CHAIRMAN DEPINTO: And that would save</p> <p>18 expense for Waypoint if, in fact, there were</p> <p>19 connection; and it would improve the service to</p> <p>20 Summit Ridge, in your opinion?</p> <p>21 MR. HIPOLIT: That's my opinion.</p> <p>22 CHAIRMAN DEPINTO: Okay.</p> <p>23 Patti, do you agree with that?</p> <p>24 MS. RUSKAN: Yes, I do.</p> <p>25 CHAIRMAN DEPINTO: So we have two</p>
<p style="text-align: right;">47</p> <p>1 back to Summit Avenue?</p> <p>2 MR. HIPOLIT: Right. And if we get</p> <p>3 into more detail, and as part of that entire thing,</p> <p>4 both developments would give an easement, a more</p> <p>5 detailed easement, to SUEZ for maintenance to that</p> <p>6 line because it would be a SUEZ line, not a private</p> <p>7 line. So SUEZ would take care of it.</p> <p>8 Right now, SUEZ tells us that they have</p> <p>9 what we call a blanket easement over your property.</p> <p>10 That blanket easement covers the whole property, but</p> <p>11 it's very nonspecific. So they'd want to make it</p> <p>12 more specific to just the main because they're not</p> <p>13 responsible for any other portions of your property.</p> <p>14 And the same would go for Waypoint; we want it</p> <p>15 specific because we want to hold SUEZ accountable</p> <p>16 for their main. I mean, it's a SUEZ main; it's not</p> <p>17 a private main.</p> <p>18 And the same would go -- Mr. Wolfson,</p> <p>19 if I'm wrong, the same would go for you. You both</p> <p>20 would be having a main that comes in and loops. And</p> <p>21 ultimately, it's a SUEZ main, not your main.</p> <p>22 CHAIRMAN DEPINTO: Andy, let me ask</p> <p>23 you a question. You're saying that the pressure at</p> <p>24 Summit Ridge is inadequate, is that correct?</p> <p>25 MR. HIPOLIT: That's correct.</p>	<p style="text-align: right;">49</p> <p>1 engineers agreeing on that.</p> <p>2 Mr. Kurshan, I think it would be</p> <p>3 advisable to speak to the Board in light of this</p> <p>4 information and get their position on this.</p> <p>5 MR. KURSHAN: I will do that. Plus, I</p> <p>6 will communicate with Mr. Wolfson directly so I have</p> <p>7 a complete understanding from his professionals</p> <p>8 exactly what they are proposing, details which I'm</p> <p>9 sure they've already worked out. And, yes, I will</p> <p>10 take all of that back to the Summit Ridge Board,</p> <p>11 notwithstanding the objection that remains</p> <p>12 interposed. I understand that and I will --</p> <p>13 MR. HIPOLIT: I just want to make this</p> <p>14 clear -- and, Patti, jump in -- I don't think</p> <p>15 they've worked the details out because SUEZ is the</p> <p>16 ultimate approver of this and the details go through</p> <p>17 SUEZ. So the steps would be for Summit Ridge and</p> <p>18 Waypoint to agree that this would happen. Then</p> <p>19 probably Patti and I would meet with SUEZ and their</p> <p>20 design engineers to find out exactly what's going to</p> <p>21 happen. Then at that point, we'd probably have a</p> <p>22 meeting with Summit Ridge and Waypoint together or</p> <p>23 separately to get you to both agree to it. And then</p> <p>24 that would then enlist us to have a meeting with</p> <p>25 everybody again, with the Mayor and Council</p>

