

1 BOROUGH OF MONTVALE
2 PLANNING BOARD

3 March 15, 2022

4 Borough of Montvale
5 12 Mercedes Drive
6 Montvale, NJ 07645

7 APPEARANCES

8 JEROME A. VOGEL, ESQ., (Jeffer Hopkinson & Vogel)
9 Attorney for the Applicant, Gray Capital
10

11 HEARING BODY:

12 JOHN DEPINTO, Chairman
13 FRANK STEFANELLI, Vice Chairman
14 ROBERT ZITELLI, Environmental Commission Liaison
15 JOHN CULHANE
16 DIETER KOELLING, Council Liaison
17 DANTE TEAGNO
18 JOHN RYAN, Mayor's Designee
19 JAVID HUYSENOV, First Alternate
20

21 BOARD PROFESSIONALS:

22 CHRISTOPHER DOUR, Acting Board Engineer
23 ROBERT T. REGAN, ESQ., Board Attorney
24 DARLENE GREEN, Borough Planner
25 LORRAINE HUTTER, Board Secretary

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1 (Start of proceeding from requested portion)

2

3 MR. VOGEL: With your permission, I'd like
4 to call Mr. Demerich. May I have him sworn please.

5 CHAIRMAN DEPINTO: Okay.

6 MR. REGAN: I'm going to swear him in as
7 well as Chris our acting engineer. Gentleman would
8 you raise your right hands please.

9 A L B E R T D E M E R I C H, APPLICANT'S WITNESS,
10 SWORN

11 C H R I S T O P H E R D O U R, ACTING BOARD
12 ENGINEER, SWORN

13 MR. REGAN: Let the record reflect Chris
14 Dour our acting Board Engineer has been sworn. And
15 sir could I have your full name please?

16 MR. DEMERICH: Sure, it's Albert Demerich,
17 D-E-M-E-R-I-C-H.

18 MR. REGAN: E-M-A-R --

19 MR. DEMERICH: E-R-I-C-H.

20 MR. VOGEL: Mr. Demerich would you describe
21 to the Board the profession in which you're engaged?

22 MR. DEMERICH: I am a licensed landscaped
23 architect in the State of New Jersey, New York,
24 Pennsylvania, Delaware and Virginia. I have two
25 degrees -- Bachelor of Science and --

1 MR. REGAN: Have you previously been
2 qualified in that field before any land use boards?

3 MR. DEMERICH: Yes I have.

4 MR. REGAN: I think you've previously been
5 here.

6 MR. DEMERICH: Yes, I have --

7 MR. REGAN: I recommend he be deemed so
8 qualified Mr. Chairman.

9 CHAIRMAN DEPINTO: The chair will accept
10 recommendation. Counsel please continue.

11 MR. VOGEL: Mr. Demerich at the request of
12 the applicant did you undertake to apply your
13 professional expertise to the design of the
14 landscaping of the site plan that's before this Board?

15 MR. DEMERICH: Yes, I did.

16 MR. VOGEL: Would you describe to the Board
17 the conditions with which you were confronted and how
18 you addressed them?

19 (Indiscernible conversation)

20 MR. REGAN: Mr. Vogel are we marking
21 anything?

22 MR. VOGEL: Mr. Demerich --

23 MR. DEMERICH: This is -- revisions, drawing
24 L-100.

25 MR. VOGEL: Part of the package --

1 MR. REGAN: Drawing L-100, want to mark that
2 A-8 --

3 (Pause in discussion)

4 MR. DEMERICH: We are dealing with an
5 existing building on the corner of Summit and Spring
6 Valley Road. Landscape point of view. The --
7 frontage along Summit has existing mature --
8 consisting of oak, white pine, crab apple --

9 (Indiscernible conversation)

10 MR. DEMERICH: Is that -- is that better?

11 UNIDENTIFIED MALE: Yes.

12 MR. DEMERICH: The interior of the site, we
13 have the building, we have existing parking lot, the
14 existing parking lot trees consisted of honey locust.
15 Again, around the perimeter we have mature vegetation
16 consisting of, again, oak, white pine, some spruce,
17 some deciduous maple, et cetera.

18 Okay, from Summit Ave and Spring Valley Road
19 the topography is bermed, meaning we have higher
20 elevations along the -- frontage and the interior of
21 the site is -- is lower. Hence, the interior of the
22 site is screened pretty well right now.

23 -- the next exhibit you have is A-9, which you
24 describe as -- tree pending plan. This is just a
25 rendered copy of that. And it's drawing number L-101,

1 Exhibit A-9.

2 So, on the proposed development we are
3 keeping the western portion of the building, we have
4 the new addition to the east, we have the addition of
5 some landscaped terraces for resident's use of patios
6 and garden walkways both upper and lower. We have new
7 circulation going from west to east, coming around
8 and going back from East to South. The new entrance
9 to the facility would be on the southern end as
10 opposed to the northern end where the existing
11 entrance is now located.

12 We have additional parking outside our new
13 entrance. We have shortened parking which is
14 primarily the remainder of the existing parking with
15 the new addition occurring to the east.

16 From a landscape point of view, we have the
17 addition of -- I'll say a softer, more residential
18 garden plant palate around the walkways and the
19 pedestrian patios between the upper and lower
20 building. We have new -- with an new entrance as well
21 as the entrances to the proposed three-story nursing
22 home building --

23 MR. VOGEL: Does that constitute all the
24 landscaping which you provided with respect to --

25 MR. DEMERICH: Yes.

1 MR. VOGEL: I have no further questions of

2 --

3 CHAIRMAN DEPINTO: Okay why don't we --

4 (Indiscernible conversation)

5 CHAIRMAN DEPINTO: Okay, thank you. First,
6 let's go to Gus DiBlasio's (phonetic) review --
7 technical review letter.

8 MR. REGAN: I don't think we marked that
9 yet.

10 CHAIRMAN DEPINTO: Which is dated January
11 25th. Does everyone have a copy of that?

12 MR. REGAN: That will be B-4.

13 CHAIRMAN DEPINTO: We're going to mark it as
14 B-4. And Mr. Demerich Mr. DiBlasio is not here this
15 evening. So, I'd like for you to do the review to
16 show that your client will comply with the
17 requirements that are set forth in this exhibit.

18 MR. DEMERICH: Okay.

19 CHAIRMAN DEPINTO: Starting with Plant
20 Schedule One.

21 (Pause in discussion)

22 CHAIRMAN DEPINTO: In review of the Master
23 Plant list indicates that all proposed shrubs should
24 be increased in sized to 24 to 30 inches in height.
25 Small shrubs are less hearty and susceptible to

1 mechanical and pedestrian damage. Is your client
2 willing to do that?

3 MR. DEMERICH: Yes. Unfortunately, there is
4 one exception. There is a woody ground cover --
5 cactus, at mature growth it won't get higher than 12
6 inches. It is a ground cover.

7 CHAIRMAN DEPINTO: Well, can it be replaced?

8 MR. DEMERICH: I'm using it as a ground
9 cover. I want it to cover --

10 CHAIRMAN DEPINTO: Well, why can't we use
11 another ground cover that would meet the requirements
12 of Mr. DiBlasio? Or just say no you won't do it. I
13 mean --

14 MR. DEMERICH: Well, I -- I'm trying to --

15 CHAIRMAN DEPINTO: I don't care.

16 MR. DEMERICH: I understand -- ground cover
17 meaning it's hugging the ground. It's there to grade
18 over the walls that are there. It doesn't get any
19 higher than 12 inches that, but it will spread to 3 or
20 4 feet. That's my use of that plant material is to
21 use it as a ground cover.

22 CHAIRMAN DEPINTO: Okay, well then I'm going
23 to ask that you communicate directly with Mr.
24 DiBlasio.

25 MR. DEMERICH: Okay.

1 CHAIRMAN DEPINTO: And between the two of
2 you come up with something that --

3 MR. DEMERICH: To -- to work it out.

4 CHAIRMAN DEPINTO: -- that the Board can be
5 comfortable with.

6 Number Two, crab apples should be removed
7 and substituted with other flowering species. Crab
8 apples are predisposed to disease insects and pose
9 potential tripping hazards, decaying fruit and
10 attracts wasps and yellow jackets. Do you agree?

11 MR. DEMERICH: I do not agree with that.
12 However, I just want to explain my reasoning. I
13 understand he's got a problem with -- with crab
14 apples, and one of the reasons that we're going to use
15 a few of them in this site, is that along this berm we
16 have some beautiful existing crab apples that are 24,
17 16, 20 inch in caliber. They are thriving with a
18 minimum of care. One of the requests that I try to
19 blend in the new addition with the existing
20 landscaping. Therefore, I did use a little bit of
21 crab apple on the opposite side, just to reflect what
22 is happening along Summit. I will try to explain that
23 to Mr. DiBlasio.

24 The fruit on the crab apple variety that I
25 have used is less than one half the width of a grape.

1 They are extremely small; they do not attract any more
2 insects than any other tree. I know he's got an issue
3 with crab apples. I grow crab apples on all my
4 properties. I've used them on all my other sites.
5 I've never had a problem. But if he insists upon this
6 I will change the limited amount of crab apples that I
7 have --

8 CHAIRMAN DEPINTO: Okay, the only thing is
9 being insisted upon is that we have a landscape plan
10 that the Board finds acceptable, and we pay good money
11 to Mr. DiBlasio to write --

12 MR. DEMERICH: I -- I understand.

13 CHAIRMAN DEPINTO: -- these reports.

14 MR. DEMERICH: I understand.

15 CHAIRMAN DEPINTO: So, you're either telling
16 me I'm wasting my money --

17 MR. DEMERICH: I'm -- I'm -- what I'm saying
18 is -- given this situation because of what's happening
19 already on the site.

20 CHAIRMAN DEPINTO: Okay. So, item one you
21 got to talk to DiBlasio. Item two you got to talk to
22 DiBlasio. Let's try item three. The Snow Dance Tree
23 Lilac, in the understory tree portion of the plant
24 schedule in the comment section should indicate that
25 the proposed plant material will provide a clean

1 acceptable graph on the standard.

2 MR. DEMERICH: That's fine, I have no
3 problem with that.

4 CHAIRMAN DEPINTO: Oh, now we're cooking.
5 Okay, the landscaping notes. Note Four should be
6 revised to state, "no wires to be used for guiding.
7 The use of plastic chain is to be used to prevent
8 bark injury since it naturally dries out and breaks
9 off."

