

1 BOROUGH OF MONTVALE  
2 PLANNING BOARD

3 July 19, 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 ROBERT ZITELLI, Environmental Commission Liaison  
14 CHRIS GRUBER, Code Official  
15 JOHN CULHANE  
16 DIETER KOELLING, Council Liaison  
17 DANTE TEAGNO  
18 JOHN RYAN, Mayor's Designee  
19 JAVID HUYSENOV, First Alternate

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18 CHRISTOPHER DOUR, Acting Board Engineer  
19 ROBERT T. REGAN, ESQ., Board Attorney  
20 DARLENE GREEN, Borough Planner  
21 LORRAINE HUTTER, Board Secretary

23 Jessica Robinson, AOC #581  
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(Start of proceeding from requested portion)

CHAIRMAN DEPINTO: And With that said I am going to call on Grey Capital LLC, 100 Summit Avenue. It's an application for preliminary and final site plan approval and --. And Jerry you're up.

MR. VOGEL: Good evening ladies and gentlemen I'm back again. So, the last time we were here we went through a rather extensively engineering and planning. And as a function on that -- on -- as a function of that on June 9th -- revised plans -- as a result of that we filed revised plans on June 9th. Engineering provided a review of those plans on June 28th and a planning review of July 12th. So --

CHAIRMAN DEPINTO: With respect to those plans -- the revised plans do they have to be marked into evidence?

MR. REGAN: Yes, they would.

CHAIRMAN DEPINTO: Why don't we mark those into evidence.

MR. REGAN: D-12 is next -- I think.

CHAIRMAN DEPINTO: Are we onto D-12.

MR. NAPOLITANO: Yes.

MR. REGAN: A-12.

1           CHAIRMAN DEPINTO:   A-12.

2           MR. NAPOLITANO:   Yes.

3           CHAIRMAN DEPINTO:   And A-12 is the revised  
4 site plan.

5           MR. REGAN:   SNS -- SNS.

6           CHAIRMAN DEPINTO:   With a revision date of

7           --

8           MR. REGAN:   6-9.

9           CHAIRMAN DEPINTO:   -- 6-9. Steve is that  
10 correct?

11          MR. NAPOLITANO:   Yes.

12          CHAIRMAN DEPINTO:   Okay, we're going to mark  
13 that A-12.

14          MR. REGAN:   A-12.

15          CHAIRMAN DEPINTO:   Okay, any other documents  
16 on behalf of the applicant to be submitted.

17          MR. VOGEL:   I'm not sure whether or not we  
18 marked any documents with respect to the soil movement  
19 permit. I know we filed the permit, we -- we provided  
20 notices as required. And Mr. Napolitano (phonetic)  
21 testified with respect to the 6,000 cubic yards that  
22 are going to be moved. But I'm not sure if anything  
23 is marked into evidence.

24          CHAIRMAN DEPINTO:   And Mr. Dour do you know  
25 if your office concurred with the calculations that

1 were provided by SNS with respect to the soil  
2 movement?

3 MR. DOUR: Yes we did Mr. Chairman.

4 CHAIRMAN DEPINTO: And we have a document  
5 that sets forth that approval?

6 MR. DOUR: It's our -- our letter of June  
7 28th.

8 CHAIRMAN DEPINTO: And do you know if that  
9 was marked into evidence.

10 MR. REGAN: It hasn't been yet Mr. Chairman  
11 if we do it would be B-8.

12 CHAIRMAN DEPINTO: So mark B-8 into  
13 evidence, concurring with the testimony of Mr.  
14 Napolitano with respect to the calculations.

15 Lorraine do we have any other --

16 BOARD SECRETARY: Yes.

17 CHAIRMAN DEPINTO: Municipal or Board --

18 BOARD SECRETARY: Yes.

19 MR. REGAN: Yes -- planner.

20 CHAIRMAN DEPINTO: Why don't we mark those.

21 BOARD SECRETARY: That's the engineering  
22 that's B-8 that we just marked.

23 MR. REGAN: B-9 would be the planner.

24 BOARD SECRETARY: This is B-9, the planner.

25 MR. REGAN: And we do have -- landscape

1 architect too. That's April -- yeah, April 28th.

2 BOARD SECRETARY: The landscape architect.

3 MR. REGAN: Yeah, B-10 would be the

4 landscape architect of April 8th -- April 28th.

