

PLANNING BOARD
BOROUGH OF MONTVALE
COUNTY OF BERGEN

BLOCK 3302, LOT 1 :
HORNROCK PROPERTIES MPR, LLC :
One Sony Drive :
-and- :
Also designated on the Borough of: :
Park Ridge tax map as Block 301, :
Lot 1, preliminary site plan :
-----X

Tuesday, February 19, 2019
Council Chambers
12 Mercedes Drive
Montvale, New Jersey
Commencing 7:54 p.m.

B E F O R E:

JOHN DePINTO, CHAIRMAN
FRANK STEFANELLI, VICE CHAIRMAN
JOHN CULHANE
ROSE CURRY, COUNCIL PRESIDENT
JIMMY D'AGOSTINO
MICHAEL N. GHASSALI, MAYOR
WILLIAM LINTNER
MAGGIE O'NEILL
DANTE TEAGNO
ROBERT ZITELLI
ROBERT REGAN, BOARD ATTORNEY
ANDREW HIPOLIT, BOROUGH ENGINEER
JEFFREY FETTE, CONSTRUCTION CODE OFFICIAL
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1 MR. WOLFSON: Peter Wolfson, Day Pitney,
2 here own behalf of the applicant.

3 MR. ALAMPI: Mr. Chairman, good evening.
4 Carmine Alampi, attorney for the Borough of Park
5 Ridge.

6 MR. REGAN: Mr. Chairman, if you recall at
7 the January 2nd meeting the Borough of Woodcliff Lake
8 was represented by counsel. I'm wondering, is anybody
9 in the audience representing Woodcliff Lake this
10 evening?

11 MR. ALAMPI: I believe there's been a
12 change of attorney. John Schettino now is the
13 township attorney. I'm not sure whether he's
14 appearing or not.

15 MR. REGAN: Just let the record reflect
16 that no one has come forward on behalf of the Borough
17 of Woodcliff Lake so they're not represented nor will
18 they be. The future remains to be seen.

19 CHAIRMAN DePINTO: Mr. Wolfson, since the
20 last hearing, have you had any direct communications
21 with counsel for Woodcliff Lake?

22 MR. WOLFSON: I have spoken to Mr.
23 Schettino on a couple of occasions. He did not
24 indicate that he would be appearing. The last time I
25 talked to him was about a week ago. He wasn't sure

1 whether Mr. Eyerman, who had been here, would be
2 appearing.

3 We had, since the hearing on January 2nd, as we
4 indicated we would be doing, we wrote a letter to
5 Woodcliff Lake, the Board was copied on that
6 indicating why we felt they did not have jurisdiction.

7 Additionally, an exhibit that's been submitted
8 to this Board with copies to both municipalities has
9 some changes that were relevant to some of the
10 comments that Mr. Eyerman had had prior to the hearing
11 with our engineer and were incorporated into the
12 exhibit pursuant to their requests.

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

15 Do we have any --

16 BOARD SECRETARY: No.

17 CHAIRMAN DePINTO: Okay. Why don't we
18 continue?

19 MR. WOLFSON: Thanks very much.

20 Just briefly for context, this involves property
21 located at 12 Van Riper Road also referred to as 1
22 Sony Drive designated as Block 3302, Lot 1 on your tax
23 map.

24 As we indicated, the public hearing began on
25 January 2. It was carried to the February 5, 2019

1 meeting and again carried to tonight's hearing.

2 As I just indicated, the applicant has submitted
3 a one page exhibit 10 days, more than 10 days in
4 advance of the hearing. It's a one sheet color
5 rendering of the site plan exhibit to demonstrate the
6 feasibility of modifications for the site plan to
7 incorporate suggestions which the applicant received
8 at the January 2 hearing.

9 Additionally, the applicant mailed and published
10 new notice of this hearing and pursuant to the Board's
11 practice of January 2nd, we'd like to offer that Proof
12 of Service and Publication into the record as an
13 exhibit. Based on my list that would be A-11.

14 MR. REGAN: I think it would be A-12.

15 MR. WOLFSON: We missed one.

16 MR. REGAN: I have A-11, a roof plan,
17 marked into evidence. I could be wrong.

18 The transcript reflects A-11 so it's A-12.

19 MR. WOLFSON: Thank you.

20 MR. REGAN: Mr. Alampi, do you have any
21 objection to this notice?

22 MR. ALAMPI: No. I received a copy of the
23 notice.

24 MR. REGAN: Thank you.

25 MR. ALAMPI: I don't have Proof of Service

1 but Counsel, I accept, has notified the property
2 owners.

3 MR. WOLFSON: Thank you.

4 At the hearing on January 2nd you heard
5 testimony from David Minno, our project architect.
6 Mr. Minno is back to address comments from the
7 previous meeting and to address the Board
8 professionals' review letter comments that have not
9 yet been addressed.

10 You will recall that there were questions asked
11 of Mr. Minno as well as our engineering expert and
12 that those sessions were closed at the end of those
13 questioning. You also heard testimony of an
14 engineering nature from Brett Skapinetz who is back
15 again to also address review comments from your
16 professionals as well as to testify to the provisions
17 shown on the exhibits that we referred to.

18 Finally, I have with me tonight Nicholas
19 Verderese of Dynamic Traffic, the traffic engineer,
20 who is prepared to discuss site access and traffic
21 improvements. You have not yet heard from him.

22 With that, I would like to recall Mr. Minno if
23 it pleases the Board.

24 CHAIRMAN DePINTO: Good evening.

25 MR. MINNO: Good evening.

1 MR. REGAN: Mr. Minno, you were previously
2 sworn on January 2nd and remain under oath.

3 So we're going to swear Mr. Hipolit.

4 Do you swear or affirm that the testimony you
5 give in this proceeding shall be the truth so help you
6 God?

7 MR. HIPOLIT: I do.

8 MR. REGAN: Let the record reflect that
9 the Borough Engineer has been sworn.

10 Mr. Minno, you remain under oath.

11 THE WITNESS: Yes, sir.

12 CONTINUED DIRECT EXAMINATION BY MR. WOLFSON:

13 Q David, I know you wanted to address a
14 couple of issues that came up at the January 2nd
15 meeting before you turned over to the review letters.

16 A Correct.

17 MR. WOLFSON: Excuse me. Is there an
18 additional microphone or should I just have him use
19 this one?

20 THE WITNESS: I can come up there.

21 MR. WOLFSON: I think, I think January 2nd
22 there was a second mike so it might be easier for
23 logistics.

24 CHAIRMAN DePINTO: We're going to get you
25 one.

1 MR. WOLFSON: Thank you.

2 THE WITNESS: I can share here.

3 A Two quick things to address. One of them
4 is a question of whether a fire pump would be needed
5 for this project. And we requested and received flow
6 tests from SUEZ Water, New Jersey. And the
7 requirement for demand for our project is 750 gallons
8 per minute through the meter only. And this is needed
9 for the fire suppression system with 70 pounds per
10 square inch.

11 So the test results came back. There were 1,100
12 gallons per minute at the hydrant with a PSI static
13 pressure of 80 and a PSI residual pressure of 70. So
14 the conclusion and the boxes are checked on the report
15 that a fire pump is not required for this project. So
16 that's based on the actual flow tests.

17 I could --

18 CHAIRMAN DePINTO: One second, Mr. Minno.

19 Mr. Hipolit, do you have a comment with respect
20 to that?

21 MR. HIPOLIT: I do because I want to be
22 careful.

23 So with respect to a fire pump for a building of
24 that size we have to be very careful because our water
25 purveyor is very willing to provide that document and

1 they said it before.

2 The determining factor for a fire pump or not is
3 going to be the most remote part of the building,
4 highest away from your, your sewers, what the demand
5 is going to be to put a fire out based on Building
6 Codes. And then you're going to have to take the
7 system as if that is happening at the same time the
8 Fire Department is drawing from the line in the
9 streets.

10 So what happens is, and the problem I ran into
11 before is, they come in, sprinklers are going
12 upstairs. The Fire Department hooks up, they suck the
13 system dry and there is no fire protection in that
14 building because, they have to balance between the
15 fire guys, do the fire guys have water and do you have
16 sprinklers.

17 So I think, I think you're probably wrong in
18 this case. I think you probably need a fire pump and
19 a storage tank on-site too.

20 So all I would say to the Board is, it's not
21 necessarily a detail for you is, it's a condition of
22 approval. If they need it, they need it. If they
23 don't need it, they don't need it. It's pretty
24 simple. It's based on a number --

25 THE WITNESS: If for some reason that we

1 are unaware of we need it, we'll provide, we'll
2 provide it as per the Building Code. But this is the
3 type of information we receive early on for projects.

4 MR. HIPOLIT: And they always give it. If
5 you take the Fort Lee building fire, the Fire
6 Department sucked the line dry. The building burned
7 down. So you want to be careful with the decision.

8 CHAIRMAN DePINTO: But what is the Board's
9 normal practice relative to meeting the standard as a
10 condition of approval.

11 MR. REGAN: It would -- that is a standard
12 and would be a condition --

13 MR. HIPOLIT: I'm fine with that.

14 MR. REGAN: -- in the resolution.

15 And, in any event, Mr. Hipolit would have it in
16 his review letter and his review letter is always
17 conditions of approval by this Board.

18 CHAIRMAN DePINTO: Mr. Minno, you're
19 saying your client will comply?

20 THE WITNESS: We will comply.

21 CHAIRMAN DePINTO: With whatever
22 requirements there are from either the provider or the
23 Borough?

24 THE WITNESS: That's correct.

25 I would be happy to submit this letter that we

1 received as an exhibit.

2 MR. REGAN: You want that marked, Mr.
3 Wolfson.

4 MR. WOLFSON: Yes.

5 MR. REGAN: A-13. What are we going to
6 call that?

7 MR. WOLFSON: It's preliminary application
8 for new service from SUEZ.

9 CHAIRMAN DePINTO: Do you have additional
10 copies of that letter?

11 THE WITNESS: I don't.

12 MR. WOLFSON: I don't. I would be happy
13 to supply it to Mr. Alampi. In fact, he can inspect
14 it before I hand it in.

15 CHAIRMAN DePINTO: Why don't you have him
16 inspect it beforehand. And if he finds it acceptable,
17 we'll have Darlene make photocopies.

18 MR. WOLFSON: Thanks very much.

19 CHAIRMAN DePINTO: Please continue.

20 A The next issue that I had to address from
21 the last meeting is a question, someone raised a
22 question of sound for the residents who would be
23 living in this new building, in particular with the
24 northeastern parkway adjacent to us.

25 And, I think I testified last time that we have

1 a lot of experience building next to the New Jersey
2 Turnpike, a couple of airports, train lines throughout
3 the State and we found that the biggest issue was
4 sound from the people in the units is the window area.
5 It's fairly easy to develop the mass and the building
6 surface but the window area is the key.

7 So we're, on the Parkway side of the building,
8 we're anticipating using triple glazed windows on that
9 side. So I was going to look into that and we're
10 making that commitment to do that.

11 CHAIRMAN DePINTO: Okay.

12 A Those were the two items I had open from
13 my testimony. I would be happy to answer any
14 questions about either of those.

15 CHAIRMAN DePINTO: Okay. At this point
16 I'm just going to poll the Board with respect to those
17 questions or any previous testimony relevant to your
18 feel.

19 Mr. Stefanelli. Frank, do you have anything?

20 MR. STEFANELLI: No, Mr. Chairman.

21 CHAIRMAN DePINTO: Okay. Thank you.
22 Councilwoman?

23 COUNCILWOMAN CURRY: No questions.

24 CHAIRMAN DePINTO: Mr. Lintner.

25 MR. LINTNER: Nothing at this point.

1 CHAIRMAN DePINTO: Thank you.

2 Mayor Ghassali.

3 MAYOR GHASSALI: The triple windows, is
4 that going to be or are you going to look into it?

5 THE WITNESS: No, we're going to use
6 triple glazing on the side facing the Parkway.

7 CHAIRMAN DePINTO: Mr. D'Agostino.

8 MR. D'AGOSTINO: No questions.

9 CHAIRMAN DePINTO: Mr. Zitelli.

10 MR. ZITELLI: No questions.

11 CHAIRMAN DePINTO: Mr. Teagno.

12 MR. TEAGNO: No questions.

13 CHAIRMAN DePINTO: Mr. Culhane.

14 MR. CULHANE: The response he gave at the
15 last meeting, that he would look into the triple
16 glazing. My own experience next to transit lines,
17 that's normally the most effective way to glaze a
18 window.

19 CHAIRMAN DePINTO: Okay. Very good.

20 Mr. Fette.

21 MR. FETTE: No comment.

22 CHAIRMAN DePINTO: Okay. Thank you.

23 Mr. Wolfson, why don't you just continue?

24 Mr. Alampi, do you have any questions?

25 MR. ALAMPI: I have no questions.

1 CHAIRMAN DePINTO: Thank you.

2 CONTINUED BY MR. WOLFSON:

3 Q David, maybe we can turn to the review
4 memos that we received from the Board professionals.

5 A Sure.

6 Q And perhaps starting with Maser's planning
7 report dated December 5.

8 MR. REGAN: That's the planning report?

9 MR. ZITELLI: Switch microphones.

10 MR. HIPOLIT: Neither have been marked
11 yet, in my notes here.

12 MR. REGAN: B-1 is -- the Fire Department
13 is B-2 and Mr. Hipolit's report is B-1.

14 So this would be B-3 which hasn't been marked
15 yet so I'm going to mark that as a Board exhibit.

16 CHAIRMAN DePINTO: Okay.

17 MR. WOLFSON: Thank you.

18 CHAIRMAN DePINTO: Mr. Regan.

19 MR. ALAMPI: Is that the December 5, 2018
20 planning report that you're marking?

21 CHAIRMAN DePINTO: Mr. Regan.

22 MR. REGAN: Yes. It's dated December.

23 MR. ALAMPI: Bob, what was B-1?

24 MR. REGAN: B-1 was Mr. Hipolit's report
25 of 12/27/18.

1 MR. ALAMPI: Thank you.

2 MR. REGAN: B-2 was the Fire Department.

3 MR. ALAMPI: Yes.

4 Q David, I know you covered a lot of these
5 items in your direct testimony. Perhaps you can just
6 go through the memo for any remaining items that need
7 to be commented upon.

8 A I think with respect -- I'm trying to pick
9 out the ones that relate to architecture not the civil
10 engineering side of it. And, we've agreed to comply
11 with --

12 Q Just, I'm sorry, just for context, you're
13 starting A. through D., is basically informational in
14 nature. Starting with E., with the comments.