10 MR. DEMERICH: I don't have a problem with
11 that either I changed the detail that pops up in one
12 of the other --

13 CHAIRMAN DEPINTO: Note Eight, should be
14 revised to state, all trees with pendulous branching
15 will be maintained to a height of foot to reduce
16 pedestrian and vehicular conflicts.

17 MR. DEMERICH: No problem.

18 CHAIRMAN DEPINTO: Six, Note 11 should be
19 revised to state "Borough Engineer will be notified of
20 any plant quantity discrepancy and only the Borough
21 Landscape Architect will approve plant
22 substitutions."

23 MR. DEMERICH: No problem.

24 CHAIRMAN DEPINTO: Seven, all shrubs should
25 be increased in height 24 to 30 inches on all plant

1 schedules as previously mentioned. You've got a
2 problem.

3 Eight, the concrete unit retaining wall
4 detail shall be revised to provide negative flow away
5 from the wall with the drainage swale and the
6 drainage pipe shall be wrapped in filter fabric to
7 ensure the pipe does not clog from silt. The pipe
8 should be perforated, schedule 35 at a minimum to
9 avoid being crushed from soil load. Please revise
10 detail accordingly. Do you find that acceptable?

11 MR. DEMERICH: Yes, no problem.

12 CHAIRMAN DEPINTO: Nine, the permeable
13 pavers and techno block -- refers to notes not
14 provided for our review. Please provide the reference
15 notes?

16 MR. DEMERICH: Yeah, that's -- it's a
17 company note, I will get those notes for him.

18 CHAIRMAN DEPINTO: Ten, the tree planting
19 detail refers to 10 gauge galvanized wired. This
20 should be removed and replaced with plastic chain to
21 avoid bark damage in tree girdle --

22 MR. DEMERICH: No problem. And I did fix
23 the discrepancies that he lists further on down.

24 CHAIRMAN DEPINTO: Okay, the following
25 discrepancies exist in plant schedule, the symbol DCN,

1 the symbol HBL, the symbol IGN, and symbol AF have
2 been corrected?

3 MR. DEMERICH: Yes.

4 CHAIRMAN DEPINTO: Okay, general landscape
5 comments, eleven. The -- walls located on the north
6 and west side of the new proposed three-story
7 building should be landscaped to soften the effect of
8 the large dominant structure. We suggest the shrubs
9 be placed, cascade down between the proposed -- on the
10 wall tiers as well as shrubs planted at the base of
11 the wall.

12 MR. DEMERICH: I do have a combination. I
13 think probably what he's asking for is more plant
14 material at the base of the wall. Because that
15 woody ground cover that we were discussing that's
16 what's in between the walls that cascade down. So, I
17 will add some additional shrubs along the base of the
18 wall.

19 CHAIRMAN DEPINTO: So, you're okay with this
20 recommendation?

21 MR. DEMERICH: Yes.

22 CHAIRMAN DEPINTO: Or is that an item you
23 want to discuss with him?

24 MR. DEMERICH: Well, I -- I -- I'm okay with
25 the recommendation.

1 CHAIRMAN DEPINTO: Okay.

2 MR. DEMERICH: He will have to approve my --
3 my new --

4 CHAIRMAN DEPINTO: He'll have to recommend
5 to the Planning Board to approve it.

6 MR. DEMERICH: Right.

7 CHAIRMAN DEPINTO: He approves nothing.

8 MR. DEMERICH: Okay, gotcha.

9 CHAIRMAN DEPINTO: Okay. The plan does not
10 illustrate how refuse will be handled. Please
11 illustrate on the plan or be prepared to address at
12 the public hearing.

13 MR. DEMERICH: Yeah, the new set of plans
14 that we do have a new location for the trash dumpster
15 in the western part of the site, and that dumpster is
16 actually -- or the path for the dumpster, I should
17 say, is actually graded into the embankment. This is
18 an embankment here. So that actually acts as a
19 natural screening along with the existing plant
20 material -- on Summit and the property to the west.

21 CHAIRMAN DEPINTO: And you say it has been
22 moved. Is that reflecting on the --

23 MR. DEMERICH: I mean it has been shown.
24 Where the original plans that --

25 CHAIRMAN DEPINTO: Showed it elsewhere.

1 MR. DEMERICH: Right, it did not have it.

2 CHAIRMAN DEPINTO: The revised plan that's
3 before us now shows it --

4 MR. DEMERICH: Yes.

5 CHAIRMAN DEPINTO: -- in the location you
6 just describes?

7 MR. DEMERICH: Yes.

8 CHAIRMAN DEPINTO: But his review predated
9 that movement?

10 MR. DEMERICH: That's correct.

11 CHAIRMAN DEPINTO: So, it's now in
12 compliance with his recommendation, gotcha.

13 Thirteen, the three -- located on south side
14 of the proposed three-story building should be moved
15 further north to protect their branches from vehicular
16 damage.

17 MR. DEMERICH: Yeah, and it's these three
18 here and I did move them further away from the aisle.
19 So, yes.

20 CHAIRMAN DEPINTO: And that's reflected on
21 the revised plan?

22 MR. DEMERICH: Correct.

23 CHAIRMAN DEPINTO: The new south entrance on
24 the south side of the existing building should be
25 enhanced with additional plant material along the

1 building foundation.

2 MR. DEMERICH: Okay, this is sheet L-104.

3 (Indiscernible conversation)

4 UNIDENTIFIED MALE: A-10.

5 MR. DEMERICH: There is an enlargement of
6 the entrance. I've got all new plant material between
7 the existing retaining wall and our sidewalk on both
8 sides of the new entrance. I have flowering trees
9 along the island as well as flowering trees along the
10 western side of the entrance of the curbed way. I
11 have to discuss with Mr. DiBlasio if this is
12 sufficient, because I wasn't too sure what he meant
13 because I think I -- I think I've landscaped the area
14 pretty heavily now. So, I don't know if there was
15 anything in particular.

16 CHAIRMAN DEPINTO: Okay, I think you're
17 going to have to talk to him about that.

18 MR. DEMERICH: Yeah.

19 CHAIRMAN DEPINTO: Fifteen, it appears as if
20 needed vegetation has encroached onto a number of
21 existing light fixture locations. Notes and planned
22 graphics should indicate trimming and clearing around
23 each new light fixture at a minimum of 15 feet.

24 MR. DEMERICH: I did add the note to the --
25 the new set of plans.

1 CHAIRMAN DEPINTO: The illumination plan has
2 been designed in accordance with the intent of the
3 ordinance in regard to light spillage onto adjacent
4 properties with the following exceptions which can be
5 corrected by shifting the light fixtures. Area One on
6 the main entrance road -- light fixture shifted south
7 to the end of the dividing island. This will reduce
8 illumination spillage onto Summit Avenue.

9 MR. DEMERICH: I didn't do the lighting.

10 CHAIRMAN DEPINTO: You didn't do the
11 lighting; we'll save that one for Steve then.

12 MR. DEMERICH: I should say I didn't design
13 the lighting.

14 (Indiscernible conversation)

15 CHAIRMAN DEPINTO: -- 16, 17, bollard
16 lights. Steven you dealt with all the lighting?

17 MR. NAPOLITANO: Yes.

18 CHAIRMAN DEPINTO: Okay, we'll deal with you
19 then on that.

20 (Pause in discussion)

21 CHAIRMAN DEPINTO: Okay, Darlene do you have
22 occasion to speak to Mr. DiBlasio?

23 MS. GREEN: -- Mr. Chairman, but I do have
24 his phone number.

25 CHAIRMAN DEPINTO: Okay, I'd ask that you

1 communicate with him tomorrow to have him speak to Mr.
2 Demerich, share with him the concerns of the Board.
3 And if you cannot reach an agreement on those first
4 two items I think we will refer your proposed plan to
5 the Environmental commission. You would have an
6 opportunity to meet with them. So, seeing that you're
7 not going to be heard until May, you'll have plenty of
8 time to get back up here and meet with them.

9 Okay, questions from Board Members. Anyone
10 have any questions of Mr. Demerich with regard to the
11 proposed landscaping, or Mr. DiBlasio's comments. Or
12 Darlene did you have concerns with regard to
13 landscaping as well?

14 MS. GREEN: I -- I have two questions Mr.
15 Chairman --

16 CHAIRMAN DEPINTO: Sure.

17 MS. GREEN: -- because I could wait until
18 after the Board --

19 CHAIRMAN DEPINTO: No, why don't you do it
20 now, because Mr. Demerich is going to be leaving.

21 MS. GREEN: Perfect. Mr. Demerich on sheet
22 -- L-101 you have provided a table indicating what
23 percent -- requirements --

24 MR. DEMERICH: Right.

25 MS. GREEN: Is there a way to either color

1 the areas that you're using to verify that?

2 MR. DEMERICH: Yeah, I -- I can provide that
3 exhibit.

4 MS. GREEN: Okay, perfect thank you. That
5 would be helpful so we can confirm that -- the
6 requirement.

7 And then you had provided a section on
8 another sheet illustrating the -- how the -- in the
9 front.

10 MR. DEMERICH: Right.

11 MS. GREEN: And because the dumpster
12 location has been moved, I was wondering if you could
13 do -- professional -- prepare a similar section in --
14 location, similar to cross-section A --

15 MR. DEMERICH: Okay.

16 MS. GREEN: I know you provided brief
17 testimony that it's being dug into this hill.

18 MR. DEMERICH: Right.

19 MS. GREEN: But my concern is we don't want
20 a dumpster or any part of that enclosure to be visible
21 to Summit Avenue, or -- to the neighbors to the west.
22 So, I think we just need some graphic to confirm that
23 those two U-sheds will be screen. Because typically
24 we have our dumpsters in the rear of the property
25 where this one's actually been shifted towards the

1 front portion of the site. It's a little unique.

2 So, if you could prepare that --

3 MR. DEMERICH: Yeah.

4 MS. GREEN: -- that would be helpful.

5 CHAIRMAN DEPINTO: And -- and why -- why was
6 the dumpster relocated to this position?

7 MR. VOGEL: The next witness will describe
8 that.

9 CHAIRMAN DEPINTO: Okay.

10 MS. GREEN: That's all I have Mr. Chairman.

11 CHAIRMAN DEPINTO: Okay, anyone else have
12 any questions of Mr. Demerich? No. And before we
13 send him home, just for the record why don't we open
14 the meeting to the public. Anyone care to make a
15 motion to open it to the public.