5 BOARD SECRETARY: And fire department June  
6 30th?

7 MR. REGAN: Yes -- June 29th.

8 BOARD SECRETARY: So what are we marking --

9 CHAIRMAN DEPINTO: June 30th we're going to  
10 mark as one.

11 BOARD SECRETARY: Fire department.

12 CHAIRMAN DEPINTO: Fire department B-10?

13 MR. REGAN: B-11.

14 CHAIRMAN DEPINTO: B-11.

15 MR. REGAN: And B-12 would be the police  
16 department 6-29.

17 (Pause in proceedings)

18 CHAIRMAN DEPINTO: And what are we marking  
19 this?

20 BOARD SECRETARY: B-12.

21 MR. REGAN: B-12 would be police.

22 (Pause in proceedings)

23 CHAIRMAN DEPINTO: Okay, Mr. Vogel.

24 MR. VOGEL: Yes.

25 CHAIRMAN DEPINTO: Now, as you stated when

1 we finished up at the last hearing --

2 MR. VOGEL: Mr. Chairman?

3 CHAIRMAN DEPINTO: Sure.

4 MR. VOGEL: I'm reminded by our traffic  
5 consultant that he did a drawing requested by  
6 Colliers' (phonetic) with respect to truck turning  
7 movements, and that was not marked. It was not part  
8 of the package that was revised drawing. So specified  
9 to at the prior hearing. So -- but we did not mark  
10 it.

11 UNIDENTIFIED MALE: -- it was submitted to  
12 us --

13 (Indiscernible conversation)

14 UNIDENTIFIED MALE: Separate packet.

15 CHAIRMAN DEPINTO: Was it marked?

16 BOARD SECRETARY: Turning diagrams?

17 UNIDENTIFIED MALE: Yes.

18 MR. VOGEL: Yes.

19 BOARD SECRETARY: It was not marked.

20 CHAIRMAN DEPINTO: So Bob we're going to  
21 have to mark that.

22 MR. REGAN: That would be A-13. Prepared by  
23 Mr. Dempsey I assume, right.

24 MR. VOGEL: Okay.

25 MR. REGAN: Is there a date on that?

1 UNIDENTIFIED MALE: June 9th.

2 MR. REGAN: Okay.

3 CHAIRMAN DEPINTO: Okay, let's go back to  
4 the Collier letter marked into evidence as Board  
5 Exhibit 8, dated June 28, 2022. And you stated that  
6 because of the lateness of the hour the Board decided  
7 that we would ask the Borough Engineer at our next  
8 meeting; is that correct?

9 So Mr. Vogel are you ready for that?

10 MR. VOGEL: Yes.

11 CHAIRMAN DEPINTO: I'm going to ask Mr. Dour  
12 to summarize the technical review letter of June 28th.

13 MR. REGAN: Chris were you sworn on this  
14 application previously?

15 MR. DOUR: No, I was not.

16 MR. REGAN: I didn't think so.

17 C H R I S T O P H E R D O U R, BOARD ENGINEER, SWORN

18 CHAIRMAN DEPINTO: Okay, thank you. Mr.  
19 Dour have you had an opportunity to review the letter  
20 of June 28 marked into evidence as B-8?

21 MR. DOUR: Yes I have Mr. Chairman.

22 CHAIRMAN DEPINTO: And could you go through  
23 the letter and summarize your firm's findings and put  
24 particular emphasis on any concerns that you have that  
25 may not have been addressed to date by the applicant?

1           MR. DOUR: The most recent information that  
2 we received from the county is they provided  
3 conditional approval to the applicant -- application.  
4 And I believe a majority of those changes were  
5 incorporated into the plans that were -- that's  
6 provided as Exhibit A-12. And I -- I -- I guess the  
7 best thing for me to do -- have the applicant's  
8 engineer provide -- just go over some of those points.

9           CHAIRMAN DEPINTO: Yeah, I think that would  
10 be appropriate. Mr. Napolitano has been sworn in.

11          MR. REGAN: Yes.

12          CHAIRMAN DEPINTO: And Mr. Napolitano can  
13 you go over the details of that question. There was a  
14 lot of discussion with regard to that access.