15 A So comments E. and I., E13, E14 we will
16 comply with. Comment E4 relates to the building
17 height, 48 feet point 1 inches or 48.1 feet.

18 And the plans for the revised roof deck is 395.5
19 feet and the average grade around the building is
20 374.4 feet.

21 On Comment E10, we've revised the plan to show
22 the unit counts on Sheet A.02 and I believe those were
23 previously submitted and they were on the exhibits
24 that we had last time.

25 Q The sizes of the units?

1 A That's correct.

2 And on Comment E11 the discrepancies between the
3 exhibits have been eliminated. They're non
4 consistent. That was true as of the last hearing.

5 E12, each building entrance has been defined and
6 articulated. We comply with that.

7 E13, the sign, the sign we'll note will not
8 exceed the limit. We will comply with that.

9 E15, the HVAC units are in the middle of the
10 roof set back about 15 feet. Each unit is 42 inches
11 in height and will not be able to be seen from, the
12 HVAC units on the roof again which I testified to last
13 time.

14 Comment E16, there are no through the wall PTAC,
15 PTAC units and there are, there are roof top units for
16 common use.

17 Comment E17, 321, testimony was previously
18 provided.

19 Comment E27, typical for the entry canopy would
20 have raised letter signage and we will provide very
21 specific signage plans at final site plan review.

22 E29, there will be landscaping in courtyard, in
23 the courtyard that landscaping plan for the courtyard
24 will also be submitted as part of the final design,
25 the final site plan approval.

1 Comment E31, the discrepancy has been
2 eliminated. We're proposing 172 spaces.

3 We talked about last time the parallel parking
4 spaces. We provided three parallel parking spaces in
5 the project. And I believe the dimension is 23 feet.

6 Comment E33, four accessible spaces directly
7 adjacent to the elevator lobbies. Those are shown on
8 the plans so we are compliant with the handicapped
9 accessibility for those issues.

10 Comment E34, clear height within the parking
11 garage. I did testify to this last time, is 8 feet
12 generally throughout the garage -- 8 foot 5, I'm
13 sorry, 8 1/2 feet. And a handicapped accessible van
14 is 8 foot 2 so we comply with that.

15 Underneath the pool area where the pool drops
16 down slightly into the garage from the upper deck,
17 those locations will be 7 feet, 7 1/2 feet clear. So
18 it drops down a foot into the garage area.

19 Comment E36, affordable residents will have
20 access to parking spaces, parking garage spaces.

21 Comment E39, it's clear it's already been
22 addressed, the height within the garage.

23 Comment E40, this is typical. I'm not sure I
24 understand what that comment was.

25 The trash pickup in the building, this is a

1 typical arrangement and building maintenance will use
2 a small vehicle or car to get the garbage to the north
3 side entrance to the garage for pickup. And, this is
4 a very short duration event. It's a scheduled event
5 between building management and the private trash
6 hauler so trash is does not sit on a curb for hours
7 and hours and hours. It's, it's really a very short
8 duration event.

9 Comment E41, there appears to be one trash room
10 for each floor. The details of the room are unclear.
11 This is a shoot. We gave testimony that there is a
12 shoot for trash. There are containers in there for
13 recyclables. Trash goes down to a compactor in the
14 garage, it's compacted and brought out on trash day.
15 The recyclables in the containers go down the elevator
16 through building maintenance and are stored in the
17 same trash room in the garage.

18 So I think that --

19 Q I just want to go back to 36 which had to
20 do with the parking arrangements for affordable units.

21 And the question was, would they have access to
22 podium parking.

23 A I'm sorry. I misspoke. They will not
24 have access to the garage parking.

25 Q Thank you.

1 A They have the requisite number of parking
2 spaces but there's no requirement under the UHAC
3 regulations that affordable units have garage parking.
4 That would be a cost generative issue and the project,
5 UHAC, is totally against raising costs for the
6 project.

7 Q Do you want to turn to the engineering
8 report from Maser --

9 A Yeah.

10 Q -- dated December 27, 2018. That contains
11 some issues that are in your bailiwick.

12 CHAIRMAN DePINTO: Mr. Wolfson, before we
13 go to the engineer's letter, I would like to go to
14 Miss Green.

15 Miss Green, Mr. Minno offered comment on your
16 technical review letter which has been marked into
17 evidence as B-3.

18 Do you have any comments or responses to Mr.
19 Minno's comments?

20 MS. GREEN: I guess I have a general one.

21 CHAIRMAN DePINTO: Please, why don't you
22 share that with us.

23 MS. GREEN: You mentioned that the plans
24 had been revised already.

25 THE WITNESS: Yes.

1 MS. GREEN: Since the last hearing?

2 THE WITNESS: No, they were revised for
3 the last hearing.

4 MS. GREEN: So then what was the latest
5 date of those plans?

6 THE WITNESS: I believe that January 2nd,
7 2019.

8 MS. GREEN: So I --

9 MR. WOLFSON: For clarification, I think
10 that the exhibit that we're going to be presenting
11 through our engineer contains some changes but there
12 have not been new plans submitted since the January
13 2nd hearing.

14 MS. GREEN: So I guess I don't have plans.

15 THE WITNESS: The exhibits that we showed,
16 I think we left them here with the town. The exhibits
17 that we showed at the last hearing have all those
18 revisions. That's why I testified to these items.

19 CHAIRMAN DePINTO: One second.

20 Mr. Alampi.

21 MS. GREEN: So I guess my -- I don't have
22 any, I guess I don't have responses because I don't
23 have these plans to verify that these things have been
24 amended.

25 MR. WOLFSON: So we will, we will, of

1 course, be submitting revised plans. We thought we
2 would go through all of the testimony first and have
3 the dialogue regarding the comments on the original
4 submitted plans before you and then, as a result of
5 that, take all of those comments and any necessary
6 changes including, for instance, those which we'll
7 talk about in the exhibit tonight and come back to the
8 Board with a fully revised set.

9 CHAIRMAN DePINTO: That's not the way we
10 normally do things. However, we've started moving in
11 this direction. We're going to allow you to continue
12 until we reach a certain point when our professionals
13 advise us of the fact that they cannot give us their
14 opinions without seeing them in actual text or
15 document form.

16 But, with that said, Mr. Alampi, do you have a
17 comment?

18 MR. ALAMPI: Yes. Thank you, Chairman.

19 Also to your point that it is not normally done
20 that way, it interferes with my ability to
21 cross-examine. I may have very few questions at all
22 but hear I am in the dark.

23 I don't believe that the plans were dated. The
24 last revision is January 2nd. That was probably the
25 revisions on the exhibits that were testified to not

1 the actual plans because they have to be on file 10
2 days earlier. So there's a bit of confusion.

3 The set of plans that were last on file may be
4 some time in December or November 2018.

5 The exhibit plans that were used for testimony
6 may very well be January 2nd. And now we have
7 testimony of all these revisions and compliance with
8 the outstanding comments of the consultants.

9 So, I have to join with your professionals as
10 well as your comment, Chairman. We may have to recall
11 the same witnesses because we have to look at the
12 plans and prepare for cross-examination.

13 CHAIRMAN DePINTO: I think that's -- Mr.
14 Wolfson.

15 MR. WOLFSON: I would just like to note
16 the exhibits were left with the Board on January 2nd
17 and any interested party was free to review those
18 exhibits that were fully testified to on that date.

19 CHAIRMAN DePINTO: Mr. Regan, your opinion
20 with respect to proceeding at this point. This is a
21 bit out of the norm.

22 MR. REGAN: It is but I think we can
23 continue.

24 Mr. Wolfson, I assume Mr. Minno will be made
25 available for not only questions from the Board but

1 for Mr. Alampi and any member of the public on a
2 continuing basis.

3 MR. WOLFSON: Generically, yes. We have
4 to figure out scheduling and people's schedules but
5 yes.

6 MR. REGAN: Thank you. You will -- this
7 is not his last night here. He will be coming back, I
8 assume.

9 Correct?

10 MR. WOLFSON: Yes.

11 MR. REGAN: And I presume Mr. Skapinetz
12 will be here as well?

13 MR. WOLFSON: Yes.

14 MR. REGAN: So there will be a full
15 opportunity for the Board, its professionals, Mr.
16 Alampi and members of the public to ask questions
17 after your plans are filed with the Board?

18 MR. WOLFSON: Yes.

19 MR. REGAN: I think we can continue, Mr.
20 Chairman.

21 CHAIRMAN DePINTO: Okay. With that said,
22 why don't we do that overview review of the
23 engineering and then we'll go and open it up to Board
24 Members for questions and the public for questions as
25 well.

1 MR. WOLFSON: Thank you very much.

2 CHAIRMAN DePINTO: Please continue.

3 A Okay. With respect to the engineering
4 review?

5 Q Yes.

6 CHAIRMAN DePINTO: Yes.

7 A Okay. Again, I'm focusing on comments
8 relating to architecture.

9 Comment 14 overlaps with the Town's letter about
10 the accessibility of the parking spaces in the garage
11 for handicapped. They are shown adjacent to the to
12 the elevator cores and they comply with all
13 accessibility requirements.

14 Item 15, we will comply or have complied with
15 the architectural elevations.

16 Sheets A7 and A8 do not match the floor plans
17 provided and the applicant shall revise accordingly
18 they have been revised.

19 Comment 16, regarding how the storage will be
20 used. This is a question about where storage spaces
21 are located, at the far end of the building from both
22 the elevator banks and the delivery entrance. The
23 applicant should discuss this location and testimony.

24 This happens commonly in these types of
25 buildings. The spaces in the garage area that are

1 leftover spaces that can't be parked in or created as
2 drawable storage as convenience to some of the units,
3 some of the tenants in the building choose to put
4 their long term storage there. And if they choose to
5 do that they know what they're getting into in terms
6 of location. So this is actually a good thing because
7 it provides a place for those things like, you know,
8 golf clubs, snowboards and holiday decorations, those
9 types of things to be stored outside of the unit.

10 I think Comment 17 really relates to the same
11 question the planner had regarding how the trash was
12 going to be dealt with and I gave you that testimony.
13 Again, comment --

14 Q Before you leave that, there is one
15 additional point in terms of whether there will be
16 municipal or private carting provided to the
17 development and I think the answer to that to the
18 extent Montvale provides carting to multi-family as
19 part of its services then we would expect it would be
20 done by the municipality. To the extent that's not
21 the policy, then we would arrange for private carting.

22 A Comment No. 20 is, again, about the
23 location of the swimming pool above the parking deck
24 and whether we have the required height. Again,
25 underneath the pool is 7 1/2 feet and all other areas

1 of the garage are 8 1/2 feet.

2 Comment 23, this will comment, again, the site
3 plan, the signage details.

4 Comment 40, emergency vehicles will garage
5 accept emergency vehicles, we have -- I have never
6 really designed a parking garage in a residential
7 building that permits large emergency vehicles into
8 the building. The most common thing would be if
9 someone has a medical issue in the garage, how does
10 the rescue squad get there. And, again, they would
11 enter the garage through the garage doors and the main
12 doors into the garage with a gurney and take the
13 person out.

14 The garage is fully fire suppressed with a
15 sprinkler system and there are standpipes located in
16 the stairways. The Fire Department, any Fire
17 Department I know of would not bring a vehicle into a
18 building where there was a car fire so a again it
19 applies to a sprinkler system, again the standpipes in
20 the stairways.

21 MR. HIPOLIT: What about a tow truck if
22 somebody gets stuck in there and needs to be towed
23 out?

24 THE WITNESS: That would be done through a
25 pickup truck sized tow truck. That does happen.

1 Q And, David, the way that garage area is
2 designed meets the Codes.

3 Right?

4 A Yes, it does.

5 Comment 56, I gave testimony prior to this.
6 Let's see. Okay. This is a duplicate of the
7 planner's letter. There was some discrepancies
8 between our drawings and the engineering drawings in
9 terms of slight building offsets. We're showing
10 indents and movements in the facade of the building
11 and now the engineer's plans match our architectural
12 plans. Again, those would be resubmitted.

13 Comments 59 and 60, the Fire Department letter.

14 Q Yeah. This is picking up comments that
15 were contained in the Fire Department Plan Review
16 Committee?

17 A We addressed those.

18 MR. WOLFSON: And just for the record,
19 that memo is dated 11/30/18 and I believe that's
20 already in the record, Mr. Regan.

21 MR. REGAN: Yes, it is, B-2.

22 A That's really what I have --

23 Q There's one item --

24 A From the Borough Fire Department?

25 Q Right. And you've already confirmed that

1 the garage, enclosed garage area will have sprinklers
2 throughout?

3 A That's correct.

4 MR. WOLFSON: Great. Those are the review
5 memos that we received.

6 CHAIRMAN DePINTO: Thank you.

7 Mr. Hipolit.

8 MR. HIPOLIT: I guess for me and I
9 apologize I wasn't here. Can we have you discuss the
10 access for the building?

11 So my last discussion with the Fire Department a
12 week ago is, is they don't believe they have adequate
13 access on the outside of the building.

14 MR. WOLFSON: The exhibit that we have
15 with us tonight I think will address that.

16 MR. HIPOLIT: Is that the one you sent us?

17 MR. WOLFSON: Yes.

18 MR. HIPOLIT: All I'm saying, I know
19 you're not there yet. It doesn't have gradients.

20 The issue is the slope outside the building is
21 the issue.

22 THE WITNESS: I think you weren't here
23 last time.

24 MR. WOLFSON: No.

25 THE WITNESS: And when I started my

1 testimony there had been a lot of discussion before
2 that. Somebody from the Fire Department was here
3 commenting about that issue, not having ladder access
4 to the building. Ladder access is not required to
5 this building.

6 MR. HIPOLIT: I'm not disputing what is
7 required or not. It is definitely a desire of our
8 Fire Department.

9 THE WITNESS: Okay. The reason it's
10 probably not a good idea to provide that for your fire
11 squad to even attempt that is that the windows are not
12 designed as egress windows. There are some building
13 types that are lower rise that have what are called an
14 egress window that has a certain sized operable window
15 that a fire person can come in or out with a backpack
16 to either help a person get out or help fight a fire.

17 These windows are not designed nor are they
18 required to be designed as egress windows.

19 MR. HIPOLIT: They're not opening windows?

20 THE WITNESS: You can open windows. They
21 are not designed to a size and shape for a fire
22 personnel person to enter through a raised window.