16 MR. CULHANE: So, moved.

17 MR. KOELLING: Second.

18 CHAIRMAN DEPINTO: Mr. Culhane, seconded Mr.
19 Koelling. All in favor.

20 BOARD MEMBERS: (Collectively) Aye.

21 CHAIRMAN DEPINTO: Anyone from the public
22 wish to be heard?

23 (No verbal response)

24 CHAIRMAN DEPINTO: No. The chair will
25 entertain a motion to close the meeting the public.

1 MR. CULHANE: So, moved.

2 MR. STEFANELLI: Second.

3 CHAIRMAN DEPINTO: Culhane, seconded Mr.
4 Stefanelli. All in favor.

5 BOARD MEMBERS: (Collectively) Aye.

6 MR. DEMERICH: Thank you very much Mr.
7 Chairman.

8 CHAIRMAN DEPINTO: And Darlene when you
9 speak to Gus tell him that I want another technical
10 review letter from him following his communication
11 with Mr. Demerich and also review the plan -- the
12 landscape plan as last revised, the 2-25.

13 MS. GREEN: I guess Mr. Chairman I don't
14 know if Mr. Demerich will be revising his plan any
15 further, so do -- wanted to wait?

16 CHAIRMAN DEPINTO: But I think -- I think
17 Gus was talking about changes that were reflected on
18 2-25.

19 MS. GREEN: Yes. Correct, but I have a
20 feeling --

21 CHAIRMAN DEPINTO: But he never saw the
22 2-25.

23 MS. GREEN: I was on the -- 2-25 plan.

24 CHAIRMAN DEPINTO: Okay.

25 (Indiscernible conversation)

1 MS. GREEN: Mr. Chairman -- Mr. Chairman?

2 CHAIRMAN DEPINTO: Yes.

3 MS. GREEN: If Mr. Demerich has questions on
4 the comments in my review letter regarding landscaping
5 is he permitted -- are we permitted to discuss those?

6 CHAIRMAN DEPINTO: Right, but you have no
7 authority to say do this or do that.

8 MS. GREEN: Right, I have no approval --

9 CHAIRMAN DEPINTO: So, if he -- if he's
10 going to make changes we come back.

11 MR. DEMERICH: It will be more of a
12 clarification.

13 CHAIRMAN DEPINTO: Clarifications are okay.

14 MR. DEMERICH: Okay.

15 CHAIRMAN DEPINTO: But professionals don't
16 vote.

17 MR. DEMERICH: Okay. No, I understand.

18 CHAIRMAN DEPINTO: Okay.

19 MS. GREEN: Thank you.

20 MR. VOGEL: Mr. Chairman with your
21 permission I'd like to recall Mr. Steven Napolitano
22 -- if you recall by the members of the board that Mr.
23 Napolitano previously testified in the exchange with
24 the representative of the engineering department from
25 Colliers. They were to -- they were to interact and

1 resolve some issues and that has occurred. And I
2 believe that the witness is in position with Mr. Dour
3 to review those aspects of the site plan.

4 MR. REGAN: Mr. Chairman we've got to mark
5 in the revised.

6 CHAIRMAN DEPINTO: Let's -- let's start by
7 doing that. We'll mark in as a Board exhibit --

8 MR. REGAN: B-5.

9 CHAIRMAN DEPINTO: And I'm sorry what date
10 was that --

11 MR. VOGEL: March 9. March 9.

12 CHAIRMAN DEPINTO: review. March 9. And
13 Mr. Dour you are familiar with that report?

14 MR. DOUR: Yes.

15 CHAIRMAN DEPINTO: And you are prepared to
16 answer any questions with respect to that?

17 MR. DOUR: Yes --

18 CHAIRMAN DEPINTO: So, let's marked this
19 B-5.

20 MR. VOGEL: Are these revised ones that you
21 submitted --

22 (Indiscernible conversation)

23 MR. VOGEL: Mr. Regan these are revised ones
24 that have been submitted after the last meeting. I
25 suspect you -- to mark them now before we start the

1 testimony and then we'll go to --

2 MR. REGAN: Okay, that will be A-11 I guess
3 is the next one.

4 MR. VOGEL: All right, Mr. --

5 CHAIRMAN DEPINTO: Is that the 2-25
6 revisions --

7 MR. NAPOLITANO: 2-24-22.

8 MR. VOGEL: Mr. Napolitano you previously
9 testified --

10 MR. REGAN: A-11.

11 MR. VOGEL: -- at the prior hearing in this
12 matter did you not?

13 MR. NAPOLITANO: Yes.

14 MR. VOGEL: And you understand that you
15 continue to be under oath?

16 MR. NAPOLITANO: I do.

17 MR. VOGEL: Okay. Subsequent to that
18 meeting did you --

19 CHAIRMAN DEPINTO: Is Chris under oath?

20 MR. REGAN: Yes, I swore him at the
21 beginning.

22 CHAIRMAN DEPINTO: Okay, I'm sorry.

23 MR. VOGEL: -- did you interact with -- with
24 Colliers' representatives with respect to the site
25 plan?

1 MR. NAPOLITANO: Yes.

2 MR. VOGEL: And did you in fact revise the
3 site plan?

4 MR. NAPOLITANO: From the February 8th
5 letter -- we -- we did, but there's still some more --

6 MR. VOGEL: Would you identify the drawings
7 they have up so that --

8 MR. NAPOLITANO: Yeah.

9 MR. VOGEL: -- we could have them marked.

10 MR. NAPOLITANO: Sure the --

11 MR. VOGEL: -- testify.

12 MR. NAPOLITANO: Sure, the latest revision
13 is 2-24-22.

14 MR. REGAN: I thought we marked it as A-11.

15 MR. VOGEL: And that revision is --

16 CHAIRMAN DEPINTO: Wait, is A-11 the packet
17 or just that sheet?

18 MR. VOGEL: --

19 MR. NAPOLITANO: No, we -- we received a
20 letter -- a series of letters, plus/minus February
21 8th. We revised our drawing in accordance with
22 February 8th letter, and that's what these drawings
23 are.

24 MR. VOGEL: And how many sheets are there?

25 MR. NAPOLITANO: Oh, 13 site plans and 5

1 landscape plans.

2 MR. VOGEL: And they -- they comprise of one
3 package --

4 MR. NAPOLITANO: Correct.

5 MR. VOGEL: -- with a revision date of
6 2-24-22?

7 MR. NAPOLITANO: Yes.

8 MR. VOGEL: Okay, I'm going to ask that
9 they've been marked -- the package be marked as A-11.

10 Mr. Napolitano having submitted those
11 revised drawings as a result of comments of Colliers
12 originally, would you describe to the Board the
13 changes that you undertook with respect to that
14 report?

15 MR. NAPOLITANO: Sure. Sure. We added some
16 information as to regard -- and this applies to the
17 planning -- as well -- the February date. We revised
18 the drawings to add -- limiting schedule, the lot
19 coverage table that was required, we added a few
20 variances that were listed under the planner's report
21 that were not listed on our drawing and some existing
22 non-conforming conditions on the first sheet of our
23 title -- title sheet.

24 Our existing site plan didn't change. We
25 indicated on this drawing, which we call Wide 1-2,

1 which is existing steep slopes plan. Any -- any
2 slopes greater than 15 percent are noted on this
3 drawing as shaded, as existing steep slopes.

4 On this drawing, as you can see, we have
5 three retaining walls all 4 feet in height. Over here
6 we have no higher than 4 feet in height within two
7 layers of retaining walls. We've since added the fire
8 hydrants around the perimeter. Four fire hydrants,
9 I'll get to the utility drawing showing the loop.

10 We've added a location for a trash dumpster
11 in the -- in the northwest corner of the site, keeping
12 it outside of the side yard and away from the front
13 yard. I drove up and down this road before I came
14 here today, and you cannot see this corner of the site
15 from driving east or west. And I believe Mr. Demerich
16 -- put his cross-section together.

17 We've added two parking spaces, one facility
18 van parking and one facility ambulance parking in this
19 location here on the west side as well. We've noted
20 that we're going to resurface -- excuse me reseal the
21 entire parking lot and re-stripe it with -- striping.
22 We've added all the handicap parking spaces that's
23 required around the building.

24 We've added -- we've added a fire loop
25 around the building per the fire department comments.

1 We relocated the water and electric lines as they
2 proposed. We've indicated a hot box that Suez
3 (phonetic) -- asked for the project that needs to be
4 located no more than 125 feet from the property. Got
5 to speak to Al Demerich about that possibly --
6 landscaping that -- that -- location.

7 We do have an existing detention basin on
8 the property. The existing detention basin services
9 this building and has for many years. Stormwater
10 management calculations indicate that the detention
11 basin functions in accordance with the 2, 10 and 25
12 and 100 year storms, the existing condition. The
13 proposed condition has less impervious and obviously
14 the detention basis is sized large enough to take the
15 project which has less impervious.

16 The open item that I've been discussing with
17 Colliers is -- is the ground water recharge and the --
18 and the DEP new regulations. This -- this project,
19 although it is a disturbance over one acre it does
20 have less impervious once proposed and does today.
21 So, I'm not sure what the parameters are going to be
22 to design ground water recharge for an existing site,
23 that has been in existence for a very long time. I
24 understand that comment when it comes to increasing
25 impervious coverage. I understand what to do when

1 we're increasing impervious coverage by -- we'll
2 design the increased impervious coverage with
3 accordance with the new regulations. But when we're
4 reducing impervious coverage and the existing system
5 functions I'm going to need some guidance. There --
6 what you want to do or see is this is the first I'm
7 asked to --

8 CHAIRMAN DEPINTO: Well, that's regulated by
9 DEP; right?

10 MR. NAPOLITANO: It is, but we have less
11 impervious coverage now, so I'm a little --

12 CHAIRMAN DEPINTO: Well, can't you get an
13 opinion on DEP on it?

14 MR. NAPOLITANO: Yes, I suppose we can reach
15 out to --

16 CHAIRMAN DEPINTO: So, I think that would be
17 your course of action, get an opinion from DEP.

18 MR. NAPOLITANO: It's a good suggestion,
19 I'll do that. Thank you.

20 On the utility -- on the grading and utility
21 plan, other than the water line -- the addition to the
22 water loop, the relocation of the water lines and the
23 electric lines away from the retaining walls,
24 clarifying a -- pipe crossing that does not have a
25 conflict. We're doing mining grading as we always

1 have been from the beginning of the project, within
2 the drainage easement that runs through the property.
3 The existing pipes are -- and we're at least 8 -- 7 or
4 8 feet above that -- filling in that area. So that
5 pipe isn't going to be affected at all.