15          MR. NAPOLITANO: Yes.

16                           (Pause in proceedings)

17          MR. NAPOLITANO: In -- in general and the  
18 most -- one item that -- spoke with the county --  
19 quite an -- a lot about was the ingress/egress point  
20 -- with the ingress/egress point on Summit Avenue,  
21 existing and what is to be proposed. The County  
22 didn't have issues, but at some point -- some less.  
23 But in speaking with the town, I believe it was Andy  
24 Hipolit, maybe Chris as well, I don't know --  
25 Colliers' with the county, they agreed that right turn

1 in and right turn out was the proper movement there.  
2 The drawings have been revised to reflect that. The  
3 curbing has been revised to reflect that. That's the  
4 main thing.

5 And the County also requested across the  
6 street some no left turn signs, and yield signs and  
7 other stop signs on Summit Avenue as well as near  
8 Spring Valley Road. We added those into the plans  
9 based on their comments. Those comments are also --  
10 conditional approval letter from the County as well.  
11 But being that we communicate from time to time  
12 offline, the various engineers and planners --  
13 communicate -- provide us with the signage, where he  
14 wanted to put the sign. So we were able to put it on  
15 the plans before we even got the conditional approval  
16 letter.

17 So, those are on the drawing. And -- and he  
18 wanted a couple of road widening easements to be fixed  
19 on the plans, so we added that to the drawings. But  
20 they're just -- physically on the -- that you can see  
21 would be the right turn in and right turn out.

22 MR. DOUR: I think the only change that you  
23 didn't make, if I'm not mistaken, was that the County  
24 wants a five foot wide sidewalk versus four feet. --  
25 incorporated --

1           MR. NAPOLITANO: They want a five foot wide  
2 side -- that was a comment that is in the conditional  
3 approval letter, which -- what we were talking about  
4 -- but that will change --

5           MR. DOUR: Okay.

6           MR. NAPOLITANO: There were a couple of  
7 other things like that too in the conditional approval  
8 letter, that will be picked up on here as well.

9           MR. DOUR: Right there were a lot of --

10          MR. NAPOLITANO: That came after --

11          MR. DOUR: Yeah, there were a lot of general  
12 comments related to drainage, property marker,  
13 landscaping and ADA requirements.

14          MR. NAPOLITANO: Right, he wanted -- right  
15 -- well, the ADA ramps -- provided drawings --

16          MR. REGAN: When you're talking about the  
17 conditional approval letters that's the July -- June  
18 15 letter from the county?

19          MR. NAPOLITANO: Yeah, just looking to that  
20 exact letter.

21          MR. REGAN: Yeah, because we have it.

22          MR. NAPOLITANO: I have it -- June 15th,  
23 exactly.

24          MR. REGAN: Okay.

25          MR. NAPOLITANO: So these plans were

1 submitted before that. Many of the comments were  
2 picked up, as I mentioned because we went back and  
3 forth on the emails. All the other conditional  
4 approval pieces, just like any conditional approvals  
5 will hopefully come from this Board we'll have to  
6 revise on the drawings. So the next set of drawing  
7 will pick up their comments --

8 CHAIRMAN DEPINTO: Okay, very good and Chris  
9 can you go through your review letter of the 28th?

10 MR. DOUR: Yeah, Mr. Chairman you just want  
11 -- highlight things that are really still a question?  
12 Okay. So the -- one of the questions we have is what  
13 -- just to make sure -- I'm jumping -- I did -- I'm  
14 jumping back -- this last comment.

15 The snow storage areas are not going to be  
16 in conflict with any landscaping area; is that  
17 correct?

18 MR. NAPOLITANO: Correct. Correct we -- we  
19 moved them to a few different areas that aren't  
20 affecting existing landscaping. Grass areas.

21 MR. DOUR: Right, and the -- and I think one  
22 of the questions we had also was whether or not -- and  
23 the EV charging stations was going to -- with any of  
24 the landscaping?

25 MR. NAPOLITANO: Right now it will not.

1           MR. DOUR: Now the truck turning diagrams I  
2 assume we have the most recent diagrams which are  
3 dated 6-9-22?

4           MR. NAPOLITANO: You -- you do, prepared --  
5 UNIDENTIFIED MALE: 6-09?

6           MR. NAPOLITANO: Yeah. We submitted that  
7 package together -- landscape and those traffic.

8                           (Indiscernible conversation)

9           MR. REGAN: I think he was sworn at the last  
10 meeting.

11           MR. DOUR: So, I guess the question was we  
12 -- I don't know if you saw the top -- of our letter.  
13 The -- the truck turning diagram don't provide full  
14 movements for all the vehicles. I don't know if  
15 that's been revised.