<p style="text-align: right;">50</p> <p>1 potentially -- I'm not sure I need them -- and then</p> <p>2 some bonding would be put in place on both sides,</p> <p>3 the insurance agreements, all the hold harmlesses.</p> <p>4 And the decision at that point would be made right</p> <p>5 there of, okay, does Waypoint construct it to the</p> <p>6 line and does SUEZ connect it? Or does Waypoint</p> <p>7 come in and connect it? Those details are not known</p> <p>8 yet. We can't do any of this unless we get an</p> <p>9 agreement that you guys want to let them do this, if</p> <p>10 it's approved. I don't know if it's going to be</p> <p>11 approved. If it's not approved, you're still in the</p> <p>12 same situation you're in now.</p> <p>13 CHAIRMAN DEPINTO: We've hit our</p> <p>14 curfew hour. Is there any other open items on that</p> <p>15 technical review that we've been going over?</p> <p>16 MS. RUSKAN: Give me one minute. I</p> <p>17 think there might be one more.</p> <p>18 This is on page 13 of 22. It's 57,</p> <p>19 small letter G. And this has to do with the</p> <p>20 Filtrera biofiltration device.</p> <p>21 MR. HIPOLIT: It's just the</p> <p>22 maintenance of it. You'll agree to the maintenance</p> <p>23 conditions of it, right?</p> <p>24 MS. RUSKAN: Absolutely.</p> <p>25 MR. HIPOLIT: Yes, so don't worry</p>	<p style="text-align: right;">52</p> <p>1 back near the building.</p> <p>2 CHAIRMAN DEPINTO: Beyond the limits</p> <p>3 of clearance, obviously.</p> <p>4 MR. HIPOLIT: Correct.</p> <p>5 CHAIRMAN DEPINTO: And to the</p> <p>6 alternative of the sampling, what else would we do?</p> <p>7 The ordinance requires a full count, is that</p> <p>8 correct?</p> <p>9 MR. HIPOLIT: It requires a full count</p> <p>10 of the whole property, yes.</p> <p>11 CHAIRMAN DEPINTO: Okay. But the</p> <p>12 Applicant has the right to ask for the sampling,</p> <p>13 which they are asking.</p> <p>14 How about we poll the Board with regard</p> <p>15 to that? And let me see, where am I? I guess I'm</p> <p>16 starting with Mayor Ghassali. Mayor, a full count</p> <p>17 of the trees or a sampling of a given area that the</p> <p>18 Applicant is requesting?</p> <p>19 MAYOR GHASSALI: Mr. Chairman, we have</p> <p>20 the ordinance that requires the full count. We also</p> <p>21 have the Environment Commission. The Environmental</p> <p>22 Commission at some point needs to get involved in</p> <p>23 this. I'm going to say that we stick with the</p> <p>24 ordinance of the full count and to consider</p> <p>25 involving the Environment Commission on this, too.</p>
<p style="text-align: right;">51</p> <p>1 about that.</p> <p>2 MS. RUSKAN: Okay.</p> <p>3 MR. HIPOLIT: You don't really have a</p> <p>4 choice on that.</p> <p>5 I don't think there's anything -- I</p> <p>6 mean, there's a lot of stuff in here for Bob, for</p> <p>7 and conditions. But as far as boring the Board with</p> <p>8 these --</p> <p>9 CHAIRMAN DEPINTO: The only open issue</p> <p>10 that I've made a note on is the tree survey, which</p> <p>11 Patti had requested.</p> <p>12 MR. HIPOLIT: Correct.</p> <p>13 CHAIRMAN DEPINTO: And whether we do a</p> <p>14 full count of the trees on the whole property or we</p> <p>15 take a sampling, which we've done in the past, as</p> <p>16 well. And what is an appropriate sampling, how</p> <p>17 large an area do a sampling, Andy?</p> <p>18 MR. HIPOLIT: I hate to say an acre,</p> <p>19 but normally we look at samplings either 100 by 100</p> <p>20 or 200 by 200. I mean, on this site, probably 100</p> <p>21 by 100 because it's so dense. I think that would be</p> <p>22 fair.</p> <p>23 CHAIRMAN DEPINTO: Would you designate</p> <p>24 the area where the sampling should occur?</p> <p>25 MR. HIPOLIT: I would do it probably</p>	<p style="text-align: right;">53</p> <p>1 MR. WOLFSON: Mr. Chairman.</p> <p>2 CHAIRMAN DEPINTO: Yes, Mr. Wolfson.</p> <p>3 MR. WOLFSON: First of all, just a</p> <p>4 reminder, this is an inclusionary project which will</p> <p>5 provide much-needed affordable housing that the</p> <p>6 municipality will be able to take advantage of.</p> <p>7 Furthermore, we are more than a year into this</p> <p>8 application at this point. And any agencies that</p> <p>9 are going to weigh in should have weighed in</p> <p>10 already, respectfully.</p> <p>11 MR. REGAN: If I can just respond to</p> <p>12 that, Mr. Chairman. This is not part of the</p> <p>13 Borough's housing plan.</p> <p>14 MR. WOLFSON: You'll still be able to</p> <p>15 take advantage of the units.</p> <p>16 MR. REGAN: That's true. But, again,</p> <p>17 it's not part of the Borough's housing plan.</p> <p>18 MR. WOLFSON: It's in the AH6 Zone.</p> <p>19 MR. REGAN: I understand that.</p> <p>20 MS. GREEN: Bob, this site is in the</p> <p>21 housing plan, just not for as many units as what's</p> <p>22 being proposed.</p> <p>23 MR. REGAN: That's what I meant.</p> <p>24 MS. GREEN: Okay.</p> <p>25 MR. HIPOLIT: Let me ask Patti a</p>