23 MR. HIPOLIT: So what if a person is in a
24 room that's burning and they want to get out?

25 THE WITNESS: The way the building is

1 designed and the way the Building Code works for this
2 type of building is much the same as it would be for a
3 high-rise building. There are areas of egress.

4 Let's say you may have a handicap. There's an
5 area of egress at the top of the stairwell which is
6 protected by a two hour enclosure where you can stand
7 or sit or be in a wheelchair for up to two hours
8 before someone gets you in that position.

9 The unit design itself, the dwelling unit is a
10 one hour for the ceiling, for the corridor to the
11 adjacent tenant walls. They are fully suppressed with
12 a fire suppression system.

13 MR. HIPOLIT: I get it. That makes the
14 fire suppression design even more important but we'll
15 deal with that later on.

16 If I have, and again I talked with Mr. Wolfson
17 about this. If I have an internal fire in my unit and
18 it blocks you from getting out the door, my only
19 egress is jumping out the window if the suppression
20 system is not putting it out. And they're not
21 designed to put it out, they're designed to keep it
22 down until the Fire Department can get to you.

23 We have had that testimony multiple times before
24 this Board. We can bring the Fire Department back.

25 I am very concerned about saying, hey, we're

1 going to have a building and say two sides are not
2 accessible, that blows my mind.

3 THE WITNESS: All that being said, I think
4 our civil engineer has made some accommodation for
5 that. I'm going to let him speak to that, how we will
6 have some access around the building.

7 CHAIRMAN DePINTO: Again, as I stated
8 earlier, absent having revised plans that would have
9 been distributed to all agencies and departments, we
10 might be able to get -- well, we won't be able to get
11 closure. So our progress, I'm questioning why we're
12 even hearing what we're hearing.

13 Either we submit a plan and discuss the
14 revisions on the plan -- but even with that, no one
15 has had time to technically review those plans.

16 Mr. Alampi.

17 MR. ALAMPI: Mr. Chairman, my position is
18 that I object to Mr. Minno's testimony over the last
19 10 or 15 minutes. Although it was interesting and I
20 do understand that David knows what he's talking about
21 as an architect, he's not qualified to give testimony
22 regarding fire evacuation and/or safety.

23 So here we have a debate between your Board
24 Engineer and the witness.

25 You're concerned about not having the plans

1 distributed to all the parties that have an interest
2 in it. My concern is that we're hearing from a
3 witness who is not qualified. He hasn't been set
4 forth as an expert in that field.

5 I'm not diminishing his knowledge and vast
6 experience as an architect but these are firematic and
7 safety issues.

8 Clearly this witness disagrees with the Fire
9 Department saying the Code doesn't require it and then
10 he waives them off as though he's saying that your
11 concerns don't concern me.

12 Now I know Mr. Minno better than that. That's
13 not what he wants to project. That's not what the
14 applicant, I think, wants to project.

15 We see these fires in multi level buildings and
16 we know people are clamoring to get out.

17 MR. WOLFSON: Well, Mr. Chairman --

18 CHAIRMAN DePINTO: So that everyone
19 understands, this Board has the utmost respect for
20 this witness. He's appeared before us on numerous
21 occasions over many years and we always found his
22 testimony to be quite credible and the end product
23 that he does develop, that has been built in the
24 Borough of Montvale we're all very proud of.

25 But I do agree, are we looking at this as

1 clearly as we should because I'm sure Mr. Minno though
2 knowledgeable on firematics and all that is required,
3 we did hear testimony from our local fire officials
4 that we have to respect. They are the ones that would
5 be in charge.

6 Mr. Wolfson. I'm sorry.

7 MR. WOLFSON: I disagree with Mr. Alampi's
8 characterization of what Mr. Minno or the applicant is
9 projecting. We have the utmost respect for the Fire
10 Department as all of us should have. And we have
11 incorporated many of the comments that were made by
12 the Fire Department in the exhibit that you'll see and
13 we will be submitting fully revised plans in advance
14 of the next session of this hearing.

15 I, personally, think it is useful that we
16 proceed tonight and continue in this vein so that
17 information can be conveyed so that your
18 professionals, when they review the fully revised
19 plans, will have the benefit of these comments.

20 CHAIRMAN DePINTO: Mr. Wolfson, when do
21 you believe your client will be able to prepare
22 revised plans for distribution to Borough officials
23 and professionals?

24 MR. WOLFSON: Yeah. I seen on your agenda
25 the next meetings are the 5th and 19th of March. At

1 least that's when certain matters are carried. We
2 could certainly have them in 10 days in advance of the
3 19th meeting.

4 CHAIRMAN DePINTO: I would like to see if
5 we could coordinate that through the Board secretary
6 with the Fire Department and have the representatives
7 of the Fire Department here. So rather than go back
8 and forth with review letters from the Department and
9 them not being present at the hearing, it leaves too
10 much open for interpretation so I would rather them be
11 here.

12 So why don't we do this. We will carry it,
13 we'll choose a date that works.

14 MR. HIPOLIT: I'm not here the 19th.

15 CHAIRMAN DePINTO: You're not here the
16 19th.

17 MR. WOLFSON: Mr. Chairman, I do have
18 traffic.

19 CHAIRMAN DePINTO: We're not -- we're
20 still going to hear more tonight.

21 MR. WOLFSON: Thank you.

22 CHAIRMAN DePINTO: I'm trying to determine
23 the best way to move forward with it because I
24 presume, beyond the firematics, Mr. Hipolit, you have
25 other comments or concerns on your review letter?

1 MR. HIPOLIT: I will. I will review that
2 based on the resubmission.

3 CHAIRMAN DePINTO: Okay. Before you
4 introduce another witness, let met open it up to Board
5 Members for questions of Mr. Minno and then open it to
6 the public and allow Mr. Alampi as well as the public
7 to ask questions.

8 And with that, I'm starting with Ms. Curry.

9 COUNCILWOMAN CURRY: No questions.

10 CHAIRMAN DePINTO: Of the testimony of Mr.
11 Minno. Thank you.

12 Mr. Lintner.

13 MR. LINTNER: I have no questions.

14 CHAIRMAN DePINTO: Thank you.

15 Mr. Mayor.

16 MAYOR GHASSALI: I'm still trying to
17 comprehend all this, no plans, going through the
18 motions. Still the reproduced memo addressing major
19 issues here.

20 CHAIRMAN DePINTO: Yes.

21 MAYOR GHASSALI: I have no questions.

22 CHAIRMAN DePINTO: Thank you.

23 Mr. D'Agostino.

24 MR. D'AGOSTINO: No questions at this
25 time.

1 CHAIRMAN DePINTO: Thank you.

2 Mr. Zitelli.

3 MR. ZITELLI: No, no questions.

4 CHAIRMAN DePINTO: Mr. Teagno.

5 MR. TEAGNO: No questions at this time.

6 CHAIRMAN DePINTO: Thank you.

7 Mr. Culhane.

8 MR. CULHANE: The only question I have is
9 the national code, NFPA. I think a lot of times it's
10 referred to by the professionals and in this
11 particular case I'm not that familiar with it but the
12 testimony we heard, I assume he is more familiar how
13 it applies to the, I'll call it apartment house. So
14 perhaps there's some language in there, in the NFPA
15 that might apply in this case.

16 CHAIRMAN DePINTO: I think that's
17 something that should be researched.

18 Mr. Hipolit.

19 MR. HIPOLIT: So they have to apply, they
20 have to apply.

21 MR. CULHANE: Normally the State code
22 references NFPA.

23 MR. HIPOLIT: Again, the details of the
24 design, the line of the streets most likely can't
25 handle their draw to the building at the same time the

1 Fire Department draws from the hydrants so --

2 MR. CULHANE: No.

3 MR. HIPOLIT: So that's going to be a
4 problem. That's going to be a problem.

5 MR. CULHANE: Window access, too.

6 MR. HIPOLIT: I agree. Absolutely.

7 CHAIRMAN DePINTO: Let's bear in mind this
8 is an application for preliminary only. So there's
9 still a lot of work the has to be done on the part of
10 the applicant. And there's a lot of time that goes
11 into this in order to get to the point where we have
12 to get.

13 Mr. Stefanelli.

14 MR. STEFANELLI: Every unit is going to be
15 fully air conditioned?

16 THE WITNESS: Say that again.

17 MR. STEFANELLI: Every unit is going to be
18 fully air conditioned?

19 THE WITNESS: Air conditioned?

20 MR. STEFANELLI: Yeah.

21 THE WITNESS: Absolutely.

22 MR. STEFANELLI: Oh, wait. One other
23 questioned.

24 Window operability, is that 15 percent so
25 there's nobody falling out the window?

1 THE WITNESS: Yes. The windows will have
2 a --

3 MR. STEFANELLI: A stop in it?

4 THE WITNESS: A stop.

5 CHAIRMAN DePINTO: And I saved the best
6 for last.

7 Mr. Fette.

8 MR. FETTE: No comments.

9 CHAIRMAN DePINTO: With that said, the
10 Chair will entertain a motion to open the meeting to
11 the public.

12 MR. TEAGNO: So move.

13 MR. CULHANE: Second.

14 CHAIRMAN DePINTO: Mr. Teagno and Mr.
15 Culhane.

16 All in favor?

17 (Aye)

18 Start with Mr. Alampi. Mr. Alampi, any more
19 comments or questions?

20 MR. ALAMPI: Just two questions.

21 CROSS-EXAMINATION BY MR. ALAMPI:

22 Q David, in your testimony you indicated
23 that the affordable housing units will not have access
24 to the podium parking.

25 Does that mean they will be relegated to the

1 surface parking outdoors?

2 A They will have surface spots, yes.

3 Q But only outdoors?

4 A Correct.

5 I believe the reason and my client later can
6 correct me but I believe the reason is that the owner
7 is going to charge for the garage parking to the
8 market rate tenants. And if an affordable tenant paid
9 that additional fee for parking that would push them
10 over the affordability.

11 Q The guidelines.

12 MR. ALAMPI: So I don't know if your
13 witness, is that the testimony that your client is
14 going to charge additional fees for parking?

15 MR. WOLFSON: That's correct.

16 MR. ALAMPI: Okay. Your witness testified
17 to it but I will give you a chance to put it in.

18 MR. REGAN: Mr. Chairman, I have a
19 question. It's kind of a follow-up to Mr. Alampi's
20 question.

21 You indicated that an occupant of an affordable
22 unit would be able to pay an additional charge to use
23 the podium parking?

24 MR. WOLFSON: No.

25 MR. REGAN: No. They would not be able to

1 use it at all?

2 MR. WOLFSON: Correct. It's intended for
3 market.

4 MR. REGAN: For the market rate units.
5 The affordable unit be charged for surface
6 parking?

7 THE WITNESS: No.

8 MR. REGAN: There will be no charge for
9 use of the surface parking by affordable occupants?

10 MR. WOLFSON: Correct.

11 THE WITNESS: Nor will there be a charge
12 for amenity spaces, the gym, those types of things,
13 the pool.

14 MR. REGAN: That was a question that we
15 left open the last time.

16 Okay. Thank you.

17 CHAIRMAN DePINTO: Very good. Thank you.

18 Anyone from the public have any questions of the
19 testimony we heard this evening thus far on this
20 witness?

21 MR. O'SULLIVAN: David O'Sullivan, 252
22 Capri Terrace, Park Ridge, New Jersey.

23 Just a matter of housekeeping and documents, I
24 just want to express my concern as well as Mayor
25 Ghassali is aware, I filed three OPRA requests over

1 the last few months with Montvale, two of them already
2 coming in beyond its time frame in which it's supposed
3 to be provided me by law which is seven business days.

4 I filed another one last week. I got some
5 response from it. But I'm hearing about documents
6 dated in December which I still have not received and
7 it's just a major concern of mine from a transparency
8 perspective that we, the residents of the public be
9 provided with these documents in a timely fashion as
10 well.

11 CHAIRMAN DePINTO: Thank you.

12 Are you aware of the OPRA requests?

13 BOARD SECRETARY: I am not aware. I
14 believe Lorraine Hutter is.

15 CHAIRMAN DePINTO: Okay. They will follow
16 up on that when she returns but we will get back to
17 you.

18 MR. O'SULLIVAN: I appreciate that.

19 With respect to some of the testimony this
20 evening, I'm just concerned about the flow and
21 pressure test that was testified to. I just wanted to
22 note because I know at the last hearing the fire
23 official spoke about some concerns about seasonal
24 fluctuation with respect to flow and pressure and I
25 just want to make sure that, we all will be looking at

1 worse case scenario in the summer months, there is a
2 drastic decrease in the gallon per minute and also the
3 pressure in that line. And, I think that should be
4 part of the consideration when we start going further
5 in reviewing this application.

6 MR. HIPOLIT: Just so you know, I agree
7 with you and we will be doing that.

8 MR. O'SULLIVAN: Great. And I just want
9 to --

10 CHAIRMAN DePINTO: Go on.

11 MR. REGAN: Did we swear you in? I don't
12 recall.

13 MR. O'SULLIVAN: I don't know if I need to
14 be sworn.

15 MR. REGAN: If you're going to make a
16 statement you need to be sworn.

17 MR. O'SULLIVAN: Sure.

18 MR. REGAN: So we don't have a problem.

19 MR. O'SULLIVAN: Lastly, because I think
20 there was conflict in the testimony that Mr. Minno
21 provided at the last meeting, I asked questions about
22 the garbage and I think he indicated there was going
23 to be a private carter picking up. I was concerned
24 about the olfactory concerns at Lifetime Fitness being
25 that there might be garbage out there for a few hours

1 waiting for pickup on whatever morning it might be
2 especially during summer when people would be out
3 there at Lifetime Fitness.

4 And I think what I'm hearing tonight there is
5 possibility they may want to contemplate using the
6 municipality's carter but maybe I misunderstood that
7 but there's usually a few hour lag not as specific as
8 a private carter. Maybe you can clarify that.

9 MR. REGAN: Okay. That's a good question.

10 MR. WOLFSON: There will be active
11 management of the building and, as testified to,
12 there's private and public. It will be coordinated in
13 such a way that there will not be a problem with
14 odors.

15 MR. HIPOLIT: I can jump in and help a
16 little bit on this.

17 From a public pickup, Borough picking up, there
18 is no way you're putting 200 cans out in the street.
19 The Borough can pick up in our scavenger contract a
20 dumpster or you can do it yourself and get reimbursed
21 under that. It's probably better you do it yourself
22 because of the delay in that. You can control it
23 better.