6 This is the -- this is the steep slopes --
7 steep slopes plan showing with the proposed billing
8 addition. The areas that are affected are proposed
9 continuation of the -- of the drive that -- around the
10 building, here on the east side -- on the northeast
11 side, as well as in the -- in and around the existing
12 building here, here -- right around the exiting
13 building over here, small area where the dumpster is
14 over here. And that's about it, which -- which
15 equates to 1.3 percent of the site, okay. So, we are
16 asking for a variance for deep slope disturbance in
17 approximately 8,350 square feet of this site, which is
18 638,000 square feet. So, it's a very small area.

19 The site lighting plan. There are no --
20 just to start off by saying, there are no points along
21 the perimeter of the property in which we are more
22 than a half of foot candle, even at the drive
23 entrances as we have it, as a matter of note. We have
24 some existing poles that are going to remain and have
25 new heads on them. We're going to have some new

1 poles. We're also going to have some wall packs on
2 the building. We've updated our detail sheet for the
3 lighting to accommodate those additional wall packs on
4 the building and updated the lighting plan
5 accordingly. All the lighting is concentrated around
6 the building and around the drive aisle and around the
7 parking areas.

8 There are -- there are some light bollards
9 around the perimeter of the patio areas and the
10 walkway down below, where it enters the building at
11 the lower elevation, 353. Finished elevation here is
12 365. The light bollards will be lights that we --
13 shining downward and outwards. We've provided those
14 specifications on the -- on the drawings.

15 And of course, last but not least the soil
16 erosion -- control plan. Showing locations for
17 tracking pads, silk fence, super silk fence, we have
18 an additional tracking pad here. Stockpile locations
19 and the typical soil erosion -- control measures --

20 So, that's in general the modifications that
21 were made to the plans based on those --

22 CHAIRMAN DEPINTO: Okay. Before I open it
23 up to Board Members for questions I do want to mark
24 into evidence the engineering review letter, the
25 technical review letter. I guess it's March 9th is

1 the latest; is that correct?

2 MR. REGAN: I thought we might have marked
3 that. No, we didn't.

4 CHAIRMAN DEPINTO: Not yet. I think we just
5 got this one.

6 MR. REGAN: Oh, I thought I mentioned it as
7 B-5.

8 CHAIRMAN DEPINTO: This is our third review
9 letter.

10 MR. REGAN: Is it B-5.

11 BOARD SECRETARY: I don't -- it would be
12 B-5.

13 MR. REGAN: Okay, in my notes I put it on
14 down as B-5, because I -- okay, we'll mark that as
15 B-5.

16 MR. VOGEL: Okay, we're marking the 3-9
17 letter --

18 CHAIRMAN DEPINTO: The March 9, technical
19 review letter from Colliers.

20 MR. VOGEL: It would be marked --

21 CHAIRMAN DEPINTO: B-5.

22 MR. REGAN: Yeah, we never marked February
23 8th because I think Andy said it would be superseded
24 by the subsequent letter, I think. Or it would be
25 superseded when he talked about it.

1 CHAIRMAN DEPINTO: It's just a little memo,
2 there's only 80 paragraphs. But Mr. Napolitano -- I
3 listened very carefully to what you had to say about
4 things that you did with the plan. This is very
5 unusual this project, because we're knocking down half
6 the building and replacing it with a new half
7 building, not a whole building. I can't think of
8 another development in down where we put up a half of
9 building. So, excuse me, you might have had more
10 experience with this than we have. So, I find it a
11 little difficult to follow. And I want to make
12 certain when it's all said and done it's going to be
13 what we all expect it to be.

14 But you made some comments like in the
15 parking area you're going to be seal coating and re-
16 striping. A major project like this is going to be
17 seal coated? That's -- that's kind of a patch job. I
18 did that one year on my home to get a year or two more
19 out of the asphalt of my driveway. I mean we're
20 building a project of this magnitude and we're going
21 to -- what is the condition of the existing drive that
22 you're going to be seal coating and how would it blend
23 with new asphalt that's being installed.

24 MR. NAPOLITANO: I'll take note of that,
25 I'll speak to the client about that.

1 CHAIRMAN DEPINTO: Okay.

2 MR. VOGEL: I made a note as well Mr.
3 Chairman.

4 CHAIRMAN DEPINTO: And then you said
5 something about light fixtures. Now, you're going to
6 be utilizing what's there. What condition are they?
7 Do they go up straight? They've been there --

8 (Pause in discussion)

9 CHAIRMAN DEPINTO: They've been there for
10 35/40 years.

11 MR. NAPOLITANO: You're talking about the
12 poles?

13 CHAIRMAN DEPINTO: Yeah.

14 MR. NAPOLITANO: Some of the poles can be
15 reused, yes.

16 CHAIRMAN DEPINTO: Some, or all? I mean how
17 many patches are we going to put on this -- this
18 thing?

19 MR. NAPOLITANO: I'll -- I'll make those as
20 well --

21 CHAIRMAN DEPINTO: I mean I'd like to drive
22 by when this is all said and done and be very proud at
23 what we had a hand in. But when I look at a half a
24 building, a seal coated driveway --

25 MR. REGAN: And 35 year old poles.

1 CHAIRMAN DEPINTO: -- and -- and poles that
2 are 35 years old, I don't want my name on that
3 resolution.

4 MR. NAPOLITANO: Okay.

5 CHAIRMAN DEPINTO: Before we open up to B-5,
6 I'm going to ask Board Members -- I guess Frank, I'm
7 starting with you. Based on the testimony that you've
8 heard this evening from Mr. Napolitano do you have any
9 comments? And then we'll go into the review letter.

10 MR. STEFANELLI: I would agree with you Mr.
11 Chairman, I mean the money -- that lighting is -- you
12 know -- and also age -- I think I -- I think I drove
13 up the driveway -- I think by the time they're
14 finished with construction they'll probably need a new
15 roadway anyway. So, I agree with you.

16 The rest of the comments I'll -- I'll wait
17 to see what the letter -- what open items are --

18 CHAIRMAN DEPINTO: Okay, very good. Thank
19 you. Mr.
20 Koelling?

21 MR. KOELLING: No real comments --

22 CHAIRMAN DEPINTO: Okay, very good thank
23 you. John?

24 MR. RYAN: No comments that aren't addressed
25 in the letter.

1 CHAIRMAN DEPINTO: Okay, very good thank
2 you. John?

3 MR. CULHANE: Yeah, there were certain
4 comments from the fire department in a letter of March
5 10th. I'm not sure if they've been addressed yet.

6 MR. REGAN: They haven't been -- they
7 haven't been marked yet.

8 CHAIRMAN DEPINTO: Why don't -- we can mark
9 them in.

10 (Pause in discussion)

11 CHAIRMAN DEPINTO: You're referring to the
12 review letter of 1-24?

13 MR. REGAN: March -- March 10th.

14 CHAIRMAN DEPINTO: March 10th.

15 UNIDENTIFIED MALE: Yeah, we have it right
16 here.

17 BOARD SECRETARY: We're marking those B-6
18 Bob?

19 MR. REGAN: A -- B-6.

20 (Pause in discussion)

21 CHAIRMAN DEPINTO: Okay John your comments
22 on 3-10?

23 MR. CULHANE: -- do is separate 8 inch water
24 main loop around the building for the fire hydrants --
25

1 (Indiscernible conversation)

2 MR. NAPOLITANO: Yeah, we added a fire loop
3 around the building -- Oh I just think maybe we should
4 review the letter --

5 CHAIRMAN DEPINTO: Yeah, but John had
6 questions on fire -- were there any other questions on
7 fire --

8 (Indiscernible conversation)

9 CHAIRMAN DEPINTO: Okay. Okay, then we'll
10 go back -- here so let's hold on to that one and then
11 we'll go back to the B-5. John, did you have anything
12 else?

13 MR. CULHANE: No, not of --

14 CHAIRMAN DEPINTO: Okay. Mr. Zitelli?

15 MR. ZITELLI: I have nothing to add Mr.
16 Chairman -- said in the previous --

17 CHAIRMAN DEPINTO: Okay, Mr. Huysenov?

18 MR. HUYLENOV: My only question was with
19 regards to the item -- in the letter. So, we are --

20 MR. NAPOLITANO: Can you repeat that?

21 CHAIRMAN DEPINTO: Well, I think before we
22 get to 24 -- yeah, let's start from the beginning of
23 that review letter, otherwise we're going to get --
24 jumping all around.

25 (Indiscernible conversation)

1 CHAIRMAN DEPINTO: Okay. So, let's go to
2 the technical review letter entitled Engineering
3 Review Number Three, marked into evidence as Exhibit
4 B-5. It states that the current comments are provided
5 in bold and italics. And has -- before we go into the
6 various paragraphs. Has an application been made to
7 waive the requirement of an EIS submission?

8 MR. REGAN: I'm not sure that was -- I think
9 it might have been part of the application, let me
10 look. They have not submitted an EIS to the best of
11 my knowledge. I think they're requesting --

12 CHAIRMAN DEPINTO: And are you planning on
13 --

14 MR. REGAN: -- a waiver.

15 CHAIRMAN DEPINTO: -- submitting an EIS or
16 are you seeking a waiver.

17 MR. NAPOLITANO: We were always -- a waiver
18 --

19 MR. VOGEL: I -- I believe my correspondence
20 asked for a waiver.

21 MR. REGAN: Yeah, I think that's correct.

22 CHAIRMAN DEPINTO: And what are the grounds
23 for that request?

24 MR. NAPOLITANO: This is a mature site
25 previously developed. It is not -- it is not a site

1 that's being developed for the first time. It is
2 repurposing an existing structure and adding to it.
3 And the impervious surface that exists currently is
4 being reduced, according -- argue that -- its
5 existence and the fact that we're reducing the
6 impervious surface and reusing the existing structure
7 that it would be -- to do an Environmental Impact
8 Statement, and -- and the purpose of such a statement
9 would -- is not directly -- site -- such as this.

10 MR. REGAN: It's not specifically requested
11 in the application but by inference he's asking for it
12 on the record. But you'd have to review the criteria.

13
14 CHAIRMAN DEPINTO: Well, my concern is, and
15 I -- I don't know if it's shared by the Board Members.
16 My concern is the fact that the site yes had
17 previously been developed, but with a completely
18 different use. It was an office use. And it had been
19 an office use for the past 35 or 40 years, whatever it
20 might have been.

21 MR. NAPOLITANO: With the existing --
22 existing paving and site --

23 CHAIRMAN DEPINTO: No, I understand, but
24 allow me to finish. Since that office building, that
25 site was developed upland from the site there's been

1 other development. We've had other residential
2 developments, the Havanian (phonetic) project which is
3 a large project. The -- the properties along Summit
4 Avenue could -- the development that occurred in that
5 area over the past 40 years have impacted this
6 property from an EIS point of view. I don't know, I'm
7 not an engineer. Chris is that reasonable or
8 unreasonable?