<p style="text-align: right;">54</p> <p>1 question.</p> <p>2 When KHov did the other side of the</p> <p>3 Swerpa (phonetic) buffer, as we called it back then,</p> <p>4 did they ever count all the trees?</p> <p>5 MS. RUSKAN: No. The Board granted</p> <p>6 the waiver for representative area tree survey.</p> <p>7 MR. HIPOLIT: And how big was that</p> <p>8 representative area?</p> <p>9 CHAIRMAN DEPINTO: Let's continue with</p> <p>10 the polling. Mayor, you'd like to see compliance</p> <p>11 with the code, counting of all the trees and</p> <p>12 referral to the Environmental Commission.</p> <p>13 MAYOR GHASSALI: Yes.</p> <p>14 CHAIRMAN DEPINTO: Let's move on. The</p> <p>15 next Board member would be Mr. Culhane on this.</p> <p>16 MR. CULHANE: Sampling.</p> <p>17 CHAIRMAN DEPINTO: I'm sorry. What?</p> <p>18 MR. CULHANE: Sampling.</p> <p>19 CHAIRMAN DEPINTO: You agree, is that</p> <p>20 what you said?</p> <p>21 MR. CULHANE: I agree with a sampling,</p> <p>22 not a full.</p> <p>23 CHAIRMAN DEPINTO: Sampling. Okay.</p> <p>24 I'm sorry. Thank you.</p> <p>25 Ms. Curry, sampling or full tree</p>	<p style="text-align: right;">56</p> <p>1 Mayor. We have the ordinance in place. I think we</p> <p>2 should follow what the ordinance says.</p> <p>3 CHAIRMAN DEPINTO: Thank you.</p> <p>4 Mr. Gruber.</p> <p>5 MR. GRUBER: I'd follow the ordinance.</p> <p>6 CHAIRMAN DEPINTO: Lorraine, did you</p> <p>7 keep a tally on that?</p> <p>8 MS. HUTTER: Yes, I did. It's even.</p> <p>9 You would be the deciding vote.</p> <p>10 I have Mr. Culhane for sampling, Ms.</p> <p>11 Curry for sampling, Litner for sampling.</p> <p>12 And then on the full, the Mayor,</p> <p>13 Zitelli, Cudequest, and Gruber.</p> <p>14 CHAIRMAN DEPINTO: Okay. I want a</p> <p>15 full count on it.</p> <p>16 Okay. Are there other open issues on</p> <p>17 this?</p> <p>18 Mr. Wolfson, as I said, we've hit</p> <p>19 curfew on this. We're going to put you -- I'm</p> <p>20 sorry. Go ahead.</p> <p>21 MR. WOLFSON: Respectfully, if I can</p> <p>22 close out this witness and see if there are any</p> <p>23 questions. Mr. Kurshan said he didn't have an</p> <p>24 opportunity to question on two exhibits, which we've</p> <p>25 discussed tonight. I don't know how many Board</p>
<p style="text-align: right;">55</p> <p>1 count?</p> <p>2 MS. CURRY: A large sampling.</p> <p>3 CHAIRMAN DEPINTO: I'm sorry. A large</p> <p>4 sampling?</p> <p>5 MS. CURRY: Yes.</p> <p>6 CHAIRMAN DEPINTO: What do you mean by</p> <p>7 a large sampling?</p> <p>8 MS. CURRY: Well, a hundred by a</p> <p>9 hundred is what in terms of an acre?</p> <p>10 CHAIRMAN DEPINTO: A hundred by a</p> <p>11 hundred is a quarter of an acre.</p> <p>12 MR. REGAN: Quarter of an acre, right.</p> <p>13 MS. CURRY: Okay. I would be okay</p> <p>14 with a quarter of an acre or a half-acre.</p> <p>15 CHAIRMAN DEPINTO: Okay. Thank you.</p> <p>16 Mr. Zitelli?</p> <p>17 MR. ZITELLI: I agree with the Mayor.</p> <p>18 Let's go with our ordinance, so let's count them.</p> <p>19 CHAIRMAN DEPINTO: Thank you.</p> <p>20 Mr. Litner.</p> <p>21 MR. LITNER: I'm fine with a hundred</p> <p>22 by a hundred sample.</p> <p>23 CHAIRMAN DEPINTO: Thank you.</p> <p>24 Ms. Cudequest.</p> <p>25 MS. CUDEQUEST: I agree with the</p>	<p style="text-align: right;">57</p> <p>1 questions there might be. If we can get that done,</p> <p>2 I don't have to bring her back.</p> <p>3 CHAIRMAN DEPINTO: Let me go to</p> <p>4 Lorraine for one second.</p> <p>5 Lorraine, our next meeting is</p> <p>6 March 2nd, is that correct?</p> <p>7 MS. HUTTER: That is correct.</p> <p>8 CHAIRMAN DEPINTO: What do you have on</p> <p>9 the agenda now for that date?</p> <p>10 MS. HUTTER: I have one homeowner,</p> <p>11 Marion's application, and I have the 5 Paragon.</p> <p>12 MR. WOLFSON: Mr. Chairman, we have</p> <p>13 conflicts on the 2nd, which is part of the reason</p> <p>14 I'd love to close out this witness. We are all on</p> <p>15 the same team for the 16th.</p> <p>16 CHAIRMAN DEPINTO: What do you have</p> <p>17 for the 16th, Lorraine?</p> <p>18 MS. HUTTER: The 16th.</p> <p>19 MR. REGAN: We have Bank of America, I</p> <p>20 think.</p> <p>21 MS. HUTTER: Bank of America, and I</p> <p>22 think that's it. Bank of America, that's it, unless</p> <p>23 anything is carried over.</p> <p>24 CHAIRMAN DEPINTO: Have they</p> <p>25 advertised for the 16th?</p>