24 I mean, obviously, you have the -- you could ask
25 for us to do it but the Board is never going to agree

1 to cans.

2 So my recommendation would be have pick up
3 yourself and get reimbursement through the act for
4 that garbage pickup but you guys have to talk about
5 that.

6 MR. WOLFSON: We will. And certainly when
7 we come back to you for final approval, we'll have
8 made that decision.

9 MR. HIPOLIT: Great.

10 MR. WOLFSON: But we certainly never
11 anticipated having 200 separate trash cans out at the
12 curb.

13 MR. HIPOLIT: I have heard this in my
14 career a lot, final approval comes, there's 200 cans
15 outside.

16 MR. WOLFSON: We would recommend that
17 condition to the Board, as a condition, if there is an
18 approval.

19 MR. O'SULLIVAN: My last question is, I
20 believe at the last meeting Mr. Minno testified to the
21 extent there was going to be a glass facade on the
22 front of the building, along the south side and he
23 indicated the preference for this to allow light into
24 the square or interior of the building space to the
25 benefit of the occupants of that building as they're

1 enjoying their outdoor amenities around the pool and
2 what not. I'm concerned or curious if Mr. Minno has
3 looked at the light or the open space as a five-story
4 structure is now abutting the northern portion of that
5 property on the Lifetime Fitness property line.

6 Obviously, they have a promenade there with some
7 tables, a cafe, things of that nature, I just wanted
8 to know has he submitted any documents to that respect
9 and has the Board requested him to provide any to see
10 what, if any, I guess derogatory effect or negative
11 effect it might have on the property of Lifetime.

12 CHAIRMAN DePINTO: Mr. Minno, have you
13 analyzed the Lifetime Fitness property and the
14 potential that it may have on your proposed design?

15 THE WITNESS: No, not with respect to sun
16 or that type of thing.

17 CHAIRMAN DePINTO: Right. With respect to
18 the proximity of Lifetime to the proposed development,
19 do you have any concerns or is it something --

20 THE WITNESS: I don't. But, I think at
21 our closest corner which would be the northeast corner
22 of our building to the common property line not to the
23 Lifetime buildings or pool area or play area, we're
24 58.5 feet from the closest corner to the property
25 line. And the angle is, as it angles west, that

1 dimension increases.

2 MR. O'SULLIVAN: Just for the Board, I was
3 at the property. It turns out that the tables and
4 chairs and umbrellas are actually right off the
5 property line for Lifetime Fitness so he is right
6 about 58.5. It's only a few more feet to Lifetime
7 members sitting out there at that particular location.
8 So, it may become some concern, you have a five-story
9 structure on that side of the building towering over
10 an existing outdoor space for Lifetime Fitness. I
11 think someone ought to look into that.

12 CHAIRMAN DePINTO: Yeah. Miss Green, I
13 would ask that you take a look at that and in your
14 next report see if you could address that as well.

15 Thank you.

16 MR. O'SULLIVAN: Thank you. That's it.

17 CHAIRMAN DePINTO: Okay. Anyone else from
18 the public? None.

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

21 MR. STEFANELLI: So move.

22 MR. D'AGOSTINO: Second.

23 CHAIRMAN DePINTO: Mr. Stefanelli. Mr.
24 Stefanelli, seconded Mr. D'Agostino.

25 All in favor?

1 (Aye)

2 Mr. Wolfson, we're going to take a break and be
3 back in about 10 minutes.

4 MR. WOLFSON: Thank you, sir.

5 CHAIRMAN DePINTO: Thank you.

6 (A recess is taken.)

7 CHAIRMAN DePINTO: Okay. The meeting will
8 come to order.

9 Mr. Wolfson.

10 MR. WOLFSON: Mr. Chairman, thank you. We
11 have a proposal in terms of process. What we'd like
12 to do, if it's acceptable to the Board, is bring Brett
13 Skapinetz back. He will explain the exhibit to the
14 Board sometime now, he will take questions on that
15 exhibit.

16 And since we have our traffic expert here, since
17 he submitted a report with the original submission,
18 there's been no changes relative to a new review of
19 revised plans.

20 CHAIRMAN DePINTO: I don't have a problem
21 with that. However, I'd like the engineering
22 testimony be very, very limited because we are
23 expecting revised plans and then we can go into it in
24 greater detail.

25 MR. WOLFSON: Absolutely.

1 CHAIRMAN DePINTO: 10 minutes or so in
2 engineering, then move on to traffic and then we could
3 call it a night.

4 Quite frankly, I'm not feeling that well and I
5 would like to be out of here by 9:30. And that's all
6 she wrote.

7 MR. WOLFSON: We hear you, Mr. Chairman.
8 We will be very brief.

9 CHAIRMAN DePINTO: Okay.

10 MR. REGAN: Mr. Skapinetz, you were
11 previously sworn, you remain under oath. Thank you.

12 THE WITNESS: Understood.

13 CONTINUED DIRECT EXAMINATION BY MR. WOLFSON:

14 Q Okay. So, Brett, I see on the easel as
15 well as on the screens there is the exhibit that's
16 been referred to a number of times that was submitted
17 to the Board.

18 A Yes.

19 Q Do you want to describe that for
20 identification purposes and then we'll mark it?

21 A Sure. The exhibit is entitled site plan
22 rendering with a preparation date of 2/19/19 which is
23 prepared to represent changes that were identified and
24 discussed at the January 2nd hearing.

25 MR. WOLFSON: Mr. Regan, are you up to

1 A-14.

2 MR. REGAN: A-14.

3 MR. WOLFSON: We'll mark that A-14.

4 Q Okay. Brett, the Chairman is looking for
5 brief testimony on just those changes that were made.

6 A Sure. At our last meeting there were some
7 comments brought up by the Board and the Fire
8 Department as well that we want to at least get into
9 this exhibit because there was some discussion.
10 Particularly, I want to start with the fire as to how
11 we would accommodate them when it comes to access of
12 the building, one of the main comments we talked about
13 for quite a while that evening and a lot of it
14 revolved around the detention basins, two of them that
15 were shown in the original plans.

16 This exhibit shows the removal of one of those
17 basins, the one on the northern end. And that was
18 accommodated and it was an idea that I thought about
19 when we were standing here at the meeting as to how we
20 could do it, was to remove that one and if we could
21 combine it with the one on the western side, enlarge
22 that one, to deal with the additional volume lost by
23 the elimination of that northern basin, could we do
24 it. We ran calculations. Of course those were
25 submitted as well with the revised plans. It shows

1 that this basin can work similar to the two that we
2 had in the original design.

3 By doing so and also making adjustments to the
4 shape of the basin on the western side we go from an
5 area or a distance that was about 15 feet from the
6 edge of the building to the edge of the basin in the
7 original plan. That gets doubled to more than 30 feet
8 which with the exception of one small pinch point,
9 it's about 14 feet at the northeast corner of the
10 basin.

11 Then, with the elimination on the northern end,
12 now we have a lot more room. And, of course, there
13 needs to be a revised grading plan to show this but we
14 can get about 40 feet on that northern end from the
15 edge of the building to where the grading will drop
16 off as it naturally does towards the man-made ditch on
17 the northern property line.

18 So that's the largest change that we made and,
19 obviously, that's the one that's colorized with the
20 most color, obviously, in this exhibit.

21 Other modifications that we made and discussed
22 were alterations to the parking.

23 And let me go back to the increase in the basin
24 size. As a result of that, we lost a few parking
25 spaces on the western end.

1 But there was discussion then about
2 reconfiguring and bringing the ADA parking spaces much
3 closer to the front entrance. And by doing so,
4 reconfiguring the front island where we originally did
5 not have parking shown on the building side of this
6 island, it was just on the opposite side, on the
7 southern end of that island we are able to increase
8 and get those spaces back.

9 So we have a total of 357 parking spaces
10 proposed where 357 are required in this plan set. We
11 lost one parking space. I testified to 358 in the
12 last hearing.

13 We added a sidewalk. There was a question about
14 sidewalk being added to the southern most spaces where
15 the residents could walk safely without having to go
16 through drive aisles and we're able to accommodate
17 that in the landscape island that's there.

18 There was talk again going back to fire. They
19 were concerned about one access point coming in as we
20 showed in the original plan. The main access coming
21 in off Sony Drive at the northeastern part of the site
22 and that was the only access shown. Well, we
23 introduced the grades in this location on the
24 southeastern end of the project match up with, again,
25 the Park Ridge property pretty well. There's no

1 changes in grade that we show on the northeastern end
2 which required any walls and be able to provide a
3 cutout, a gate -- sorry, bollards with a chain, a lock
4 box that the Fire Department could access when needed,
5 emergency purposes only at that location. And, we
6 certainly want to, when we make our submission, we're
7 looking to get something back from the Fire Department
8 on that.

9 We also provided, there's three red dots shown
10 on the exhibit. Again, a Fire Department comment to
11 illustrate where proposed hydrants would be located.
12 They were not illustrated in the previous plan. We
13 were looking for their feedback. They asked us to
14 show it to them and that would be in the revised set
15 for their review.

16 The last change that I show in the plan was to
17 show an increase in the -- sorry, the reduction in the
18 disturbance of trees at the Woodcliff Lake border.

19 Early on in the testimony a representative from
20 Woodcliff Lake was here and there was testimony about
21 providing 30 feet, leaving a 30 foot width of trees on
22 our side, on the Montvale side not within Woodcliff
23 Lake but leaving 30 feet. We are going to be able to
24 do that through some regrading in that location and I
25 illustrate the 30 foot swath of trees at that spot.

1 I'm just checking my notes. Those were the main
2 changes to be made.

3 And to go though, though I'm not, not talking
4 specifically to the review letters but I did go
5 through each one of them, the engineer's letter, the
6 planner's letter, landscape comments from the
7 Environmental Commission, we will certainly make a
8 point by point response to each one of those. Unless,
9 Mr. Hipolit --

10 CHAIRMAN DePINTO: Well, I don't know --

11 THE WITNESS: -- or the engineer have any.

12 CHAIRMAN DePINTO: It's not necessary at
13 this moment but the revised plans will come in with an
14 established date for the carrying of the hearing. And
15 I will require from Board professionals their
16 technical reviews be done in time so that you could
17 get advance copies so that we could advance it at the
18 continued public hearing.

19 However, I understand that there is a new Police
20 Department review letter.

21 Do you have that, Mr. Wolfson?

22 MR. WOLFSON: We received that this
23 evening.

24 CHAIRMAN DePINTO: You received that this
25 evening. And, obviously, you haven't had an

1 opportunity to review that but I would ask that we
2 mark that into evidence.

3 MR. REGAN: B-4.

4 CHAIRMAN DePINTO: And I'm certain that
5 the design engineer has a copy and in your redesign if
6 there's anything that can be addressed with regard to
7 their review letter, it would be appreciated. I think
8 that will save us a step in the process.

9 MAYOR GHASSALI: Mr. Chairman, this is
10 dated January 23rd?

11 CHAIRMAN DePINTO: Which ones do you have?

12 MR. REGAN: That's it.

13 CHAIRMAN DePINTO: The date, Mr. Wolfson,
14 of the one that you have?

15 MR. WOLFSON: That's the date, same
16 letter.

17 CHAIRMAN DePINTO: January 23rd?

18 MR. WOLFSON: Correct.

19 MAYOR GHASSALI: And you got that.
20 Correct?

21 MR. WOLFSON: Correct.

22 CHAIRMAN DePINTO: Who did you receive
23 that from?

24 MR. WOLFSON: The Board.

25 MR. REGAN: He asked me for copies.

1 CHAIRMAN DePINTO: Okay. You should have
2 received it beforehand naturally. But it's now been
3 marked B?

4 MR. REGAN: B-4.

5 CHAIRMAN DePINTO: And it will be
6 incorporated and the requests will be incorporated on
7 the amended plan.

8 With that said, Mr. Hipolit, do you have any
9 comments or questions based upon this additional
10 testimony that you heard this evening?

11 MR. HIPOLIT: No. I mean I'll say the
12 concept which it seems like they're making an
13 improvement that could work for fire protection in the
14 building but we need to see grading to ensure the
15 firemen can walk back there and put a ladder up
16 against the building and see how all that ties into
17 the rest the site.

18 The one thing I'll add, looking through my notes
19 from the Police Department, one of the things that the
20 police had talked about was potentially a secondary
21 access to this site from the Parkway, some kind of
22 emergency access, just grading an area that if they
23 had to come down it would be gated, they could come
24 down in an utter emergency. I don't know that they
25 provided that but other sites on the Parkway do have

1 it. I don't know if they ever need to use it but...

2 MR. WOLFSON: I might anticipate some
3 issues dealing with the Turnpike Authority on that.

4 CHAIRMAN DePINTO: Aren't you?

5 MR. WOLFSON: We have successfully dealt
6 with the Turnpike Authority on their initial letter
7 and resolved any concerns they had but I know that our
8 traffic expert can speak to that proposal as well.

9 MR. HIPOLIT: Again, the police are not
10 here but the only thing that I think you guys could do
11 that would be great is if you asked the Parkway would
12 they allow a graded area that's gated, locked and if
13 the police and the fire had to get through or police
14 could get through, they will get through. It could be
15 grass pavers, nothing that would look like an access
16 point but if they had to get through could they get
17 through it. Right now they couldn't. If you ask and
18 the answer is no, at least you asked. If you asked
19 and the answer is yes, we talk about what that means
20 and how you do it.

21 MR. WOLFSON: We can explore that. I'm
22 sure my client will want to talk to the liability
23 insurer.

24 CHAIRMAN DePINTO: Okay. With that said,
25 just quickly, Board Members, anyone have any

1 questions?

2 Mr. Fette.

3 MR. FETTE: You mentioned referring to the
4 northern part of the green area that you had on there,
5 you had a swale that cuts across a corner of your
6 property and appears to be mostly on what would be the
7 Lifetime Fitness property.

8 Is there any proposed improvements to that
9 swale?

10 THE WITNESS: No.

11 MR. FETTE: Not even on your property?

12 THE WITNESS: No. We have a Letter of
13 Interpretation from the DEP that designates that as a
14 man-made swale and that will be provided with our
15 resubmission, that updated letter and we're covered
16 with the DEP.

17 MR. FETTE: My last question is, if you
18 follow the grade line which shows the border between
19 Montvale and Park Ridge, about two-thirds of the way
20 down as it cuts across the parking spaces, you have
21 parking spaces numbered in a triangle and also on the
22 six sided figure?