9 MR. DOUR: I think there's going to be some
10 impacts, like an updated valuation of the impacts on
11 the area. It's not unusual, but everything --
12 everything that is there is existing -- noted they are
13 reducing the impervious coverage.

14 MR. REGAN: We haven't heard any testimony
15 about the criteria for an exemption. 400-132 spells
16 out --

17 CHAIRMAN DEPINTO: I'm sorry --

18 MR. REGAN: -- about a dozen standards.

19 MR. NAPOLITANO: I did, and I can repeat it
20 if you want.

21 MR. REGAN: Was it in any kind of report. I
22 don't remember --

23 MR. NAPOLITANO: I didn't a submit a report
24 that -- one of the planning board meetings I had gone
25 through 400-132 with the exceptions --

1 MR. REGAN: Okay.

2 CHAIRMAN DEPINTO: -- do you have a
3 recollection of that John?

4 UNIDENTIFIED MALE: Yeah, I do.

5 CHAIRMAN DEPINTO: Does everybody have a
6 recollection of that.

7 MR. REGAN: -- my notes.

8 CHAIRMAN DEPINTO: I don't.

9 MR. NAPOLITANO: Yeah, I just wanted --

10 CHAIRMAN DEPINTO: I mean I for one would
11 like to have you repeat that, even if you summarize
12 it.

13 MR. NAPOLITANO: Yeah, sure.

14 MR. REGAN: Yeah he -- he did -- he did
15 reference it. I'm looking at my notes now, February
16 1st he went to seek an exemption from me. I asked --
17 the criteria if any --

18 CHAIRMAN DEPINTO: Well, why don't we have
19 Steve summarize. If you have -- if you have your
20 notes just share with us.

21 MR. NAPOLITANO: Yeah, absolutely. It's
22 section 400-132 exemptions from the Environmental
23 Impact Statement. Exemptions for the following
24 reasons.

25 A, the soil will be stabilized by soil

1 erosions -- control measures which have been indicated
2 on the site plan.

3 B, although there was an increase -- there
4 was an increase in impervious coverage, the decrease
5 in impervious coverage, the detention basin is
6 designed for the 2, 10, and 100 years storms. There's
7 no increase in stormwater flow.

8 There's no effect on springs, Letter C.

9 Letter D, no potential effects on animals or
10 significant plant species in that area.

11 E, no potential increase in air or water
12 pollution -- by the development.

13 F, no effect on critical slope areas. As we
14 went through that we did have a small percentage, 1.3
15 percent of the site, will be disturbing the 15 percent
16 or greater. So, I should say that there's minimal
17 affect regarding steep slopes considering the -- the
18 -- the small amount compared to the entire site.

19 There are no problems related to rock
20 removal on the property. There's approximately 9300
21 -- 9,083 cubic yards of mixed soil to be exported from
22 the site.

23 There's no potential noise pollution.

24 No increase in industrial waste.

25 No increased problems projected for

1 industrial or non-industrial waste.

2 And there doesn't appear to be any
3 peculiarities to the site to maybe warrant that. Just
4 repeating what I had mentioned, and we respectfully
5 request a waive to --

6 CHAIRMAN DEPINTO: Okay, major soil moving
7 permit. Has an application --

8 MR. REGAN: Hasn't been -- hasn't been
9 applied for yet to the best of my knowledge.

10 CHAIRMAN DEPINTO: Was that noticed in the
11 hearing.

12 MR. VOGEL: Yeah.

13 MR. REGAN: No, I don't think it was. Was
14 an application for the soil permit filed? I don't
15 have a copy for it.

16 MR. VOGEL: No, I don't think so. I don't
17 believe we filed one --

18 MR. REGAN: Okay.

19 MR. VOGEL: We were going to file it after
20 we knew what the site plan would look like after --
21 here because it is an existing building and
22 additionally we didn't know what the addition would
23 look like. And when we got this far we -- be able to
24 calculate the soil --

25 MR. REGAN: Well, an application will be

1 required --

2 CHAIRMAN DEPINTO: You're going to have to

3 --

4 MR. REGAN: -- and they'll need to

5 re-notice.

6 CHAIRMAN DEPINTO: You'll have to re-notice,

7 because the public hearing is required --

8 MR. VOGEL: Yeah.

9 CHAIRMAN DEPINTO: -- in connection with the

10 major permit.

11 MR. REGAN: Yeah.

12 CHAIRMAN DEPINTO: So, we'll make a note of

13 that. Chris, with respect to the calculations that

14 were provided --

15 MR. NAPOLITANO: Excuse me, I made an error

16 in my number that I have you. Not 9,083. I'm sorry.

17 Total soil moment, was what I said at the last one,

18 was 6,060 cubic yards of total soil movement.

19 (Indiscernible conversation)

20 MR. NAPOLITANO: 232 cubic yard fill, 5,833

21 cubic yards of cut. Added together, total soil

22 movement of 6,060 cubic yards.

23 CHAIRMAN DEPINTO: And --

24 MR. NAPOLITANO: -- cubic yards of soil

25 that's going to be exported from the site is 5,601.

1 CHAIRMAN DEPINTO: And you expect those
2 numbers to hold.

3 MR. NAPOLITANO: To hold, unless this --
4 some change that -- in general, that number should
5 hold.

6 CHAIRMAN DEPINTO: Okay.

7 MR. NAPOLITANO: Again, sorry about that
8 9,083, I'll repeat that is incorrect.

9 CHAIRMAN DEPINTO: Okay.

10 MR. NAPOLITANO: Okay.

11 CHAIRMAN DEPINTO: Okay why don't we -- why
12 don't we move on to Board Exhibit Five. And Chris I'm
13 going to have you address each of the paragraphs and
14 then if necessary have Steve respond.

15 MR. DOUR: Okay, thank you Mr. Chairman.
16 The -- item number five, the wetlands -- they provided
17 testimony that they're not going to be doing any
18 construction in the wetlands which are in the south
19 end of the property, so we took no exception to that.

20 Mr. Napolitano did provide testimony on the
21 existing and proposed steep slopes and I believe what
22 was the -- the slopes to be impacted?

23 MR. NAPOLITANO: Steep slopes 1.3 percent of
24 the site, which equates to --

25 MR. DOUR: 8350?

1 MR. NAPOLITANO: I'm almost -- I'm almost
2 there. Yes, 8,350 square feet.

3 MR. DOUR: And the next thing we discussed
4 -- we touched on -- Napolitano -- before, this is
5 unusual because of the amount of the disruption and
6 the amount of -- surface is fairly large. But -- but
7 at the same token the amount of impervious coverage is
8 being reduced. So, we -- Mr. Napolitano and I
9 discussed -- where a good suggestion would be to have
10 him reach out to the DEP to see how this would be
11 handled -- nature. Absent that, and we don't get any
12 resolution from them, then we'll work out something so
13 that we can address the intent of the major
14 development -- ordinance that we handle some of the --
15 parking lot as well as infiltration and we do have --
16 detention basin in the back. So that this will bring
17 the development up to -- as close as we possibly can
18 to what's --

19 CHAIRMAN DEPINTO: Okay.

20 MR. DOUR: Number Nine, the aerial
21 photographs -- back to the architectural plans so
22 that the -- comment that was noted that the aerial
23 photograph is really not that visible. So, I don't
24 think that has changed. At least I haven't seen --
25 Items 10, 11, 12 -- the roof mounted -- I

1 don't know if Darlene wants to discuss that -- the
2 roof mounted equipment, just make sure there's nothing
3 visible from Summit Avenue --

4 I don't know if that's -- architects --

5 CHAIRMAN DEPINTO: I think we'd have to hear
6 from the architect on that.

7 MR. DOUR: Fire lanes have been addressed.
8 We just touched on the soil movement, rather than
9 going through all of this and then having it come back
10 to the Board -- make no sense.

11 MR. VOGEL: Yeah, can I interject. Now that
12 Mr. Napolitano is giving you the numbers, since we're
13 coming back on May 3rd I'll file that application
14 between now and then, so you'll have it to review for
15 that meeting.

16 MR. REGAN: You may want to provide the
17 notice too. So, you --

18 MR. VOGEL: Yeah, I will.

19 MR. REGAN: Okay.

20 MR. DOUR: 16 on the soil -- now, and I
21 apologize that it -- meeting that the applicant had
22 indicated -- storage on site. So, there's not going
23 to be any -- I mean not -- it's not just storage and
24 equipment and supplies, but no snow stored on site.
25 Everything's going to be moved off site -- the snow --

1 MR. NAPOLITANO: There's going to be no snow
2 equipment on site.

3 MR. DOUR: Okay, but snow -- snow storage,
4 actually what we've done with other projects is have
5 an area -- area set aside that when the plow comes in
6 they push the snow up and -- and that's like
7 considered snow storage areas for the actual snow
8 itself. So, that's something --

9 MR. NAPOLITANO: Is that a comment --

10 MR. DOUR: Yeah, we'd like to see.

11 MR. NAPOLITANO: Which comment is that?

12 MR. DOUR: That is 16.

13 MR. NAPOLITANO: It says the applicant has
14 indicated no removal equipment and we take no
15 exception.

16 MR. DOUR: It should have also mentioned
17 about snow storage areas.

18 MR. NAPOLITANO: Oh, what are you asking for
19 that?

20 MR. DOUR: Just show -- areas -- areas on
21 the site that in the event of snow -- snow, that
22 you're going to storing snow that the plow pushes up
23 or whatever.

24 MR. NAPOLITANO: Okay. Thank you.

25 (Indiscernible conversation)

1 MR. DOUR: Because that's kind of a mixed
2 bagger.

3 MR. VOGEL: Put it in the area where there
4 -- where we're going to -- parking lot --

5 (Indiscernible conversation)

6 MR. DOUR: Next comment is about the EIS --
7 discussed. They updated the square footage, so we
8 have -- included the square footage, we have the
9 existing building -- 76,000 square feet. The proposed
10 addition is 109,000 -- 110,000 square feet in total.
11 The total building is 185,964 square feet.

12 The applicant updated the lot coverage
13 information on that sheet. We discussed that before.
14 Steep slope plans, we discussed that as well. The
15 applicant is providing a variance regarding the number
16 of parking spaces -- under 2300.

17 24, it was discussed about the parking. So,
18 one of the comments that we have is that the parking
19 spaces in the east side of the building, there's no 88
20 parking spaced there. So, where you do have --
21 accessible -- the other side of the building. So, is
22 there any reason why there's none there --

23 (Indiscernible conversation)

24 MR. NAPOLITANO: Well, we have -- well I
25 know that -- 50 percent of your entrances and I

1 believe we have it more than 50 percent of the
2 entrances. You have to cross a drive aisle to get
3 there -- parking lot configuration.