<p style="text-align: right;">58</p> <p>1 MS. HUTTER: Yes.</p> <p>2 MR. REGAN: That's the lighting plan,</p> <p>3 right, Lorraine?</p> <p>4 MS. HUTTER: Yes.</p> <p>5 CHAIRMAN DEPINTO: Have we've gotten</p> <p>6 revised plans on that?</p> <p>7 MS. HUTTER: No, not yet.</p> <p>8 Do you want me to ask them to carry?</p> <p>9 CHAIRMAN DEPINTO: Yeah.</p> <p>10 MS. HUTTER: Okay.</p> <p>11 MR. HIPOLIT: I'd say yes. They never</p> <p>12 get --</p> <p>13 CHAIRMAN DEPINTO: They can continue</p> <p>14 with their usage of their illegal lights for another</p> <p>15 couple of weeks beyond the 16th. So tell them they</p> <p>16 can send us thank you notes.</p> <p>17 MR. REGAN: They'll be into daylight</p> <p>18 savings time, John, they'll save money.</p> <p>19 CHAIRMAN DEPINTO: Yeah.</p> <p>20 MS. HUTTER: Mr. Wolfson, you would</p> <p>21 like to be carried to the 16th of March?</p> <p>22 CHAIRMAN DEPINTO: Here's what I'd</p> <p>23 like to do. I'd like to comment to giving Waypoint</p> <p>24 the entire evening, with the exception of any minor</p> <p>25 use permits that come in, so that we can try to wrap</p>	<p style="text-align: right;">60</p> <p>1 think, Mr. Wolfson, the density, from day one we've</p> <p>2 been saying it's higher than what we need there.</p> <p>3 The height is an issue. And then those two will</p> <p>4 take care of the parking. So I agree with the</p> <p>5 Chairman.</p> <p>6 CHAIRMAN DEPINTO: Now, if, in fact,</p> <p>7 there could be a reduction in density, I might have</p> <p>8 a different position relative to a sampling versus a</p> <p>9 full count on the trees. But that's for you to</p> <p>10 determine.</p> <p>11 With that said, I want to thank you</p> <p>12 very much for coming. And I agree it was good that</p> <p>13 we were able to clear up the record.</p> <p>14 Patti, I'm sorry I've got to drag you</p> <p>15 back next month, but --</p> <p>16 MR. ZITELLI: Mr. Chairman?</p> <p>17 CHAIRMAN DEPINTO: Yes.</p> <p>18 MR. ZITELLI: So if you're still</p> <p>19 looking for comments --</p> <p>20 CHAIRMAN DEPINTO: Oh, I'm sorry. Go</p> <p>21 ahead.</p> <p>22 MR. ZITELLI: That's okay.</p> <p>23 My concern -- one of my concerns on</p> <p>24 this is the driveway and the width of the driveway.</p> <p>25 Now, I believe the reason we can't make the driveway</p>
<p style="text-align: right;">59</p> <p>1 it up.</p> <p>2 But, Mr. Wolfson, I would like for you</p> <p>3 to convey to your client the chart that was prepared</p> <p>4 by Ms. Green points out, in my opinion, some pretty</p> <p>5 drastic elements with respect to the plan. And my</p> <p>6 concern is the overall density. And I believe that</p> <p>7 if we lessen the density, we may be able to</p> <p>8 eliminate or lessen the severity of some of these</p> <p>9 variances. Whether it's 11 variances which were</p> <p>10 cited by Ms. Green or 10 or 9 that Mr. Preiss agrees</p> <p>11 to, and then the design waivers on top of it, that's</p> <p>12 a lot. That's a lot to deal with. And this should</p> <p>13 give you the time to explore that with Mr. Preiss</p> <p>14 and to thoroughly analyze Ms. Green's comments on</p> <p>15 it.</p> <p>16 Any other Board members wish to comment</p> <p>17 on that to offer any advice to Mr. Wolfson as to</p> <p>18 where to go with this?</p> <p>19 MAYOR GHASSALI: Mr. Chairman.</p> <p>20 CHAIRMAN DEPINTO: Mr. Mayor.</p> <p>21 MAYOR GHASSALI: Thank you. We've</p> <p>22 been consistent from the beginning about the high</p> <p>23 density, the height, and the congested parking</p> <p>24 situation once this is all done. Love the idea of a</p> <p>25 55 and over, love the idea of the trail. But I</p>	<p style="text-align: right;">61</p> <p>1 wider is because we might be encroaching on the</p> <p>2 wetlands, right?</p> <p>3 CHAIRMAN DEPINTO: Yes.</p> <p>4 MR. ZITELLI: My concern is that there</p> <p>5 be an area for residents to walk from the residences</p> <p>6 out onto Summit.</p> <p>7 CHAIRMAN DEPINTO: I believe we have</p> <p>8 addressed that. Right, Patti?</p> <p>9 MR. ZITELLI: Okay.</p> <p>10 MR. HIPOLIT: Yeah, they're going to</p> <p>11 put a sidewalk in.</p> <p>12 CHAIRMAN DEPINTO: They are putting a</p> <p>13 sidewalk in.</p> <p>14 MR. ZITELLI: Yeah, I know we got a</p> <p>15 sidewalk there. I almost would like to say why</p> <p>16 don't we put the sidewalk into the -- and ask for a</p> <p>17 variance, and I'm not asking to pave over, but maybe</p> <p>18 we could some kind of walkway that goes into wetland</p> <p>19 area there so that -- I'm just concerned about</p> <p>20 pedestrians walking there with the cars. Even with</p> <p>21 20 -- it's 24 feet wide, I think, right? The</p> <p>22 driveway?</p> <p>23 CHAIRMAN DEPINTO: I would be totally</p> <p>24 supportive of that, but I think in order to get</p> <p>25 that, you'd have to have a real good friend at the</p>