23 THE WITNESS: Yes.

24 MR. FETTE: I wasn't here for the first
25 meeting but I think I remember reading something in

1 the transcript.

2 THE WITNESS: Yeah.

3 MR. FETTE: Could you just explain that
4 very quickly?

5 THE WITNESS: The ones that are in the
6 hexagon, they are representative of the spaces that
7 are only counted and only full spaces counted within
8 Montvale. The ones in the triangle are the partial
9 spaces, are the ones shared and in Park Ridge. The
10 only full spaces are counted within Montvale within
11 the other hexagon.

12 MR. FETTE: Okay. My last question is,
13 the full spaces that are counted in Montvale, those
14 are the ones that equal the 357.

15 THE WITNESS: That is correct, the ones at
16 grade plus the ones in the garage.

17 MR. FETTE: I understand that but those
18 are the ones that total the 357 that you testified to?

19 THE WITNESS: That's correct.

20 MR. FETTE: Thank you. That's it.

21 CHAIRMAN DePINTO: Rose.

22 COUNCILWOMAN CURRY: At the February 5th
23 meeting we had talked about spaces in the Montvale
24 section, the additional green space.

25 Is that what you're showing here?

1 THE WITNESS: On the February 5th?

2 MR. REGAN: January 2nd.

3 COUNCILWOMAN CURRY: January 2nd. Sorry.

4 Yes.

5 THE WITNESS: It was always agreed it was
6 a basin previously on the north end. It was always
7 green. We're not, we're not providing any additional
8 green space in the plan.

9 COUNCILWOMAN CURRY: No greenery.

10 THE WITNESS: There will be additional
11 greenery in the updated plan set because of the
12 comments we did receive in the review letters
13 requiring us to add additional landscaping.

14 COUNCILWOMAN CURRY: Thank you.

15 CHAIRMAN DePINTO: Okay. Very good.

16 Let's open to the public and then we'll take
17 your last witness.

18 I'll entertain a motion.

19 MR. TEAGNO: So move.

20 CHAIRMAN DePINTO: Mr. Teagno, seconded
21 Mr. Culhane.

22 All in favor?

23 (Aye)

24 Mr. Alampi, do you have any questions of this
25 witness?

1 MR. ALAMPI: Just a few.

2 CROSS-EXAMINATION BY MR. ALAMPI:

3 Q Brett, so using this Exhibit A-14, I see
4 that you delineate in the triangle a number of parking
5 spaces.

6 That would be Park Ridge?

7 A That's correct.

8 Q And so you maintain that you have 357
9 parking spaces in Montvale with the surface parking
10 and the podium parking?

11 A That's correct.

12 Q And you are applying for 357?

13 A That's correct.

14 Q Why are you capping the Park Ridge?

15 A I'm only, I'm only delineating those
16 because those are the ones that are being altered. As
17 a part of our plan we need to provide, we're creating
18 essentially reconfigured spaces in Park Ridge in those
19 locations so I'm simply just delineating, noting how
20 many that we're recreating essentially in Park Ridge
21 as to the changes.

22 Q So whether it's before the Board in Park
23 Ridge because of the altered parking or whatever,
24 you're delineating it for clarity for that purpose?

25 A That's correct.

1 Q So are you stating that there are no
2 residential parking spaces in the Park Ridge planned
3 group?

4 A I'm not saying that there aren't
5 residential parking spaces.

6 If you look at the configuration of the drive
7 aisles and how people enter into the facility, there
8 are parking spaces that if you were to pull in the
9 main drive aisle and head towards the front of the
10 building you would be in a drive aisle that would lead
11 you to parking spaces technically within Park Ridge
12 that we could park within.

13 Q I'll get to the drive aisles in a moment.
14 But the actual parking spaces, are there parking
15 spaces that support this application of the
16 residential application that are cross into Park
17 Ridge?

18 A I can answer this no when it comes to
19 meeting the Montvale ordinances.

20 Q Okay.

21 A But yes when it comes to the ability for
22 someone to pull in and utilize the parking space if
23 they so desire, yes, they could.

24 Q Purely on the numbers of parking spaces
25 you're saying we have a sufficient number of parking

1 spaces within Montvale?

2 A Yes.

3 Q And there are parking spaces that are
4 shown in Park Ridge and you just explained why.

5 But are you saying that you have to go back into
6 Park Ridge with a vehicle in order to access a
7 Montvale parking space?

8 A It's -- yes, there is, there is, depending
9 where you are on the site someone may, may have to do
10 that.

11 For instance, if, if someone was pulling in the
12 main drive aisle --

13 Q Look here.

14 A Can you look there?

15 Q Show me with your hand.

16 A You know what, I don't have --

17 Q It cut itself --

18 A I guess.

19 Q All right.

20 BOARD SECRETARY: There you go.

21 THE WITNESS: It's a little blurry.

22 A To answer your question, yes. Someone,
23 someone to access the parking spaces in Park Ridge
24 would pull in --

25 Q No, access the spaces in Montvale.

1 A To access the spaces in Montvale someone,
2 yes, would be driving through just to even enter into
3 the site from Sony Drive.

4 Q We have to parse right now. I just want
5 to know the physical layout of parking spaces, whether
6 or not any of the parking spaces that constitute your
7 357 spaces require a vehicle to, other than the main
8 access, to traverse through the Park Ridge portion of
9 the property?

10 A Yes, they do. They are required to go
11 through Park Ridge at two other locations to get to
12 the parking spaces.

13 Q Just point to that for us.

14 A The two southeastern locations, I'll call
15 it the two corners, southeastern corners of the
16 building. So the one I'm pointing to now just to the
17 east of the main entrance and then further along the
18 Montvale/Park Ridge boundary in the southeastern
19 corner of the southern most end of the building.

20 MR. ALAMPI: Okay. Thank you.

21 CHAIRMAN DePINTO: Okay. Thank you.

22 Anyone else?

23 MR. ALAMPI: Thank you.

24 CHAIRMAN DePINTO: Anyone else from the
25 public?

1 MR. O'SULLIVAN: Do I introduce myself
2 again? David O'Sullivan, Park Ridge, New Jersey.

3 EXAMINATION BY MR. O'SULLIVAN:

4 Q With respect to the redesign of the storm
5 water system again the shoot that seems like it's
6 going out to the, I guess, the northwest corner there,
7 is that where storm water is running?

8 A No. That's actually an overflow spillway.
9 We're going to be required in this basin, we're
10 designing it to meet storm water regs of the State,
11 the Borough, Soil Conservation, a bunch of other
12 agencies. We're, we're meeting the requirements of
13 those agencies and in that design we require emergency
14 spillway, anything above, essentially, the hundred
15 year storm. And that's the gray area that you're
16 talking to in the northwest corner.

17 So water over that hundred year storm will go
18 down that spillway, run down a stone path essentially
19 in that location represented by the gray and leading
20 towards that channel.

21 Q So, in general, the storm water coming off
22 the Hornrock property will be spilling on to the
23 Lifetime property?

24 A No.

25 Q With respect to the hundred year storm you

1 would expect some storm water to run on to the
2 property?

3 A Well, there is currently, drainage
4 patterns today, there is water that technically, in
5 that northwest corner, is heading towards the Lifetime
6 property but we're not increasing the amount of water
7 that's going to the northern property line which we're
8 required in our design to do by not increasing the
9 amount of, rate of runoff heading towards that
10 property.

11 Q That's also where I was going because I
12 thought there was a State law prohibiting runoff from
13 one property going onto someone else's property.

14 A Not if it's, not if it's happening
15 already. If it's happening already and I have a
16 project where in this case the grade of this property
17 essentially flows for the most part from the south
18 towards the north, toward that area so we're
19 intercepting the majority of the water now and
20 bringing it into the basin and the structure and it
21 heads then to the east. The small portion, the
22 portion that's to the north shown as green in this
23 case. That's primarily the only area that will be
24 flowing in that direction.

25 And in our report, updated report, because it's

1 a different condition than the original plan, it will
2 show that we're going to be reducing the amount of
3 water, or meeting or reducing the amount of water
4 that's going there today.

5 Q Did you guys submit any type of altered
6 survey with this?

7 A Yeah. There's one submitted with the
8 application.

9 Q And with respect to the water, you said
10 ultimately is it going underground to go and to go
11 west?

12 A It is, as it does for the majority of the
13 site today with the Sony building. There is an
14 infrastructure in place, storm water collection system
15 we're tying into which draws the water to the east.

16 Q With respect to the property now, what's
17 the percent pervious of the property as it exists now
18 and what's the proposed pervious?

19 A I'm sure Mr. Alampi brought that up.

20 I'm going to do it by way of square footage or
21 area of impervious right now.

22 Right now on the Montvale property only 74,567
23 square feet of impervious coverage. We are increasing
24 it by 97,422 square feet of impervious for a total of
25 171,989 square feet which, for the Code, as I

1 testified to previously, we're at 56 percent total
2 impervious coverage where the zone allows for 60
3 percent.

4 Q You went from 74,000 square feet to
5 172,000 square feet?

6 A That's right.

7 Q With respect to the assessed value of the
8 property today, again I don't know who might be able
9 to answer this question, what is the assessed value of
10 this property?

11 MR. REGAN: How is that relevant? That
12 has no consideration at all.

13 MR. O'SULLIVAN: I'm just asking the
14 question.

15 MR. REGAN: It's really not relevant.

16 If you want to answer, Mr. Chairman.

17 MR. O'SULLIVAN: It's relevant to the
18 extent there is development on the property is
19 basically parking spaces and now there's going to be a
20 major development on it and a massive increase.

21 MR. REGAN: Absolutely irrelevant.

22 Your call, Mr. Chairman.

23 CHAIRMAN DePINTO: Mr. Wolfson.

24 MR. WOLFSON: It's a public record and you
25 can easily access it.

1 MR. O'SULLIVAN: I can.

2 CHAIRMAN DePINTO: Thank you.

3 MR. O'SULLIVAN: Thank you.

4 MR. ALAMPI: Chairman, just one question.

5 CHAIRMAN DePINTO: Sure.

6 RECROSS-EXAMINATION BY MR. ALAMPI:

7 Q Brett, you just testified to my question
8 from January about impervious square footage that's
9 increased.

10 Is that delineated on your Exhibit A-14?

11 A No, it's not but I'll make sure that it's
12 placed.

13 Q Could you put those notes in some type of
14 overlay to show --

15 A We'll make it -- we'll note it in the
16 plans and it will be noted in the drainage report as
17 well.

18 Q I want, if you can, an illustration of it
19 as well, if you can.

20 A Okay.

21 CHAIRMAN DePINTO: Anyone else from the
22 public? No.

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

25 MR. STEFANELLI: So move.

1 CHAIRMAN DePINTO: Second.

2 MR. ZITELLI: Second.

3 CHAIRMAN DePINTO: Mr. Stefanelli,
4 seconded Mr. Zitelli.

5 All in favor?

6 (Aye)

7 CHAIRMAN DePINTO: Okay. Mr. Wolfson,
8 your final witness.

9 MR. WOLFSON: Yes. I would like to call
10 Mr. Verderese, our traffic expert.

11 MR. REGAN: Do you swear or affirm that
12 the testimony you give in this proceeding shall be the
13 truth so help you God.

14 THE WITNESS: Yes, I do.

15 MR. REGAN: For the record, state your
16 full name, spell your last.

17 THE WITNESS: Nicholas Verderese, V E R D
18 E R E S E.

19 MR. REGAN: Thank you.

20 THE WITNESS: You're welcome.

21 DIRECT EXAMINATION BY MR. WOLFSON:

22 Q For the benefit of the Board and the
23 record, please give us a brief background of your
24 education and professional experience.

25 A I'm a principal at Dynamic Traffic located

1 at 1904 Main Street, Lake Como, New Jersey.

2 I have a Bachelor of Science degree in Civil
3 Engineering from Rutgers University in 1990. I'm also
4 a licensed professional engineer in the State of New
5 Jersey, a member of the Institute of Transportation
6 Engineers, regularly appear before boards throughout
7 the State of New Jersey and represent boards as well.

8 MR. REGAN: Mr. Chairman, I think he can
9 be deemed qualified in the field of traffic
10 engineering.

11 Mr. Alampi, any objection?

12 MR. ALAMPI: No. I have known Mr.
13 Verderese for years and accept his credentials.

14 CHAIRMAN DePINTO: And the Chair will
15 accept the recommendation of counsel to accept him as
16 well.

17 THE WITNESS: It's 29 years, just for the
18 record.

19 MR. ALAMPI: You're not young anymore.

20 THE WITNESS: I try to keep it there and
21 stay at 29 for one more year.

22 MR. REGAN: A long time.

23 Mr. Wolfson, do you want to mark his report?

24 MR. WOLFSON: Sure.

25 MR. REGAN: A-15.

1 MR. WOLFSON: Thank you.

2 DIRECT EXAMINATION BY MR. WOLFSON:

3 Q In connection with your retention on this
4 project, did you have the opportunity to review the
5 proposed project from a traffic engineering
6 perspective?

7 A Yes, I did.

8 Q And did that result in the drafting of a
9 report?

10 A Yes.

11 Q Could you describe the report that's now
12 been marked?

13 A Yes. It's originally dated June 10th,
14 2018. It was revised October 22nd, 2018.

15 The reason for the revision were some comments
16 from the Bergen County Engineering Office to include a
17 couple different intersections, West Grand and Philips
18 Parkway as well as Spring Valley Road and Brae
19 Boulevard which weren't included in the original plan
20 as well as to add a full development of the site.

21 So including a potential, very potential, very
22 possible Park Ridge development we added which adds
23 900 plus units on top of this. We did that full
24 development and that is what they requested.

25 Q Can you lead us through the highlights of

1 your report?

2 A Yes.

3 So we performed a series of traffic counts.
4 Some were done early June of 2018. Then, based on the
5 County's requirements, new counts were done October
6 2018, normal peak hours, morning commuter peak hours,
7 evening commuter peak hours. We determined that the
8 typical commuter peak hour 7:45 a.m. - 5:00 p.m. on a
9 weekday, those are the controlling hours for this type
10 of development and for this area in general.

11 One thing to note, this residential development
12 in the area that it's in. It's in what I'll say is
13 office/industrial type area commercial uses.

14 So what happens in the area, there are three
15 ways that feed the area. There's coming from West
16 Grand down Mercedes, West Grand down Philips and then
17 from Spring Valley over Brae Boulevard. Those are
18 essentially the three ways in and out of this area.