16           MR. DEMPSEY: Yes, they were revised, we  
17 sent them to Andrew right after that letter but was --  
18 as -- as had been submitted in another revised form  
19 package and sent to Andrew. So there's 18 drawings  
20 and that was previously marked --

21           MR. DOUR: Okay.

22           CHAIRMAN DEPINTO: Did a copy of that go to  
23 the Board Secretary?

24           MR. DEMPSEY: Not yet, because it was after  
25 the submission date. We had gotten a review letter

1 from Collier, but we did sent it directly to Colliers  
2 for them to look at it, and that --

3 (Indiscernible conversation)

4 CHAIRMAN DEPINTO: Okay, and Chris can you  
5 repeat their concern.

6 MR. DOUR: So, what they didn't -- the truck  
7 turning showed vehicles entering from one location and  
8 not another. And we felt that it was beneficial to  
9 have -- to show the vehicles entering both locations  
10 with the approved turn from the County and exiting  
11 that way. And that's with the fire truck, the SU30  
12 truck I believe and the --

13 MR. DEMPSEY: The sanitation.

14 MR. DOUR: -- sanitation truck.

15 CHAIRMAN DEPINTO: And you're stating that  
16 you forwarded that to Mr. Hipolit?

17 MR. DEMPSEY: Yes.

18 CHAIRMAN DEPINTO: But the Board is not in  
19 receipt of it at this time?

20 MR. DEMPSEY: No, it would come in --

21 CHAIRMAN DEPINTO: And Chris you have no  
22 knowledge of that?

23 MR. DOUR: I have no -- Mr. Chairman,  
24 unfortunately.

25 CHAIRMAN DEPINTO: Okay.

1 MR. NAPOLITANO: So the first --

2 CHAIRMAN DEPINTO: Sure.

3 MR. NAPOLITANO: Brian had submitted three  
4 drawings which were a part of this set. As a result  
5 of that comment, which we got on June --

6 UNIDENTIFIED MALE: What was the date of the  
7 letter? 28th.

8 MR. NAPOLITANO: Yeah, right away he put  
9 together the -- 18 additional drawings to accommodate  
10 that comment and sent it to Andy ahead of this meeting  
11 so that he could have it. We couldn't possibly get it  
12 in already at that time because the application had  
13 been submitted. -- that we have the conditional  
14 approval letters -- comments to make. There some  
15 comments in these letters that are not reflected on  
16 the drawings, because the drawings --

17 CHAIRMAN DEPINTO: Okay, so Chris I'm not --

18 MR. NAPOLITANO: Engineering.

19 CHAIRMAN DEPINTO: Right, Chris I'm going to  
20 ask that you try to locate that correspondence to Mr.  
21 Hipolit, review it and provide a letter back to the  
22 Board Secretary and copy to the applicant with your  
23 concurrence or concern.

24 MR. DOUR: Okay, we'll do Mr. Chairman.

25 CHAIRMAN DEPINTO: Okay, moving on from

1 that. I guess that's item 37?

2 MR. DOUR: Correct there were two other  
3 questions regarding the -- just to confirm the height  
4 of the -- south side, and to confirm that there was no  
5 overhang on the -- I guess that would be the northeast  
6 corner.

7 MR. NAPOLITANO: Here?

8 MR. DOUR: Correct.

9 MR. NAPOLITANO: Overhang the parking lot?

10 MR. DOUR: Over the -- the drive aisle.

11 MR. NAPOLITANO: Correct.

12 MR. DOUR: Okay, so there's nothing planned  
13 there at all?

14 MR. NAPOLITANO: Is that correct -- the --  
15 is going to be -- from the building to the end of the  
16 curb and it's not going to extend into the driveway?

17 CHAIRMAN DEPINTO: Again, identify yourself  
18 for the record please.

19 MR. MCDERMOTT: Yes, Ryan McDermott with --

20 MR. REGAN: He was previously sworn.

21 CHAIRMAN DEPINTO: Yes.

22 MR. MCDERMOTT: --

23 MR. NAPOLITANO: Thank you to confirm that  
24 Ryan.

25 MR. DOUR: And the -- and the height of --

1 the clearance of the -- on the south side is 12 feet,  
2 6 inches?

3 MR. MCDERMOTT: That's correct. I believe  
4 we addressed that last time, yeah.

5 MR. DOUR: Okay.

6 CHAIRMAN DEPINTO: Do you have an exhibit on  
7 that that we can hold up to take a look at?

8 (Indiscernible conversation)

9 MR. REGAN: Yeah, maybe we should. The  
10 county letter of June 15th never been marked. I guess  
11 we can call it a Board exhibit.