4 MR. DOUR: Do you know is that -- that area
5 is going to be used -- is that going to be accessible
6 to the public? Is that --

7 MR. NAPOLITANO: Yeah, it would -- it
8 potentially could be, I suppose. I don't know what
9 that's slated for that parking lot. I'm not 100
10 percent sure of --

11 (Indiscernible conversation)

12 MR. DOUR: -- parking spaces there as well.

13 CHAIRMAN DEPINTO: While -- while we're
14 talking about parking spaces there's the ADA that now
15 the new requirement for the electric charging, has
16 that been taken into consideration with the plan?

17 MR. NAPOLITANO: Yes.

18 CHAIRMAN DEPINTO: And where do you propose
19 and how many do you propose?

20 MR. NAPOLITANO: 15 of them, as per the
21 comments.

22 CHAIRMAN DEPINTO: And is 15 consistent with
23 code?

24 MR. NAPOLITANO: This is a very new code --
25 comment and I put 15 spaces for the -- very new code,

1 so I'm not 100 percent familiar with it.

2 CHAIRMAN DEPINTO: Bob, what's your
3 familiarity with it?

4 MR. REGAN: Yeah, Darlene and I both looked
5 at this, I think 15 will do it. I think D-2 is the
6 applicable section. We had a discussion as to whether
7 it could be considered a multi-family type use. Both
8 the planner and I believe that that's not an
9 appropriate designation that it would be D-2, which
10 essentially covers all -- types of uses. And 15 would
11 do it. I think it was 14.56 rounded up to 15,
12 something like that.

13 MR. NAPOLITANO: We've indicated in --
14 fashion. 15 spaces in the front, two of which are
15 handicapped and 13 others that are EV spaces.

16 CHAIRMAN DEPINTO: And why are --

17 (Indiscernible conversation)

18 MR. REGAN: I'm sorry, two are handicapped
19 and 13 are electric vehicle?

20 MR. NAPOLITANO: Of the 15 two are them are
21 going to be --

22 MR. REGAN: Oh, okay.

23 MR. NAPOLITANO: -- handicapped spots -- 2
24 handicap spots and 13 regular.

25 CHAIRMAN DEPINTO: And why was that location

1 chosen versus anywhere else on the property.

2 (Indiscernible conversation)

3 CHAIRMAN DEPINTO: Who's request?

4 (Pause in discussion)

5 CHAIRMAN DEPINTO: I -- I understand putting
6 ADA parking space in close proximity to an entry way
7 of a building and not crossing any access aisles. But
8 electric charging stations for cars do they have to be
9 close to the front door --

10 MR. NAPOLITANO: They -- they don't. They
11 don't.

12 MR. REGAN: Yeah, I --

13 MR. VOGEL: The only thing I'm aware of in
14 the statute is that I think it's -- parking lot over
15 50 spaces you have to have a percentage of spots. And
16 I don't remember what the percentage is. But my
17 recollection doesn't state where they have to be
18 located.

19 MR. REGAN: I -- I think Mr. Vogel's
20 correct. And I -- I can just speak from a personal
21 experience where I had to take a family member to
22 Valley Hospital testing site in Paramus. The spaces
23 closest to the entry were all electric vehicle
24 charging spaces.

25 CHAIRMAN DEPINTO: And they were empty.

1 MR. REGAN: And they're totally empty. And
2 I had to park -- I mean the person I was taking was a
3 little bit disabled.

4 CHAIRMAN DEPINTO: Yeah, if you go --

5 MR. REGAN: It was insane.

6 CHAIRMAN DEPINTO: -- if you next door to
7 Wegmans you'll see they have their spaces -- vehicles
8 parked but none of them plugged in. People recognize
9 that it's a good place to park close to the front
10 door. I mean --

11 MR. REGAN: Well, these you couldn't park in
12 unless you had an electric vehicle.

13 CHAIRMAN DEPINTO: Well, you're not supposed
14 to.

15 MR. REGAN: Yeah.

16 CHAIRMAN DEPINTO: But who's enforcing that?

17 MR. REGAN: I wasn't going to take a chance.

18 CHAIRMAN DEPINTO: Is it the -- is it the
19 appropriate location; that was my question.

20 MR. NAPOLITANO: It's as good as any
21 location of any -- as any others. I mean they should
22 be located together so that the power and electric
23 gets -- gets to it. They should be located it in a --

24 I mean I personally have no objection to
25 moving these electric vehicles to another location on

1 the site. I don't think the -- the applicant has --
2 has a preference either. And if the Board would like
3 to see them in a different area I'm sure that the --
4 that the applicant would be amenable.

5 CHAIRMAN DEPINTO: Chris --

6 MR. DOUR: The only -- the main -- the main
7 entrance which is where -- so that's the main entrance
8 for the entire facility?

9 MR. NAPOLITANO: Yes.

10 MR. DOUR: Okay, so visitors coming in to
11 see anybody on that -- building will be going -- so
12 the other entrance is at the south east corner --
13 northeast corner, that is down below in the new
14 building -- northeast. That one -- that one is for
15 what?

16 MR. NAPOLITANO: Ambulance.

17 MR. DOUR: Just strictly for ambulance.

18 MR. NAPOLITANO: Yeah.

19 MR. DOUR: So, if -- if that's where the
20 bulk of the people coming in are going to park then
21 that would make -- sense --

22 MR. NAPOLITANO: I mean we could -- we could
23 also move -- move -- move them to --

24 CHAIRMAN DEPINTO: Right, but I'm seeing
25 those spaces empty.

1 MR. DOUR: Well, okay.

2 CHAIRMAN DEPINTO: Now maybe in 5 or 10
3 years.

4 MR. NAPOLITANO: We got to plan for the
5 future.

6 MR. DOUR: So maybe -- maybe move them down
7 to -- not down --

8 CHAIRMAN DEPINTO: Yeah, John Culhane has
9 something to say on this. John?

10 MR. CULHANE: -- the one -- I think the
11 State is encouraging these items to be installed,
12 number one. Number two, where are the employees
13 expected to park, primarily? I know -- traffic -- you
14 said 50 percent are coming in spring Valley, 50
15 percent from Summit. But where do you expect the
16 employees to park? I mean they're the majority users
17 of this site I would think.

18 MR. NAPOLITANO: I -- I would imagine that
19 the vast majority of the employees would park in the
20 large lot in the back.

21 MR. CULHANE: Then if that's where the
22 employees are expected to park, space trying to
23 encourage electric vehicles --

24 CHAIRMAN DEPINTO: Yeah.

25 MR. CULHANE: -- then I fortunately -- based

1 on what -- basically where he put it is probably --

2 CHAIRMAN DEPINTO: Where the employees are
3 going to park.

4 MR. CULHANE: Right.

5 MR. REGAN: Yeah.

6 CHAIRMAN DEPINTO: They're the ones that are
7 going to be --

8 MR. REGAN: They'll have the electric
9 vehicles if anybody will --

10 CHAIRMAN DEPINTO: And you don't typically
11 put your employee's parking that close to the front
12 door.

13 MR. NAPOLITANO: Yeah, like I said we could
14 always --

15 (Indiscernible conversation)

16 MR. CULHANE: -- electric vehicle --

17 CHAIRMAN DEPINTO: Beg your pardon? What
18 did you say John?

19 MR. CULHANE: I said that's their reward for
20 getting the electric vehicle --

21 CHAIRMAN DEPINTO: You get a -- you get a
22 good parking spot.

23 MR. REGAN: For paying 60K for one.

24 (Indiscernible conversation)

25 CHAIRMAN DEPINTO: Well, I would like Mr.

1 Dour and Mr. Napolitano to take a look at that.

2 Chris, go ahead.

3 MR. DOUR: We go down then to Number 26,
4 that as the moving the -- the dumpster enclosure from
5 the -- location. So that area is right now --
6 concrete -- stored -- Correct?

7 MR. NAPOLITANO: Yes, -- the dumpster
8 location is going to be located here on the northwest
9 corner.

10 MR. DOUR: Okay, and just staying on the
11 dumpster discussion. I had -- I spoke to Chris Gruber
12 today about that. He -- his concern was visually what
13 that would look like from the street and maintenance.
14 So, I guess the -- you testified that it's going to be
15 built into the hill and we're going to see a profile
16 from the architect on that.

17 MR. VOGEL: Yeah.

18 MR. DOUR: And -- would be -- landscaping so
19 it's not going to be visible from Summit Avenue. The
20 only -- and someone did provide -- I don't know if
21 that was your office, the traffic --

22 MR. NAPOLITANO: It was Brian Dempsey's
23 office that provided that.

24 MR. DOUR: Okay. Okay, so it looks tight
25 going in that parking lot with a -- with a dumpster --

1 with a garbage truck. So, but that shows it, I guess
2 your narrowing down the making of the island smaller?

3 MR. NAPOLITANO: Yes.

4 MR. DOUR: Okay.

5 MR. NAPOLITANO: In order to do that we're
6 cutting out a small piece of the island.

7 MR. DOUR: Okay. So, that's the only
8 comment we have about the dumpster location. Just
9 having it that close to --

10 (Indiscernible conversation)

11 CHAIRMAN DEPINTO: Right, and -- and Mr.
12 Napolitano said he drove up and down the road --

13 MR. NAPOLITANO: Yeah, you can -- you can as
14 well.

15 CHAIRMAN DEPINTO: -- and you believe that
16 it will not be visible to a motorist driving east or
17 west past that property.

18 MR. NAPOLITANO: I don't believe so at all.
19 I -- I went there, I don't believe so at all. It's a
20 fairly -- fairly --

21 CHAIRMAN DEPINTO: Okay, why don't we keep
22 going Chris.

23 MR. DOUR: Major development, we talked
24 about that. 29, on the first floor, that's kind of a
25 question for the architect.

1 CHAIRMAN DEPINTO: I'm sorry back up. Major
2 development, what is that issue?

3 MR. DOUR: That's the stormwater.

4 CHAIRMAN DEPINTO: Okay.

5 MR. DOUR: So, for sheet A-201 was that
6 going to be revised to show the -- what's -- what else
7 is on the first floor --

8 MR. NAPOLITANO: I don't know that answer.
9 Sheet A-201 --

10 MR. MCDERMOTT: Yeah -- testimony last
11 meeting that the information shown on that sheet match
12 the -- of what's on -- it's basically excavated area
13 within -- underneath the first floor of the existing
14 building --

15 (Indiscernible conversation)

16 MR. REGAN: Sir, could you identify yourself
17 for the record?

18 MR. MCDERMOTT: Sure, Ryan McDermott.

19 MR. REGAN: He was previously sworn.

20 MR. DOUR: So that -- so that somebody
21 coming into the new main entrance how do they get to
22 the rest of the building?