19 Most of the development, as I said, is
20 commercial in the area so a lot of it's office. So
21 you have a lot inbound traffic in the morning and
22 outbound traffic in the afternoon.

23 Well, when you put residential in here, it's
24 complementary. It has the opposite effect. It has
25 outbound traffic in the morning and inbound traffic in

1 the evening. So switching over from an office use to
2 a residential has an actual benefit versus having all
3 office space because it kind of mixes so you don't
4 have all the traffic making the same movements
5 throughout the day.

6 So we did, we looked at what 185 units
7 generates. We utilized a mid rise apartment, a mid
8 rise residential development land use which is
9 published by the Institute of Transportation
10 Engineers.

11 There was a question in your engineer's letter
12 as the potential of using low rise. There was a
13 comment in there, probably the only comment I
14 disagreed with in the entire review letter.

15 There was a current review letter of February
16 14th that I did review this evening. There was some
17 comments that this data included some higher density
18 areas, downtown urban core, et cetera.

19 When I looked back at the data before the
20 meeting I will charge that that data is not in there.
21 That's the accepted data for a suburban multi-unit mid
22 rise development.

23 So I'm comfortable that those numbers are
24 representative of this project.

25 So what we anticipate the project to generate,

1 morning peak hour, 63 total trips, that includes both
2 in and out, evening peak hour 80 trips. As you can
3 tell, it's not a real high traffic generator,
4 multi-family residential.

5 Normally, when we do traffic studies and we look
6 at impact, most agencies have a threshold of 100 trips
7 is what they consider significant where they would
8 want you to look at impacts. This doesn't even rise
9 to the level of us warranting really looking at
10 intersections but we did. We looked at a number of
11 intersections. We looked at the Brae Boulevard and,
12 and Sony Drive, our access essentially we looked at
13 that intersection as well as the three intersections I
14 mentioned earlier on the County roadways.

15 Our impacts to those are negligible again
16 because the volumes are so light and there's three
17 ways in and out, quickly disburses. We did generate
18 most of our traffic towards the Parkway so on West
19 Grand up 40 plus percent in that area and then
20 distributed relatively equally around some of the
21 other areas. So we're confident that we properly
22 projected future impacts.

23 The impacts, when you look at our analysis,
24 there's tables in there that shows pre and post
25 development operation of those intersections that we

1 analyzed. It's a couple of seconds in delay change,
2 again because it's really not all that much traffic
3 being generated on the roadways.

4 We also looked at that full 1,100 plus unit, if
5 we develop that 970 plus units in Park Ridge and you
6 could see there, there are some impacts there. So
7 some of the movements will go to maybe E. Level of
8 Service where nothing operates as an absolute,
9 everything is what we consider an acceptable Level of
10 Service. This did get all submitted to the County so
11 the three exterior main feeds to this area are all
12 County intersections.

13 But part of the way through this application
14 process the County decided to hold their review until
15 the review, our application was finished here in
16 Montvale and then they will continue back up with the
17 review at that time. But, again, we're comfortable
18 that they're going to find our findings to be
19 acceptable.

20 Next we looked at on-site circulation parking.
21 We meet all the aisle widths of the ordinance, RSIS,
22 parking stall sizes, parking stalls within the garage,
23 the podium parking spaces. 172, as you heard, those
24 are then dedicated to the residents. It's the same
25 people every day.

1 So there is a dead end aisle at one of the ends.
2 People are going to know when they go down there, they
3 park there every day, generally people have the same
4 patterns in the parking in similar parking spaces.
5 There is an area close to there if you need to K-turn
6 and exit. We're comfortable that they could.

7 But as far as the design, we feel very
8 comfortable that it's been designed to meet all
9 industry standards for parking stall sizes, access and
10 circulation on the property.

11 As Brett mentioned earlier, we have provided a
12 second means of access to the property itself through
13 the parking lot in Park Ridge. It's shown on our
14 updated plan. Also we provided a pedestrian
15 connection to the far corner, the southwest corner of
16 the lot as requested by your engineer as well.

17 One of the items, I apologize, I skipped over.
18 There was a request to review the intersection of Brae
19 Boulevard and Sony Drive/Philips for potential for a
20 traffic signal. You're all familiar, there used to be
21 one there. It was removed as part of an application.
22 I was alerted by the Board's Engineer this evening,
23 kind of the proceedings of what went on there. So I'm
24 paraphrasing what I was told. But that was removed at
25 the time.

1 Some money was put aside from the Lifetime
2 Fitness application. So there was some money there
3 for a traffic signal. We will do a traffic signal
4 warrant to see if it does meet the warrant. We will
5 look at that with just the 187 units and we'll look at
6 it with the potential full development to see if it
7 meets. If it meets, we will absolutely contribute our
8 fair share to that traffic signal being installed.

9 Circulation, as far as trucks, there are some
10 plans in there. I think your engineer asked for some
11 additional turning movements for some of the fire
12 trucks and we'll provide that in our new package.

13 That's pretty much all I have.

14 In summary, it's been well-designed. The site
15 has, again, meets all the requirements, access,
16 circulation and parking.

17 Q Nick, you referred to both the February
18 14th traffic review letter from Maser as well as the
19 Police Department letter from the end of January.

20 Are there any provisions in there that you
21 haven't addressed that you wanted to?

22 A No.

23 MR. HIPOLIT: My letter wasn't marked.

24 MR. REGAN: They haven't been marked.

25 Mr. Chairman, I think maybe we should.

1 CHAIRMAN DePINTO: Why don't we mark
2 the --

3 MR. REGAN: The traffic will be B-5. And
4 the police, the police has already been marked as B-4.
5 I'm sorry. The traffic will be B-5.

6 CHAIRMAN DePINTO: What's the date?

7 MR. REGAN: February 4th.

8 CHAIRMAN DePINTO: Okay. I'm sorry.
9 Please continue.

10 Q I just asked, without knowing the answer
11 so I'm not supposed to do that, whether you had any
12 other comments.

13 A Just one is, there was a comment as far as
14 gaining access to the Parkway. Obviously, we'll look
15 into that to see if it's even feasible. I don't know
16 if the grades work, whatever but we would look into
17 it. It's definitely an out of the box comment so we
18 weren't really thinking of it.

19 MR. WOLFSON: That completes his
20 testimony.

21 CHAIRMAN DePINTO: Okay. Thank you.

22 Did you have -- I believe you stated that you
23 had preliminary discussions with the County relative
24 to their opinion as to the adequacy of the roadways to
25 accommodate the proposed development not only in

1 Montvale but what ultimately may exist in both
2 Montvale and Park Ridge.

3 THE WITNESS: Yes.

4 CHAIRMAN DePINTO: And they suggested to
5 you that they were going to hold off on granting a
6 formal opinion until such time as your application
7 before this Board has been concluded?

8 THE WITNESS: Correct. So they -- just to
9 take it through the steps, we submitted a study. They
10 asked for some additional information so we were in
11 contact with them.

12 After we sent that to them, we were going back
13 and forth and then, at some point, they decided, I
14 can't say exactly the date they decided, that they
15 wanted to hold off on the review.

16 CHAIRMAN DePINTO: That may be the result,
17 I guess I'm speculating, but that may be the result of
18 the fact that the County is proposing synchronizing
19 the traffic signals from the intersection of Chestnut
20 Ridge Road and Grand, traveling east down to Spring
21 Valley Road and Grand.

22 Was it going any further than that, Mr. Hipolit?

23 MR. HIPOLIT: They're actually proposing
24 to do the whole town at some point. We have 11 or 12
25 signals. The main portion was the section you're

1 talking about.

2 CHAIRMAN DePINTO: There's a development,
3 there is an application before the Board right now on
4 the property that formerly housed the corporate
5 headquarters of Mercedes-Benz and they have been
6 apprised of the County's desire to synchronize these
7 signals as well. And they believe it's necessary to
8 accommodate the, both the existing traffic flows and
9 proposed growth in traffic anticipated.

10 It would seem to me that anything the Board were
11 to do with respect to granting any approvals would
12 also be conditioned upon you paying your proportionate
13 share of the cost of such improvements if mandated by
14 the County.

15 I presume your client would have no objection to
16 that.

17 Is that a fair assumption?

18 THE WITNESS: Yes.

19 CHAIRMAN DePINTO: Mr. Wolfson.

20 MR. WOLFSON: Yeah. Well, to the extent
21 the County would be ultimately needing to issue an
22 approval, it probably would be conditioned in there so
23 the answer is yes.

24 CHAIRMAN DePINTO: Okay.

25 THE WITNESS: Just real quick. I don't

1 know if the development -- we did include three
2 developments that are in the area. One is called
3 Triboro Square. I don't know if that's the one you're
4 speaking of.

5 MR. HIPOLIT: It is.

6 THE WITNESS: That traffic is actually in
7 our traffic study as well.

8 CHAIRMAN DePINTO: Okay. Good. And then
9 there's an assisted living proposal on Philips
10 Parkway. I don't know if you included that.

11 THE WITNESS: We included three
12 developments. One was Toll Brothers which is north of
13 Grand, we included the one I just spoke of, Triboro,
14 and we also included the remaining parcels of the
15 Wegmans. So I don't know if that's where that
16 development is but I'm not familiar with that one.

17 CHAIRMAN DePINTO: Okay. Well, we'll have
18 to go over what was included in your study and we'll
19 share that information with the County.

20 I think the synchronizing of the signals, based
21 upon how the County explained it to us, could benefit
22 traffic flow in the Borough and how, in particular,
23 the projects in the general vicinity of the subject
24 property would be well-suited in participating in that
25 program.

1 Mr. Hipolit, what is the progress of the County
2 with regard to the synchronizing? I know they were
3 putting some numbers together on this.

4 MR. HIPOLIT: They have. So they're
5 getting closer but it depends on how many signals they
6 do, what is more economical. But it looks like
7 numbers in the amount of \$50,000 per signal for the
8 seven adjoining signals that are closest and then
9 there's five that are farther away.

10 CHAIRMAN DePINTO: Okay. So we'll, we'll
11 have to get some more information from the County on
12 it so that we could share so it could be incorporated
13 in any resolution whereby the developer is consenting
14 to its participation in. Some of it is actually on
15 municipal roads not just County roads.

16 Mr. Wolfson.

17 MR. WOLFSON: I'm just hearing the number
18 of signals and the dimension of expense but the answer
19 is generically obviously we want to be cooperative in
20 resolving. I just want to understand the dimension of
21 the thing.

22 CHAIRMAN DePINTO: Yeah. We'll, we'll
23 give you more information as it's made available.

24 MR. HIPOLIT: We're still working on it.

25 CHAIRMAN DePINTO: It's a work in progress

1 but I think we'll all benefit.

2 I guess questions and I'm starting with Mr.
3 Lintner.

4 MR. LINTNER: Thank you, Mr. Chairman.

5 Just real quick, could you put the levels of
6 traffic in layman's terms, Level of Service? What's
7 the difference between a D. and a C. and an E.?

8 THE WITNESS: So essentially the industry
9 has determined that anything that's not an F. would be
10 considered acceptable so start there. It's a scale of
11 A. to F. with F. being the worse and A. being the
12 best.

13 MR. LINTNER: E. is acceptable?

14 THE WITNESS: Yeah, E. is considered
15 acceptable.

16 MR. LINTNER: If it got worse it would be
17 considered unacceptable?

18 THE WITNESS: Yes. So once you start to
19 get in the F. range then you're looking at potential
20 mitigation with impacts or trying to improve the
21 situation at that point.

22 MR. LINTNER: At what point, I'm not
23 trying to be a wiseguy but at what point does somebody
24 say, boy, this is a lot of traffic here?

25 Is that a C. or a D.?

1 THE WITNESS: It's when it goes from E.,
2 generally from E. to F. but it all matters. It
3 matters what the geometry is, signal timing. So
4 there's a lot of factors in there. Just because it
5 has a lot of volume doesn't mean it's poor. It just
6 means there's a lot of volume in a movement that
7 doesn't work correctly.

8 MR. LINTNER: My point is traffic, people
9 do a tremendous study and we always, we always leave
10 here going home telling people you don't have to
11 worry, the traffic is no problem and then it turns out
12 a month later traffic is problem. So I'm just --

13 What worries me in your report is that we have a
14 potential of an E. Level of Service at an intersection
15 and to me E. is trending towards unacceptable. So I
16 just think we need to be careful about that.

17 THE WITNESS: So E. is at the same
18 intersection where we're looking, to look at the
19 traffic warrant, Brae Boulevard. So there's an
20 obvious mitigation measure that we'll comment at some
21 point potentially as traffic levels reach it. But if
22 it doesn't meet the signal warrant you don't install
23 the traffic signal. It's as simple as that.

24 MR. HIPOLIT: If it doesn't meet a warrant
25 you do not want a signal to go there. It creates a

1 worse situation. You only want a signal if it leads
2 to a warrant.

3 From a bigger picture, the Borough and the
4 County through other developments spent a lot of time
5 and money upgrading signals. The signalization of all
6 those signals is going to guaranty better traffic
7 movement through the Borough, both Boroughs, Montvale
8 and Park Ridge.

9 The County is willing to do a lot of work and
10 the County is agreeing to cooperate not that they want
11 to pay for anything but they agree to cooperate to
12 create this signalization of all these signals based
13 on some meetings the Mayor has had with the County to
14 which is great, it's a great benefit for both
15 Boroughs.

16 And to the extent that this applicant is
17 required to contribute, there's a formula to calculate
18 that. So it's just a matter of the County, the
19 applicant, us, sitting and coming up with what the
20 contribution is based on. There is formula you can
21 calculate what the number is.

22 MR. LINTNER: Thank you.

23 CHAIRMAN DePINTO: Mr. Mayor.

24 MAYOR GHASSALI: Just a follow-up to the
25 first point.

1 So the full build-out is 157 units -- the
2 proposed full build-out is 1,557 units.

3 Does your study change if that's not the actual
4 number?

5 So would the rate change if it's a thousand
6 units?

7 THE WITNESS: Yes. Yes. It would change.
8 So we did two analysis. We did one which is just the
9 185 here in the Borough and that showed one or two
10 seconds of change in delay, no E. Levels of Service.
11 The worse is D. up on Grand. But when we add those
12 almost a thousand more units, that's when you start to
13 see some increase in delays from this.

14 MAYOR GHASSALI: I'm sure you're not
15 comfortable saying that we're giving a report on the
16 hypothetical number but wouldn't you want to have a
17 final number first before coming up with your
18 analysis?