1 DEP. And the people down there are not very  
 2 friendly.  
 3 MR. ZITELLI: I'm only offering it,  
 4 you know -- I would go ahead, you know, if you guys  
 5 could get one, I would support it. You can tell  
 6 them I think that the Board would support that. I'm  
 7 not looking to really encroach too much into that  
 8 wetlands. And I understand that. But we're looking  
 9 at a safety issue here of people. I'm talking about  
 10 somebody who's been hit by a car, so I know what  
 11 it's like. I don't want anybody else to have to go  
 12 through something I've been through. So I'm giving  
 13 it to you through personal experience.

14 CHAIRMAN DEPINTO: Okay. Got it.

15 Thank you.

16 Anyone else?

17 With that said, I want to thank  
 18 everyone for their patience this evening. We'll  
 19 carry this to March 16th. No further notice will be  
 20 provided to the public other than this announcement.


21 Mr. Wolfson, anything you want to add  
 22 to this?

23 MR. WOLFSON: And that's 7:30, your  
 24 regular time, Mr. Chairman?

25 CHAIRMAN DEPINTO: Yes.

## C E R T I F I C A T E

I, LISA C. BRADLEY, a Certified Court Reporter and Notary Public of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes, taken via Zoom teleconference, of the within proceedings, to the best of my ability.

  
 LISA C. BRADLEY, CCR  
 NJ Certified Court Reporter  
 License No. 30XI00228700

1 MR. WOLFSON: We thank the Board for  
 2 its time. Have a good evening, and be safe.

3 CHAIRMAN DEPINTO: Thank you. You  
 4 too.

5 (Proceeding concluded at 11:15 p.m.)

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