23 MR. MCDERMOTT: Sure, so you walk into that
24 lower level, which is -- lower level -- it's a -- 60
25 by 60 -- and then you take an elevator or stairs up to

1 the first floor of the existing building, which is the
2 grand lobby -- area.

3 The reason for that is because the parking
4 lot -- south is at a lower grade than the existing
5 first floor of the existing building. So, it will be
6 difficult to utilize that parking lot -- to get people
7 directly into the facility. It's actually about 10
8 feet higher --

9 So, in excavating that portion -- underneath
10 that existing building creating that lobby people can
11 walk directly from the parking lot into that level --
12 to the existing first floor --

13 MR. DOUR: So, then the employees' entrance
14 will be underneath -- discussed this before, but the
15 employees' entrance where is that going to be? Is
16 that going to be the main entrance still?

17 MR. MCDERMOTT: No. So, the employees will
18 enter on the west south of the building, which is the
19 existing loading dock area, there's actually a --

20 (Indiscernible conversation)

21 MR. MCDERMOTT: -- that employee entry area.
22 So, we don't expect employees to enter in the same
23 entrance -- as the --

24 MR. DOUR: And the east parking lot would be
25 used for -- for what -- for who?

1 MR. MCDERMOTT: We don't anticipate that
2 parking lot to be used very much at all. If anything
3 -- select staff or doctors that might come directly to
4 the nursing wing itself. -- ambulance as a limited
5 control from a staffing perspective. But there are --
6 nurses on that unit -- called down for that -- then
7 admit the doctor -- so the doctor wouldn't have to
8 travel through the existing building to get to the --

9 So, we expect a handful of employees that
10 will come --

11 CHAIRMAN DEPINTO: Okay, Chris I think we're
12 --

13 MR. REGAN: 29 or 30.

14 CHAIRMAN DEPINTO: 29 or 30, right.

15 MR. DOUR: There was a question regarding
16 the storage of -- materials and medical waste on the
17 individual floors. That's going to be addressed?

18
19 MR. MCDERMOTT: That's correct, we're --
20 prepare a -- of documents --

21 (Indiscernible conversation)

22 MR. DOUR: Then we have now the 33, we
23 talked about the fire -- we -- comments from the fire
24 department, as far as -- and then the applicants
25 provide -- calculations --

1 MR. MCDERMOTT: I believe the applicant is
2 doing that along with the -- engineer, but I -- I know
3 that they had said that they would do it.

4 MR. REGAN: To be provided.

5 MR. NAPOLITANO: To be provided, yeah, by
6 the applicant.

7 MR. DOUR: And you're going to be doing to
8 the -- approval --

9 MR. MCDERMOTT: Yes.

10 MR. DOUR: The 30 foot -- as far as working
11 in proximity to that. And -- to be further away --

12 MR. MCDERMOTT: Yes.

13 MR. DOUR: So that was -- discussion. We
14 talked -- we just talked about the turning templates,
15 we know that that was prepared by the traffic and
16 engineering?

17 MR. MCDERMOTT: Yes.

18 MR. DOUR: And there's no signage proposed
19 at this time. So, my question is the applicant going
20 to come back to the Board?

21 MR. MCDERMOTT: That's my understanding that
22 the applicant understands that they're going to have
23 to come back to the Board for any kind of signage,
24 whether it be directional signage or -- signage --
25 wall signage or any kind of signage. They're aware

1 that they have to come back to the Board for approval
2 on that. Right now, there's no sign as far as the
3 application.

4 MR. DOUR: 39 was about orientation of the
5 building, that's --

6 (Indiscernible conversation)

7 MR. VOGEL: The two fronts and the two
8 sides?

9 MR. DOUR: Right. 40 -- so there's been
10 some comments about the existing lighting, and some
11 lighting has been changed -- LED that may or may not
12 meet the ordinance. So, and I think the chairman
13 already discussed that -- see based on the nature of
14 this application that all -- brought up to date as far
15 as the poles. Correct me if I'm wrong John --

16 CHAIRMAN DEPINTO: That is correct.

17 MR. DOUR: So, everything would have to meet
18 the ordinance. And that's as far as color, the
19 lumens, and then I guess a revised lighting plan if
20 necessary.

21 So, then the only question is, I guess if
22 the -- stating that the parking requirements -- ADA
23 requirements meet the code -- be any -- eastern most
24 part of --

25 And those revisions we talked about the

1 facility van and the facility ambulance; I believe
2 location parking in the west side.

3 CHAIRMAN DEPINTO: Well, how -- how are we
4 going to deal with that? I thought early on we had
5 discussed with respect to the ambulance that the
6 applicant was going to contract with a private vendor
7 for call an ambulance when needed. I have no
8 recollection of ever saying that we would allow an
9 ambulance to remain on site, nor did we ever talk
10 about keeping a facility van on site. Are you
11 proposing Steve to design a garage somewhere?

12 MR. NAPOLITANO: No -- no there's no garage.
13 Just a facility van and a facility ambulance to be
14 parked there.

15 CHAIRMAN DEPINTO: Well, why can't you
16 create an accessory structure to hide those things?

17 MR. NAPOLITANO: Such as a garage? Is that
18 what you're referring?

19 CHAIRMAN DEPINTO: Yeah. Yeah.

20 MR. NAPOLITANO: I can certainly talk to the
21 applicant about that.

22 CHAIRMAN DEPINTO: We also had a letter from
23 the Triboro Volunteer Ambulance Corps, dated March 9.
24 We should probably mark this into evidence.

25 MR. REGAN: Okay, I think we're up to B-6.

1 CHAIRMAN DEPINTO: Yeah.

2 MR. REGAN: Okay.

3 CHAIRMAN DEPINTO: I guess.

4 BOARD SECRETARY: No, I'm sorry B-6 was the
5 fire department.

6 MR. REGAN: Oh okay, that's right. So,
7 it'll be B-7.

8 CHAIRMAN DEPINTO: They're going -- they're
9 going on record that they cannot provide service to
10 this facility.

11 So, Steve you're suggesting putting up a
12 garage for the van and the ambulance?

13 MR. NAPOLITANO: I -- I'll certainly speak
14 to the client about it.

15 CHAIRMAN DEPINTO: I think you should.

16 MR. NAPOLITANO: I will.

17 CHAIRMAN DEPINTO: I think you should.

18 MR. NAPOLITANO: Okay.

19 CHAIRMAN DEPINTO: We're going -- we're
20 going to upgrade this John. When it's done -- when
21 it's done it's going to look really nice.

22 MR. VOGEL: Yeah, it's not an ambulance it's
23 a van. And I think it's what Mr. Smith testified to
24 at the last hearing.

25 CHAIRMAN DEPINTO: A van.

1 MR. SMITH: Yes sir.

2 CHAIRMAN DEPINTO: And what about an
3 ambulance?

4 MR. SMITH: It's -- it's not an ambulance.
5 I think they're just using the wrong term. It's a van
6 -- it's a wheelchair van. So, it --

7 (Indiscernible conversation)

8 CHAIRMAN DEPINTO: Here it's stated a
9 facility ambulance. Who called it that?

10 MR. NAPOLITANO: I did. It was an error on
11 my part. It must be two -- two parking spaces for a
12 facility van.

13 CHAIRMAN DEPINTO: So, you need two parking
14 spaces for a facility van?

15 MR. SMITH: Yes.

16 CHAIRMAN DEPINTO: Two vans?

17 MR. SMITH: Yes sir.

18 CHAIRMAN DEPINTO: Okay. And where are they
19 shown on the plans?

20 MR. NAPOLITANO: They're shown on the
21 western portion of the property --

22 CHAIRMAN DEPINTO: Next to the garbage we
23 can't see?

24 MR. NAPOLITANO: In the -- near that area
25 near the loading dock.

1 CHAIRMAN DEPINTO: Okay, so maybe if you put
2 it in that area by the dumpster, which you said is not
3 visible from the road that might make a sense without
4 having to build a garage. You could find a good spot
5 --

6 MR. NAPOLITANO: Sure, thank you for that.

7 CHAIRMAN DEPINTO: Okay Chris please
8 continue.

9 MR. DOUR: The -- I think we jumped down to
10 --

11 MR. VOGEL: Chris, what number are we on?

12 MR. DOUR: I think 49, just -- the sewer
13 lines, to make sure that they're -- good condition.
14 Steve 49?

15 MR. NAPOLITANO: Yes, the applicant is going
16 to have to agree to that.

17 CHAIRMAN DEPINTO: And Chris why is a
18 treatment works approval required?

19 MR. DOUR: See -- I -- what --

20 MR. NAPOLITANO: Based on 180 beds times --
21 I can't remember the number of stuff in my head, I
22 don't have that file with me. It's over an additional
23 8,000 gallons per day of sanitary sewer flow, so a
24 treatment works approval is required. That's going to
25 be the same the property next door at 110 -- assisted

1 living facility. So, any -- any development that
2 produces more than 8,000 -- 8,000 gallons per day
3 requires --
4 in this --

5 CHAIRMAN DEPINTO: And what -- where will
6 that be located on the site?

7 MR. NAPOLITANO: It's not actually. It's an
8 application given to the -- to Bergen County Utility
9 Authority to the DEP and it kind of makes it way
10 around so everybody can get their signatures on it.
11 The sanitary sewer leaves the building -- existing
12 building very close to where we're connecting here.
13 So -- it's pretty simple actually.

14 CHAIRMAN DEPINTO: Is this -- is this
15 facility above ground or beneath ground?

16 MR. NAPOLITANO: Yeah -- yeah -- no these
17 are existing pipes. We're not changing any sanitary
18 on this property. None of the sanitary lines are being
19 changed --

20 MR. DOUR: -- paperwork is called that
21 treatment works approval, but there's no actual
22 treatment being done on site. It's because they're --
23 they're generating more capacity -- more gallons of
24 sewage. That they have to get approval from the --
25 the Borough has to acknowledge it and endorse it.