19 THE WITNESS: I think when we go to the
20 other municipality or the other, where the other 900
21 units are, then we'll obviously have to have a site
22 plan that has a number in it. We'll do another
23 traffic study for Park Ridge that has the true number
24 in it.

25 All those units are in Park Ridge so we would be

1 looking at the impact essentially to the same
2 intersections so we would be looking at intersections
3 in your municipality as well just as we looked at the
4 intersection in Park Ridge.

5 So we'll continue to have a comprehensive study
6 that will be reviewed by each municipality
7 individually but with the County at the key
8 intersections.

9 MAYOR GHASSALI: Potentially this would
10 change the whole report based on the final number?

11 THE WITNESS: It could. So it's anything
12 you see, it's probably a far reaching number I think
13 is where we started and, you know, if it ends backing
14 off it would just be anything a little bit better than
15 what you're seeing.

16 CHAIRMAN DePINTO: Let me ask a question.
17 I think is of Mr. Wolfson and Mr. Regan, not to
18 interrupt you, Mr. Mayor. But, the applicant is
19 seeking preliminary site plan approval. Will it be
20 necessary to have finalization on the numbers for
21 traffic prior to the granting of final site plan
22 approval?

23 MR. REGAN: I don't believe it would be
24 necessary in connection with the traffic impact study
25 but I think you'll need to know in terms of what is

1 going to happen in Park Ridge.

2 CHAIRMAN DePINTO: Mr. Wolfson, are you in
3 agreement with that?

4 MR. WOLFSON: I'm in agreement with the
5 first statement. I don't think that we need to know
6 the full development in Park Ridge. I think what we
7 need to know is that the access to the Montvale
8 development is secured one way or another.

9 We started that process with an application
10 that's pending before the zoning board. Hopefully
11 that will be granted. And as we discussed, prior to
12 commencement of the hearings, the idea of seeking only
13 preliminary here was so that the access through Park
14 Ridge would be secure. I don't believe that they need
15 to know the full build-out in order to allow the
16 Montvale development to go forward, for Montvale to
17 get the affordable units it needs under the settlement
18 agreement.

19 MR. REGAN: I think I have to respectfully
20 disagree with that.

21 This Board grants preliminary and subsequently
22 final. We still don't know what's going on in the
23 neighboring town.

24 You may well end up back before this Board for
25 an amended approval because what Park Ridge does could

1 very well impact any final approval granted by this
2 Board.

3 MR. WOLFSON: We went through great pains
4 to make the Montvale development except for access as
5 we must through Park Ridge self-sufficient, similarly
6 we understand that we may have to make a Park Ridge
7 application because of the lack of cooperation at this
8 point coming from Park Ridge self-sufficient as well.
9 That's obtained through approvals granted by their
10 boards or through the courts.

11 So I don't think we need to settle that tonight.

12 MR. REGAN: The future will tell us what
13 will happen.

14 But I can see you very well back here seeking an
15 amended approval in connection with what you had to
16 deal with in Park Ridge.

17 MR. WOLFSON: Our strategy is that we
18 won't need to do that, taking up your time.

19 CHAIRMAN DePINTO: I understand. I'm
20 sorry, Mr. Mayor. Continue.

21 MAYOR GHASSALI: So as a lay person, not a
22 professional, if we were to grant the preliminary
23 approvals so they can have access and continue with
24 their project, not knowing, that's fine.

25 Not knowing what's going to happen in Park

1 Ridge, whether it's a thousand units or 500 units, the
2 engineer may say the current plan is okay with the
3 traffic. You don't need any signals, that's fine and
4 we'll find out that, no, they won't be getting 972
5 units so now the traffic in Montvale is worse than we
6 planned for because Park Ridge got more units or they
7 got the right unit as planned.

8 So my concern is, we say it's good for Montvale
9 now, what's going to happen once Park Ridge approval
10 is approved, what happens there?

11 CHAIRMAN DePINTO: What I believe the
12 testimony, best case/worse case, if best case or in
13 your case worse case is whatever is going to develop
14 is just going to be developed in Montvale. What
15 you're proposing in terms of traffic improvements is
16 adequate.

17 And, on the other scope, if it's some 1,100
18 units, you're saying the same proposed improvements
19 would be adequate to meet it either on the low side or
20 the high side or anything in between.

21 MR. HIPOLIT: Correct.

22 MR. REGAN: This is a worse case scenario,
23 A-15.

24 THE WITNESS: Yes.

25 MR. WOLFSON: The only time it becomes a

1 problem is if we get more than the number of assumed
2 units in Park Ridge.

3 CHAIRMAN DePINTO: Okay. So we could not
4 -- it would be a problem if you were in that 1,100
5 range.

6 MR. WOLFSON: It would be a problem -- I
7 don't know that you've done the analysis for the
8 addition in Park Ridge of more than the numbers you
9 have assumed.

10 THE WITNESS: Just the 972.

11 MR. REGAN: If you go over 972.

12 MR. WOLFSON: There might be a number over
13 972 where you still don't have it.

14 THE WITNESS: There could be.

15 CHAIRMAN DePINTO: But you haven't done
16 that analysis. Okay.

17 MR. HIPOLIT: If they were 972 I think we
18 have, they have to come back here to amend because
19 that --

20 MR. WOLFSON: I agree.

21 MR. REGAN: That's a real concern that I
22 have in terms of what Park Ridge does.

23 MR. WOLFSON: If we get approvals one way
24 or another to develop more than 972 units in Park
25 Ridge I agree we'll have to come back here.

1 MR. REGAN: I'm sure you would have no
2 problem with that.

3 MR. WOLFSON: No.

4 CHAIRMAN DePINTO: Mr. D'Agostino.

5 MR. D'AGOSTINO: I guess just for
6 clarification and not to somewhat beat a dead horse
7 but if the Park Ridge side were to be developed at
8 maximum capacity, is even the access point that exists
9 adequate?

10 In the event that 1,100 units are emptying, like
11 you say, at the same time, is one point of access
12 really adequate?

13 Could we see a real change to the site that
14 might impact Montvale in any way or another in the
15 event those units get approved.

16 THE WITNESS: So the access from this
17 development is Sony Drive. So one of the comments in
18 your engineer's review is look at that warrant to see
19 if their needs to be a traffic signal. That would be
20 the mitigation.

21 If, if one wasn't adequate enough because it
22 created issues at the access point the signal would be
23 what would then mitigate that.

24 MR. D'AGOSTINO: That would be the
25 solution?

1 THE WITNESS: Yes.

2 MR. D'AGOSTINO: No further questions.

3 CHAIRMAN DePINTO: Thank you.

4 Mr. Zitelli.

5 MR. ZITELLI: I just want to clarify. So
6 if in fact the applicant has to come back to us
7 because of whatever Park Ridge does, the only thing
8 that would be impacting here is the traffic signals
9 and so on.

10 Would they have -- would they be able to start
11 building? I'm trying to think what kind of changes
12 can take place.

13 Are we going to grant them approval and then,
14 you know, they go to Park Ridge and find out they do
15 get the 1,100. Now they've already gotten approval
16 from us.

17 CHAIRMAN DePINTO: Bob, under the
18 circumstances, if they were to receive approval,
19 preliminary site plan approval and we prepare a
20 resolution memorializing what that approval is and ask
21 for practice, normal practice, I presume we would
22 prepare a developer's agreement.

23 MR. REGAN: Right. The resolution would
24 have numerous conditions. One would be obviously
25 final site plan approval but there would also be a

1 provision that if any approval is granted by the
2 Borough of Park Ridge, impacts in any way the
3 approvals by this Board, Park Ridge can't modify what
4 this Board does but it can have an approval that would
5 require the applicant to make modifications in order
6 to develop.

7 CHAIRMAN DePINTO: Let's say the applicant
8 were to get their preliminary approval, resolution,
9 developer's agreement, post performance, maintenance
10 bonds, do everything that is typically required, could
11 they start construction?

12 MR. REGAN: They could to some degree. In
13 the past we have provided that final approval is
14 required before a building permit but they could put
15 in any roadway, access drive so, only within Montvale
16 not Park Ridge, assuming they post the requisite
17 performance.

18 CHAIRMAN DePINTO: But they could not
19 construct any of the structures that are proposed?

20 MR. REGAN: This Board's practice has been
21 not to allow that, not to allow a building permit
22 until final approval.

23 CHAIRMAN DePINTO: So installation of
24 infrastructure is something that we would normally
25 allow.

1 MR. REGAN: It's rare because this Board
2 usually has final approval before any improvements at
3 all but you can, under the MLUL, do that.

4 CHAIRMAN DePINTO: And, I think that's
5 where you're going with this.

6 MR. ZITELLI: Yeah. I think so.

7 If I'm understanding correctly, the applicant,
8 we wouldn't give the applicant a building permit to
9 start construction of a building before Park Ridge.
10 I just wanted to understand that. Okay. Okay.
11 I'm a new guy here so I ask those questions.

12 CHAIRMAN DePINTO: Mr. Teagno.

13 MR. TEAGNO: I have no questions.

14 CHAIRMAN DePINTO: Thank you.

15 Mr. Culhane.

16 MR. CULHANE: Yeah, one question. The
17 parking areas we have are unique in the sense that we
18 have the municipal boundary/ improvement.

19 Would there be a need to put a identification of
20 where the boundary is within the parking areas and
21 roadways so that if there is an incident we at least
22 know which town has jurisdiction?

23 THE WITNESS: That's not something I know
24 the answer to.

25 MR. WOLFSON: Typically my experience when

1 there is a developed site that spans multiple
2 municipalities, the municipalities get-together and
3 reach an agreement on service. So if that wasn't the
4 case here we certainly would have no problem placing
5 identification signs at the municipal boundary.

6 MR. HIPOLIT: I might be able to weigh-in
7 because I did talk to our police about this. I didn't
8 talk to fire or ambulance.

9 So the police, if this was approved, would have
10 this plan on file. They would -- they have meetings
11 daily. They would understand this plan.

12 If an incident was to happen in Park Ridge they
13 would know it. They definitely don't want any
14 incidents that are not in their town. But if they
15 were to respond, under certain laws, if they're there
16 first they would handle the situation. But they would
17 want, in all cases to pass to Park Ridge because if
18 they don't they're handling paperwork in another town.

19 So it will take some effort on our police, at
20 least minimal, to understand what's happening from a
21 fire perspective when people go to a site, firemen
22 just go. They work real hard to take care of it. So
23 I don't know if it needs to be marked but at some
24 point they could exhibit to both police departments
25 it's important so they understand whose area is whose

1 with respect to paperwork.

2 MR. WOLFSON: We certainly would supply
3 whatever exhibit was felt necessary for sure.

4 MR. HIPOLIT: Okay.

5 MR. CULHANE: I have a question. Now the
6 Police Department, I'm looking for an emergency exit
7 from the Garden State Parkway.

8 In your own opinion, is that realistic, opinion
9 I said.

10 MR. WOLFSON: Andy called it outside of
11 the box earlier.

12 THE WITNESS: I'm going to leave it there
13 as outside of the box.

14 MR. TEAGNO: There's one of those in
15 Woodcliff Lake on the northbound side of the Parkway.

16 THE WITNESS: No, they're there. I'm sure
17 most of them are there for a lot of years.

18 I don't know that I've driven the Parkway enough
19 times, I don't know that I've seen new gates and
20 access points. But I don't know because I'm not
21 necessarily paying attention to that.

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

24 CHAIRMAN DePINTO: Thank you.

25 Mr. Fette.

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

3 CHAIRMAN DePINTO: Thank you.
4 Mr. Stefanelli.

5 MR. STEFANELLI: Most of my questions were
6 answered but I have one. Maybe this really goes to
7 Andy.

8 I thought for the Wegmans approval and all the
9 approvals we did, I thought we had three intersections
10 signalized. I thought Grand Avenue Chestnut Ridge,
11 Grand off Mercedes and Grand Avenue and Spring Valley
12 were all signalized.

13 MR. HIPOLIT: Did you mean to say
14 signalized or synchronized?

15 MR. STEFANELLI: Synchronized, signalized
16 and synchronized.

17 MR. HIPOLIT: So my traffic guys keep
18 telling me, I'm saying this wrong, it's actually some
19 form of synchronization actuation.

20 So what's going to happen is the County has a
21 new process. They have a headquarters back in the
22 Bergen County room, a master room kind of like Newark,
23 New Jersey has where in this room they can draw on the
24 signals with a push of the button.

25 In this case the County is going through this

1 process. They want to have all the signals in Bergen
2 County, the access. In Hackensack right now it's
3 going slow because there's so many signals. Again,
4 through discussion with the Mayor and the County,
5 Montvale doesn't have a lot of signals. This is a
6 great opportunity to use Montvale because we have
7 updated our signals. Our signals all talk to each
8 other but they don't come back to a location where you
9 can make a change.

10 MR. STEFANELLI: A centralized location.

11 MR. HIPOLIT: And this software is
12 different than what we put in there. This is more
13 modern software, bigger than what we did. Ours is
14 localized to each other. Each signal, as part of this
15 process, will have its own Wi-Fi connection, internet
16 connection and Wi-Fi back to the County. That's why
17 it's a \$50,000 increase per signal but it's a great
18 opportunity for Montvale because, at some point, our
19 police, the chief or the traffic officer, if there's a
20 problem they'll have access to it from the phone, to
21 go red, green, yellow, whatever they need to do.

22 MAYOR GHASSALI: Remote control and the
23 Mayor gets the remote control as they go through.

24 MR. STEFANELLI: I'll travel behind you.

25 MR. WOLFSON: It would be the Mayor.

1 CHAIRMAN DePINTO: Okay. Thank you.

2 Anything else?

3 MR. STEFANELLI: No. That's it.

4 CHAIRMAN DePINTO: Thank you.

5 Rose.

6 COUNCILWOMAN CURRY: Actually a question
7 for Andy.

8 When you were talking about the study that the
9 Mayor also brought up and the Chairman brought up you
10 said there were 12 signals they were looking at.