12 CHAIRMAN DEPINTO: Why don't you just  
13 temporarily put it on Steve's Board and describe to us  
14 the general -- that general area on the plans?

15 MR. MCDERMOTT: So the ambulance entry --  
16 share overhang would be -- in -- at 13 feet, actually.  
17 13 feet -- drawing A-102, the main entry -- is  
18 surveyed at 13 feet from grade to the other side of  
19 the pad. So it's --

20 CHAIRMAN DEPINTO: Chris do you find that  
21 adequate?

22 MR. DOUR: That's adequate we probably would  
23 defer to emergency services and make sure -- that was  
24 the amount that the -- requested.

25 CHAIRMAN DEPINTO: Okay, John do you have a

1 concern on that?

2 MR. RYAN: No, the fire chief has 12-6 that  
3 he would like. So yeah that's enough --

4 CHAIRMAN DEPINTO: Okay. And chief you're  
5 in the back of the room, I see. You're okay with the  
6 13 feet?

7 FIRE CHIEF: Yes, Mr. Chairman.

8 CHAIRMAN DEPINTO: Okay, thank you. Chris,  
9 why don't you continue?

10 MR. DOUR: Mr. Chairman, really most of  
11 these comments have been addressed. So, we touched  
12 briefly on the soil movement permit application.  
13 Unless anybody has any other comments --

14 CHAIRMAN DEPINTO: I'm sorry, touched  
15 briefly on what?

16 MR. DOUR: The soil permit application. So  
17 the -- the applicant is proposing moving 6,060 cubic  
18 yards of soil. And just as a point of information  
19 that they do have to provide certain information to  
20 the Borough prior to, I believe --

21 (Indiscernible conversation)

22 MR. DOUR: And the transporter and --

23 (Indiscernible conversation)

24 MR. DOUR: Yeah, so that was really Mr.  
25 Chairman --

1           CHAIRMAN DEPINTO: Okay, and there's more --  
2 Chris there's more soil leaving the site than being  
3 imported?

4           MR. DOUR: Yes.

5                       (Indiscernible conversation)

6           MR. NAPOLITANO: From a code point, zoning  
7 ordinance point of view, total soil movement 232 cubic  
8 yards of fill, 5,833 cubic yards of cut. Add it  
9 together per the ordinance 6,060.

10          MR. REGAN: 6060?

11          MR. NAPOLITANO: 6060 cubic yards of total  
12 soil movement. I think that's part of the  
13 application. The net soil movement is -- is 5,601  
14 cubic yards of soil export.

15          CHAIRMAN DEPINTO: Okay, very good.

16          MR. REGAN: Okay, good.

17          CHAIRMAN DEPINTO: Can I --

18          MR. NAPOLITANO: And that -- and that --  
19 just so you know that's broken up in 5,833 cubic feet  
20 of cut and 2,200 -- excuse me, 232 cubic yards of  
21 fill.

22          MR. DOUR: Of fill.

23          MR. NAPOLITANO: Nets to 5,601 total cubic  
24 yards of soil to be exported from the site.

25          MR. DOUR: Okay.

1 CHAIRMAN DEPINTO: Good thank you.

2 MR. NAPOLITANO: You're welcome.

3 CHAIRMAN DEPINTO: Chris what do you have  
4 next?

5 MR. DOUR: Traffic study pretty much -- our  
6 review indicated that the applicant provide a traffic  
7 study that was in general -- performed to generally  
8 accepted practice and we had no issues, and we did  
9 make a comment about the right in and right out that  
10 the county is requiring.

11 CHAIRMAN DEPINTO: Chris, do you know if  
12 Andy had any discussion or Jerry -- are you aware of  
13 any discussion with Andy Hipolit with regard to  
14 synchronizing of the light at Spring Valley Road and  
15 Summit Avenue, with this new GPS system that's being  
16 installed throughout town? Chris do you know anything  
17 about it --

18 (Indiscernible conversation)

19 MR. DOUR: I can ask that question.

20 CHAIRMAN DEPINTO: Yeah, I understand that  
21 in connection with North Market -- or I'm sorry the --  
22 the Valley Application --

23 UNIDENTIFIED MALE: Building four.

24 CHAIRMAN DEPINTO: -- building four at North  
25 Market, the developer will be supplying to the County

1 and the Borough five GPS controlled lights at  
2 different intersections along Grand Avenue. And I  
3 believe Colliers' made a recommendation that another  
4 two be installed along Summit Avenue. And Dieter I  
5 don't know if you've had any involvement with it. Did  
6 Hipolit discuss it with you?