1 CHAIRMAN DEPINTO: Okay. Okay.

2 MR. DOUR: It's -- paperwork.

3 MR. NAPOLITANO: The Borough Administrator
4 got involved last time.

5 CHAIRMAN DEPINTO: Okay.

6 MR. DOUR: We talked about, I guess, Steve
7 -- the applicant provided testimony. The -- you know
8 the parking spaces, I guess changed to 369 -- most
9 recent --

10 MR. NAPOLITANO: Yes, 369 spaces are
11 proposed. 411 are existing and a total of 369 are
12 proposed. So, a reduction of 42 spaces.

13 MR. DOUR: Okay, next number 58 was about
14 the EIS which we discussed. Then go down to 60C --
15 development --

16 (Indiscernible conversation)

17 MR. DOUR: Number 63 was about major soil
18 movements and we discussed that as well. And then
19 number 66 we discussed too, resealing and re-striping
20 the parking lot versus redoing the parking lot --
21 attorney -- construction work on this site.

22 Number 68 refers to the fire department,
23 which we do have their memo. And the -- agreed -- I
24 think they've already incorporated some of them.
25 Right Steve?

1 MR. NAPOLITANO: Which one?

2 MR. DOUR: The fire department memo with the
3 fire hydrants and the -- that they requested?

4 MR. NAPOLITANO: Yes, 310 we provided --
5 text is coming from the client, along with their
6 planning engineer, I don't believe that they provided,
7 number one. Number two, we provided an 8 inch water
8 serving the hydrants. We do have separate -- for fire
9 and domestic. The fire department did have comments
10 as it relates to the location. They were kind enough
11 to show and to include it in their comments on the
12 last page a sketch showing where they'd like to see
13 them. So, I very much appreciate that. We'll update
14 our drawings based on this March 10th memo from the
15 fire department as it relates to that.

16 The fire department connections, number
17 five, number six, number seven, no problem. The
18 roadways are not 30 feet wide, and we did mark "no
19 parking fire zones." Fire zones to be located along
20 buildings. We'll update the drawings -- along the
21 buildings.

22 Providing a -- box and any kind of -- any
23 other recommendations from the fire department as it
24 relates to the -- box. The center island, I know that
25 the fire department is asking for the center island to

1 removed. I spoke with Andy Hipolit quite -- quite a
2 lot about that. He does not want that center island
3 to be removed. He had said leave the center island,
4 make those curbs angled curbs. So, we provided
5 detailed --

6 CHAIRMAN DEPINTO: Show on the plans Steve.

7 MR. NAPOLITANO: Yes sir.

8 This island right here is existing. This is
9 the entrance -- oh, let me give you a clearer -- this
10 island is existing. This is drawing -- two. People
11 come into the site; people leave the site. This
12 island here is what the fire department has suggested
13 to -- they like it to be removed in its entirety. It
14 would make this drive aisle -- people wouldn't even
15 know where they were going in my opinion. Andy
16 Hipolit and I discussed it and he said they're worried
17 about -- they're likely worried not being, let's say,
18 able to get onto the curb. I'm guessing.

19 CHAIRMAN DEPINTO: Does the island prohibit
20 left turn out?

21 MR. NAPOLITANO: That's -- that's going to
22 be -- that's going to be discussed with Brian Dempsey.
23 He's the traffic engineer who's in contact with Eric
24 Timsack (phonetic) and --

25 CHAIRMAN DEPINTO: And Mr. Zitelli you had

1 some concern I recall with respect to that, didn't
2 you?

3 MR. ZITELLI: On this one?

4 CHAIRMAN DEPINTO: Yeah, the left turn out?

5 MR. ZITELLI: Oh yeah I mean making a left
6 turn out of here is going to be very difficult at
7 certain times of day. Right, because the traffic on
8 Summit --

9 CHAIRMAN DEPINTO: I always spoke about
10 right in/right out.

11 MR. VOGEL: We're still in the process of
12 talking to the County about that.

13 CHAIRMAN DEPINTO: And --

14 MR. VOGEL: They haven't gotten back to us.
15 I expect that they'll be back to us before we come
16 back next time.

17 MR. NAPOLITANO: Brian has a wealth of
18 knowledge with regard to that.

19 MR. DEMPSEY: Yeah, I've -- I've been
20 talking with -- with Eric and Andy -- we're just
21 trying to finalize everything.

22 CHAIRMAN DEPINTO: And what -- what's
23 Timsack's position?

24 MR. DEMPSEY: He hadn't made a final
25 decision yet, but he was going to listen -- he wanted

1 to listen to what the Borough's --

2 CHAIRMAN DEPINTO: And what -- what's your
3 professional opinion? Should it be restricted to
4 right in/right out?

5 MR. DEMPSEY: I think -- handle it right
6 in/right out -- traffic that's there. One of the
7 things that was talked about --

8 CHAIRMAN DEPINTO: Well, from a safety point
9 of view, would that be your recommendation, right
10 in/right out?

11 MR. DEMPSEY: Right out -- yes.

12 CHAIRMAN DEPINTO: Okay then someone wanting
13 to go west on Summit Avenue they could exit onto
14 Spring Valley Road, go to the controlled intersection,
15 turn left and go west on Summit.

16 MR. DEMPSEY: Correct, yes.

17 CHAIRMAN DEPINTO: And this is what you're
18 advocating and talking to Timsack?

19 MR. DEMPSEY: So, we're talking to him about
20 it. Andy has -- other towns out there and we -- asked
21 that information and -- to the county -- together.

22 CHAIRMAN DEPINTO: Right, I personally think
23 it's a disaster to make a left hand turn out of that.
24 And if the County comes along and says that they want
25 it, I think they'll hear from us on that.

1 MR. DEMPSEY: Right and --

2 CHAIRMAN DEPINTO: We -- we better -- yes,
3 we'd better be very, very careful with that. That
4 could open up Pandora's box.

5 MR. DEMPSEY: A lot to consider.

6 UNIDENTIFIED MALE: Yeah, every morning and
7 every afternoon.

8 (Indiscernible conversation)

9 CHAIRMAN DEPINTO: Okay, thank you.

10 MR. NAPOLITANO: Mr. Chairman the -- the
11 entrance that Mr. Napolitano is talking about -- curb,
12 is the exact same thing that we have at the
13 intersection of --

14 (Indiscernible conversation)

15 CHAIRMAN DEPINTO: Can mount it if
16 necessary.

17 MR. NAPOLITANO: Exactly. So that's --
18 that's -- so that's different than what's out there
19 now, but it meets both the intent of the --

20 (Indiscernible conversation)

21 CHAIRMAN DEPINTO: But is it sufficient to
22 prohibit the left hand turn, or is it just to
23 discourage?

24 MR. NAPOLITANO: It -- it can be made to
25 discourage and --

1 (Indiscernible conversation)

2 CHAIRMAN DEPINTO: Okay.

3 (Indiscernible conversation)

4 CHAIRMAN DEPINTO: Okay, good. I think
5 we've covered the letter. Chris?

6 MR. DOUR: Yes we have.

7 CHAIRMAN DEPINTO: Okay, I presume Mr.
8 Napolitano will be back for the meeting.

9 MR. VOGEL: HE will.

10 CHAIRMAN DEPINTO: On May -- what is it --

11 UNIDENTIFIED MALE: The 3rd.

12 CHAIRMAN DEPINTO: May 3rd. Steve will you
13 be back?

14 MR. NAPOLITANO: Yes, sure.

15 CHAIRMAN DEPINTO: And I'd ask Board Members
16 if you have any questions to carry them to that date
17 rather than extend the meeting tonight. At that --

18 UNIDENTIFIED MALE: Mr. --

19 MR. VOGEL: In order to make each of the
20 meetings productive as possible.

21 CHAIRMAN DEPINTO: What you don't like the
22 progress we've made?

23 MR. VOGEL: No, I do.

24 CHAIRMAN DEPINTO: Oh okay.

25 MR. VOGEL: But there were some issues

1 raised this evening and I'd like to give clients some
2 advice as to how I think -- react to comments --

3 CHAIRMAN DEPINTO: I think they're good --

4 MR. VOGEL: -- decisions --

5 CHAIRMAN DEPINTO: -- I think they're good
6 listeners, I saw them out there nodding affirmatively.
7 So, they're smart enough to know do what Montvale
8 wants.

9 MR. VOGEL: -- indication that -- there was
10 some indication about the 35 year old parking lot and
11 it's being resealed and the --

12 CHAIRMAN DEPINTO: Light poles.

13 MR. VOGEL: -- the existing light stanchions
14 are there. Is there -- is there a -- take back to my
15 client to --

16 CHAIRMAN DEPINTO: Use -- tell to use their
17 best judgment.

18 UNIDENTIFIED MALE: What is the life span on
19 these -- you know --

20 CHAIRMAN DEPINTO: We're not the designers
21 of the project, we're just the review agency. We've
22 shared with you some of us our opinion. I did. They
23 could listen or ignore it. However, I will give you
24 one bit with respect to the EIS, I will pole the
25 Board, which is something I do normally with respect

1 to your request for a waiver for submission of an EIS.
2 Starting with Frank. Frank are you okay waiving EIS?

3 MR. STEFANELLI: Yes I am.

4 CHAIRMAN DEPINTO: Okay. Dieter?

5 MR. KOELLING: Yes.

6 CHAIRMAN DEPINTO: Okay. John?

7 MR. RYAN: Yes.

8 CHAIRMAN DEPINTO: Dante?

9 MR. TEAGNO: Yes.

10 CHAIRMAN DEPINTO: John?

11 MR. CULHANE: Yes for the waiver.

12 (Indiscernible conversation)

13 CHAIRMAN DEPINTO: So, you're off the hook
14 on EIS.

15 MR. VOGEL: Thank you.

16 CHAIRMAN DEPINTO: You're welcome.

17 MR. VOGEL: We shall see you on the 3rd.

18 CHAIRMAN DEPINTO: That will cost you a
19 parking lot and new lights.

20 (Pause in discussion)

21 CHAIRMAN DEPINTO: Okay, thank you we'll see
22 you in May.

23 MR. VOGEL: Thank you.

24 (Pause in discussion)

25 MR. VOGEL: Okay good night everyone.

1 BOARD MEMBERS: (Collectively) Good night.

2 CHAIRMAN DEPINTO: Have a safe trip home.

3
4 (Matter Concluded)

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12 Certification

13 I, Jessica Robinson, the assigned transcriber, do
14 hereby certify the foregoing transcript of proceedings
15 on disc, from approximately 9:19 p.m. to 10:54 p.m.,
16 is prepared in full compliance with the current
17 Transcript Format for Judicial Proceedings and is a
18 true and accurate non-compressed transcript of the
19 proceedings as recorded.

20  Jessica Robinson

Date: March 22, 2022

21 Jessica Robinson AOC #581

22 _____
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