11 MR. HIPOLIT: It's 11 or 12.

12 COUNCILWOMAN CURRY: How many of those
13 signals would be maybe by this development would? You
14 say seven?

15 MR. HIPOLIT: I'm your Borough Engineer so
16 12 of 12 will be effected.

17 COUNCILWOMAN CURRY: 12.

18 MR. HIPOLIT: I'm going to say they'll
19 probably say three or four maximum; definitely
20 Mercedes and Grand, definitely Philips --

21 COUNCILWOMAN CURRY: I'm asking if that's
22 one of the studies.

23 MR. HIPOLIT: So, yes, all of the above
24 would be part of it. Yes.

25 COUNCILWOMAN CURRY: Thank you.

1 CHAIRMAN DePINTO: Okay. Bill, I started
2 with.

3 Hadn't innocent you started with me Yes.

4 CHAIRMAN DePINTO: Any other questions?

5 Hearing none, the Chair will entertain a motion
6 to open the meeting.

7 VICE CHAIRMAN STEFANELLI: So move.

8 CHAIRMAN DePINTO: Mr. Stefanelli.

9 Seconded, I'm sorry, Mr. D'Agostino.

10 All in favor?

11 (Aye)

12 CHAIRMAN DePINTO: Mr. Alampi.

13 MR. ALAMPI: Chairman, I'm not prepared to
14 go into a long cross-examination. My witness, who was
15 here earlier, had to go to Pompton Plains. I just got
16 word he would not return tonight. He thought he would
17 be here by 9:30. That's a representative of Neglia
18 Engineering, our township engineer, Mr. Brian
19 Intindola. His colleague, Daniel Lee, is here but Mr.
20 Intindola is my traffic consultant. I needed to
21 review this testimony with him.

22 And in fact, the, the colloquy between and among
23 the Board and consultants really has brought to my
24 mind a, a great deal of research that has to be done
25 at the County level and with the County's planner. I

1 only had a few questions off the top of my head for
2 Mr. Verderese but I want to continue his
3 cross-examination. Rather than do 10 or 15 minutes
4 tonight, I would rather do it consistent.

5 CHAIRMAN DePINTO: Mr. Wolfson, you will
6 bring your witness back?

7 MR. WOLFSON: He's going to look at the
8 warrant issue.

9 CHAIRMAN DePINTO: Very good.

10 MR. ALAMPI: I do have one question.

11 CROSS-EXAMINATION BY MR. ALAMPI:

12 Q The second revision, Nick, when did you do
13 the traffic study, last round of traffic studies?

14 A The last round of traffic counts were
15 Tuesday, October 2nd, 2018.

16 Q So there was only one in October?

17 A So, yes, one new count in October.

18 MR. ALAMPI: So, again, Chairman, I don't
19 think an adequate number of traffic studies were done.
20 I put the applicant on notice.

21 We have the confluence of a mega shopping center
22 with a supermarket. We have industrial type
23 buildings. We've got huge campuses for corporations.
24 And now we have this residential and who knows what
25 will happen. I really don't think we have to worry

1 about 1,100 units in Park Ridge. It might be 300.

2 But, what do I know?

3 CHAIRMAN DePINTO: You wanted to get that
4 on the record.

5 MR. ALAMPI: What do I know?

6 But the truth of the matter is, with the
7 confluence of all these different types of
8 developments and activities, I don't think that it's
9 appropriate that we did not have weekend studies.
10 There should have been traffic counts on the weekends
11 because I think there's a different dynamic.

12 So I'm putting the applicant on notice now that
13 that's what we're going to look for and certainly what
14 our experts are going to explore.

15 CHAIRMAN DePINTO: I do believe that is a
16 reasonable recommendation.

17 MR. ALAMPI: I think it should be done.

18 MR. HIPOLIT: We did weekend studies for
19 Wegmans.

20 MR. ALAMPI: Let's see what the
21 applicant --

22 MR. HIPOLIT: They can take their studies
23 and take what we've already done.

24 THE WITNESS: What we're likely to do is,
25 when we review all the other studies we'll look at the

1 previous studies, we'll compare the weekends. If
2 we're comfortable, if the weekend volumes are that
3 much lower, I don't know yet until I look at them
4 formally.

5 MR. ALAMPI: Chairman, I'm not receiving
6 copies of various letters or correspondence with
7 agencies and such. Sometimes the applicant has, as a
8 courtesy, provided some things. Mr. Wolfson has been
9 very gracious to me in the past but I'm not getting
10 everything. I could look for everything. I certainly
11 could come up here and spend hours going through the
12 files. I'm willing to do it.

13 But, in my experience, when we have this type of
14 application and parties of interest, we should have --

15 CHAIRMAN DePINTO: I assure you that you
16 will receive copies of all Board exhibits, No. 1, as
17 we do provide to applicants as well with.

18 With regard to any exhibits that the applicant
19 is going to present, that's really at their discretion
20 whether or not they wish to present it beforehand or
21 through the course.

22 MR. ALAMPI: It's actually, Mr. Chairman,
23 reports. For example, I understand that the County
24 rendered a report back in the December and now we're
25 informed that they're going to hold back. I don't

1 have any of that correspondence. But, of course, I
2 can readily OPRA request these.

3 CHAIRMAN DePINTO: I don't recall anything
4 in writing on that.

5 MR. WOLFSON: I didn't hear any testimony
6 about that at all and I've advised my client to
7 provide courtesy copies. He got the exhibit.

8 CHAIRMAN DePINTO: Thank you. We'll stay
9 on top of that for you.

10 MR. ALAMPI: Thank you, Chairman.

11 CHAIRMAN DePINTO: Okay. Anyone else from
12 the public?

13 MR. O'SULLIVAN: David O'Sullivan, 252
14 Capri Terrace, Park Ridge, New Jersey.

15 Q I was just curious, in the study, I know
16 the former Hertz campus is vacant, was there any
17 consideration with respect to that location and/or the
18 A & P location that's also currently vacant?

19 A We only include applications that are in
20 front of the Board or approved, normally just approved
21 but in the one instance we included the current
22 application at 3 Mercedes Drive.

23 Q As far as the Mercedes Benz location,
24 obviously there's going to be a mixed use retail being
25 proposed there. '

1 Was there any consideration to that property in
2 doing your analysis?

3 A Yes.

4 Q To reiterate what Mr. Alampi is saying
5 concerning the, I think you indicated that you were
6 looking at it as more the area being an office,
7 industrial, commercial. And, I guess the retail
8 component is something that I think we ought to be
9 concerned about here.

10 And I guess my question is with respect to
11 retail, the Wegmans Shopping Center.

12 Do you know what percent leased that property is
13 right now?

14 A No.

15 Q And as far as the Grand Avenue and the
16 Mercedes-Benz, did you indicate there was a D. Level
17 of Service there now, is that correct, weekday?

18 A The overall intersection in the morning is
19 a B., in the evening a C. There are movements in the
20 evening that do comprehend D.. That was the worst
21 Level of Service.

22 Q Gotcha. With respect to the regional
23 shopping center at DePiero Farms, would you not
24 expect, with that existing development in concert with
25 the Mercedes-Benz, that intersection on a Saturday

1 morning or early afternoon that that may get worse?

2 A I think we all just talked about it that
3 we're going to look at that to see if that's the case
4 or not.

5 Q Gotcha. You talked about, I guess, sort
6 of a harmonious relationship between the residential
7 component and the commercial and I guess my concern or
8 my question is, is there any concern with respect to
9 retail on the weekends and then adding in instead of
10 having a corporate park which is usually vacant on a
11 Saturday or Sunday you now have residential units, a
12 tremendous number of residential units between
13 Mercedes-Benz and now potentially here at Hornrock in
14 Montvale, do you not see a conflict of additional
15 traffic on that Saturday afternoon or in the
16 afternoon?

17 A No, not necessarily.

18 Having commercial, retail/commercial near
19 residential is a positive because then your distances
20 are shorter, you don't have to drive further to get to
21 services. So having residential near a supermarket
22 makes a lot of sense.

23 Q Again, I guess so you don't see the
24 corporate park which is normally vacant on a Saturday
25 and Sunday generate any trip generations and now you

1 have residential there, you don't see the potential
2 conflict of that?

3 A Again, I'm going to do that review between
4 now and the next meeting so we'll know the answer to
5 that at the next meeting.

6 MR. O'SULLIVAN: That's it. Thank you,
7 Chairman.

8 CHAIRMAN DePINTO: Thank you.

9 MR. ALAMPI: Mr. Chairman, Mr. Lintner, to
10 your comment, if you came home with a D. on your
11 report card would your parents commend you?

12 THE WITNESS: Just so the Board
13 understands, it's not that same scale.

14 CHAIRMAN DePINTO: Okay. Anyone else from
15 the public?

16 Yes, sir.

17 MR. O'SULLIVAN: Brian Larose, 64
18 Clairmont Drive in Woodcliff Lake

19 EXAMINATION BY MR. LAROSE:

20 Q Just two questions. In terms of traffic
21 flow, will there be any restrictions for residents
22 traveling between the proposed property in Montvale
23 and the Sony property in Park Ridge assuming that
24 there's no development at Park Ridge at this time?

25 Or, will residents be able to just drive thru

1 the Sony parking lot?

2 Will there be curves or anything to that nature
3 preventing that from happening?

4 A Well, there are connections between them
5 so, yes, if someone wanted to drive back and forth
6 between the two properties they could.

7 Q Besides the main entrance is what I'm
8 saying so --

9 A I would say that the majority of the
10 people would be using the main entrance to come in off
11 of Sony Drive and make a right turn, come straight
12 into our site.]

13 Yes, when you have sites next to each other that
14 have cross access there is that chance. It's
15 generally a positive to have that ability to go back
16 and forth.

17 Q And my next question, in your study do you
18 assume that these folks are driving to work from their
19 residence or will they be commuting from say a train
20 station or a bus station?

21 In that same regard is there enough space for
22 additional folks to park at the train stations in
23 Montvale and Park Ridge or at the bus stations in Park
24 Ridge?

25 A I'll take the second part first.

1 We did look at the number of spaces in those
2 parking lots. On the first part we did utilize the
3 train station as one of our nodes that people will
4 travel to so that's in our additional traffic, yes.

5 MR. LAROSE: Thank you.

6 CHAIRMAN DePINTO: Thank you.

7 Anyone else? No.

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

10 MR. ZITELLI: So move.

11 MR. D'AGOSTINO: Second.

12 CHAIRMAN DePINTO: All in favor?

13 (Aye)

14 Mr. Wolfson, we have to pick a date.

15 CHAIRMAN DePINTO: It's the second meeting
16 so our first available carry date will be the second
17 meeting in March which would be March 19th.

18 You're not here. Right?

19 And Darlene, March 19th?

20 MS. GREEN: I'm here.

21 CHAIRMAN DePINTO: And, Bob.

22 MR. REGAN: I'm here all the time.

23 CHAIRMAN DePINTO: Okay. And how about
24 Mr. Alampi, March 19th?

25 MR. ALAMPI: No problem.

1 CHAIRMAN DePINTO: Okay. And how about on
2 the applicant's side?

3 Mr. Wolfson, if we go to March 19th?

4 MR. WOLFSON: We're good.

5 CHAIRMAN DePINTO: Okay. The only
6 potential problem is Mr. Hipolit is not available and
7 because of the review on engineering that has to be
8 done you might be better off waiting until the first
9 Tuesday in April when Mr. Hipolit will be here.

10 MR. WOLFSON: Yeah. We have conflicts for
11 experts then.

12 And as much as we value Mr. Hipolit's input,
13 fortunately he has a very strong team so if he's
14 comfortable, you get the report in advance of the
15 meeting, we could have a dialogue with his office
16 including Mr. Hipolit so it will be in the mix.

17 I don't mean to be disrespectful but if that
18 works, I would suggest that.

19 CHAIRMAN DePINTO: Or yet to another
20 alternative would be that second meeting in April
21 which would be the third Tuesday in April, April 16th.

22 MR. WOLFSON: That we're not loving. We'd
23 like to continue the meeting to the 19th, would be
24 ideal.

25 CHAIRMAN DePINTO: Okay.

1 MR. HIPOLIT: Could I ask one question?

2 So, today's the 19th. When would we have
3 revised plans by?

4 MR. WOLFSON: I'm told by our engineer
5 that we would have them in advance as required for the
6 19th meeting.

7 MR. HIPOLIT: So what does that mean?
8 Give me a date.

9 MR. WOLFSON: Certainly at least 10 days
10 as required by statute and we're going to try to do
11 better.

12 MS. GREEN: Would we be receiving those
13 electronically?

14 MR. WOLFSON: Yes.

15 MS. GREEN: Okay.

16 MR. WOLFSON: You'll receive them however
17 you want them.

18 MR. HIPOLIT: So you would submit them on
19 the 8th of March?

20 CHAIRMAN DePINTO: Well -- but the way
21 plans are received is everything goes through Lorraine
22 Hutter's office. So at the same time submit them both
23 electronically and hard copy to Lorraine. Lorraine
24 will redistribute to Board professionals and Borough
25 agencies and Board Members.

1 So if you could do it closer to 15 days before
2 that date I think that would be in the best interests
3 of all.

4 MR. WOLFSON: Mr. Skapinetz is going to go
5 back to his office now and start.

6 MR. REGAN: You'll have it by the morning.

7 CHAIRMAN DePINTO: We're going to make
8 this announcement. Members of the public that are
9 here, please be advised that this meeting will be
10 carried as a public hearing to the date of March 19
11 subject to the documentation required by this Board
12 which would be amended site plans be presented, what
13 did we say, by the 5th of March for distribution.

14 If in fact your engineer cannot have them
15 prepared and sent to us by that date, the carry will
16 then go to the third Tuesday of April which would be
17 April 16th.

18 MR. WOLFSON: Mr. Chairman, take the risk
19 of being cheeky, could we split the statutory 10 days
20 and whatever the 5th would be? Could we say the 6th
21 or 7th?

22 CHAIRMAN DePINTO: Yeah. I don't have a
23 problem.

24 MR. WOLFSON: Can we say the 7th?

25 CHAIRMAN DePINTO: Yeah. I'm okay with

1 that.

2 But I just want it, I just want it so that the
3 members of the public that are here understand that we
4 have established a carry date but the burden is upon
5 you to produce the documentation in a timely manner.

6 MR. WOLFSON: In the event we don't have
7 the revised plans to you by the 7th then we can make
8 an announcement on the 19th that it would be carried.

9 CHAIRMAN DePINTO: But without any further
10 notice being required on your part.

11 MR. WOLFSON: For now we'll carry to the
12 19th at 7:30 with no further notice.

13 CHAIRMAN DePINTO: We're good.

14 MR. WOLFSON: Thank you.

15 Feel better Mr. Chairman.

16 CHAIRMAN DePINTO: Thank you.

17 (The hearing adjourns at 10:20 p.m.)

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

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

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

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