7 (Indiscernible conversation)

8 CHAIRMAN DEPINTO: Not yet about Summit.

9 (Indiscernible conversation)

10 CHAIRMAN DEPINTO: Okay. All right, Steve  
11 I'm going to ask that you follow it up with Hipolit,  
12 with regard to that.

13 MR. NAPOLITANO: These are what two -- two  
14 light bulbs?

15 CHAIRMAN DEPINTO: The two intersections  
16 that are signalized on Summit Avenue. One being at  
17 the corner of Summit and Spring Valley Road. The  
18 other is Summit and Chestnut Ridge Road. I believe  
19 that would complete the County's recommendation that  
20 all of these intersections be synchronized through the  
21 usage of these GPS type control of a traffic light.  
22 And I'm surprised Tim Sack (phonetic) didn't bring it  
23 up with you Steve in your discussion with him. But it  
24 seems to be something that they're looking for.

25 MR. NAPOLITANO: I'll reach out to Andy on

1 that note then.

2 CHAIRMAN DEPINTO: okay, good thank you.

3 Okay Chris why don't you continue please.

4 MR. DOUR: The -- the -- thank you Mr.  
5 Chairman. The EV Charging stations are these going to  
6 be stations that you -- you drive up and you'd have to  
7 put in a charge card or some type of an account? Or  
8 has that been determined?

9 MR. NAPOLITANO: I don't think that's been  
10 determined.

11 MR. DOUR: Okay.

12 MR. NAPOLITANO: We've located them to  
13 accommodate the quantity, we've located them to  
14 provide for relatively close parking spaces, we  
15 located them -- handicap parking spaces well. That  
16 answer I don't have.

17 MR. DOUR: Okay, I assume they wouldn't be  
18 free.

19 MR. NAPOLITANO: I'm not sure of the answer  
20 to that.

21 MR. DOUR: Okay.

22 MR. NAPOLITANO: -- get back on that.

23 CHAIRMAN DEPINTO: And while on that  
24 subject, we just had an applicant come before the Site  
25 Plan Review Committee and we reminded them against the

1 Borough's prohibition of neon lighting. I have  
2 noticed some of these charging stations they're  
3 employing neon lights to highlight their availability.

4 MR. REGAN: Yeah, on the Garden State  
5 Parkway.

6 CHAIRMAN DEPINTO: They're on the Parkway,  
7 they're on Route 17. The ones that Recker Bank Heiser  
8 (phonetic) are planning to use do not employ the neon.  
9 We'd like to see similar, and we can provide you with  
10 the details of that charging station. The other thing  
11 --

12 (Indiscernible conversation)

13 CHAIRMAN DEPINTO: Yeah, we're not big on  
14 that -- we're not big on that sort of thing.

15 (Indiscernible conversation)

16 CHAIRMAN DEPINTO: And the other item with  
17 that, we brought to Recker Bank Heiser's attention the  
18 fact that we felt if the charging stations are for the  
19 use of employees that access to them should either be  
20 by credit card or ID card or something or someone  
21 would not park a vehicle there overnight, who may not  
22 have any business being there. It's something that  
23 they were going to employ, allowing employees with  
24 their ID  
25 cards in. I would ask that you bring that to Grey

1 Capital's attention.

2 MR. VOGEL: You're not talking about this --  
3 to have to go a car access? Because let's suppose --

4 CHAIRMAN DEPINTO: Yeah, in the case it's a  
5 visitor, right, I think the appropriate thing to do  
6 would be to have a credit card type of reader.

7 MR. VOGEL: We're going to do that when --  
8 when somebody wants to come see momma who is the place  
9 or dad?

10 CHAIRMAN DEPINTO: Well, I don't know. I'm  
11 -- I'm asking you. I'm more concerned about --

12 MR. REGAN: People having no connection with  
13 the site --

14 CHAIRMAN DEPINTO: Having no connection --

15 MR. REGAN: -- showing up overnight and --

16 CHAIRMAN DEPINTO: And leaving their vehicle  
17 there overnight. How are we going to prevent that?

18 MR. VOGEL: It's kind of self-limiting.  
19 Number one this is a use that is populated by people  
20 working there 24 hours a day. It's not like an office  
21 building that closes down and everybody leaves. So  
22 there are people there operating on site and they're  
23 able to be aware of what goes on at the site.

24 CHAIRMAN DEPINTO: I'm -- I'm just saying  
25 that I would want building management to monitor it,

1 not that there are vehicles parking there overnight  
2 that should not be parked there.

3 MR. VOGEL: Well, I'm sure the operation  
4 they don't want any strange vehicle on the site.

5 CHAIRMAN DEPINTO: Right.

6 MR. VOGEL: Given the nature of the  
7 residents. So, but -- but it -- to have some kind of  
8 an access limited by card or something like that or by  
9 a reader that would stop a relative from coming in to  
10 -- to visit -- or someone got ill --

11 CHAIRMAN DEPINTO: I'm not sure, but we'd  
12 like --

13 MR. VOGEL: -- something --

14 CHAIRMAN DEPINTO: -- we'd like to see a  
15 plan from operations how they -- how they intend to  
16 monitor that usage.

17 MR. REGAN: It's kind of matter of security  
18 and safety too.

19 CHAIRMAN DEPINTO: Okay, Chris what else you  
20 have on this?

21 MR. DOUR: Mr. Chairman the only comment --  
22 major comment that we have is just the applicant  
23 addressing the fire department's memorandum, and I'm  
24 going to defer to the fire department --

25 CHAIRMAN DEPINTO: Okay, very good. Let's

1 go to Board Members, starting with, I guess Mr.  
2 Zitelli. Mr. Zitelli do you have any questions of  
3 either design engineer Steven Napolitano or Mr. Dour  
4 from Colliers.

5 MR. ZITELLI: So, I just want to confirm  
6 what I heard here tonight, Mr. Chairman. It sounds  
7 like there were no left turns out of the site; is that  
8 correct? So we'll not be allowed to make a left turn  
9 --

10 MR. NAPOLITANO: You cannot make a left out  
11 of the site onto Summit Avenue.

12 MR. ZITELLI: Okay, and similarly they  
13 wouldn't be able to make a left from Summit into the  
14 site; correct?

15 MR. NAPOLITANO: Correct.

16 MR. ZITELLI: That's pretty good Mr.  
17 Chairman, that was one of my big concerns because you  
18 know the traffic on Summit Avenue at certain times of  
19 day is very heavy.

20 MR. VOGEL: It's one of the benefits of this  
21 kind of use, because it was an office building people  
22 would want to stream in and out, left in, left out.  
23 Here we're able to direct the traffic on the site and  
24 accommodate that.

25 MR. ZITELLI: I appreciate that. I -- I

1 think that's -- I'm glad you guys did that. So, I  
2 have no other questions right now.

3 CHAIRMAN DEPINTO: Very good, thank you.  
4 John do you have anything?

5 MR. RYAN: No additional questions.

6 CHAIRMAN DEPINTO: Thank you.

7 (Indiscernible conversation)

8 CHAIRMAN DEPINTO: Thank you.

9 UNIDENTIFIED MALE: I just have one  
10 question.

11 CHAIRMAN DEPINTO: Sure.

12 UNIDENTIFIED MALE: Was it mentioned that  
13 the -- charges were they level, one, two or three? Is  
14 that specified?

15 MR. NAPOLITANO: It's not specified --

16 UNIDENTIFIED MALE: Do you anticipate Steve  
17 that it's going to be specified?

18 MR. NAPOLITANO: Yes.

19 UNIDENTIFIED MALE: Do we know what you're  
20 considering?

21 MR. NAPOLITANO: I don't know --

22 UNIDENTIFIED MALE: My preference would be  
23 no level one's that's the same as plugging into your  
24 house. Level two and three -- charge the cars faster  
25 -- proportionate and I think that --

1 MR. NAPOLITANO: I will certainly find that  
2 out.

3 UNIDENTIFIED MALE: I think that whatever --  
4 if there -- if this electric thing keeps going like it  
5 is you probably want level three charges there.

6 CHAIRMAN DEPINTO: Thank you. Mr. Culhane?

7 MR. CULHANE: In regards to the Summit  
8 entrance, the fire department asked for mountable  
9 curbs.

10 MR. NAPOLITANO: Yes.

11 MR. CULHANE: That's being provided?

12 MR. NAPOLITANO: Was that -- was that -- I'm  
13 sorry, I thought you were saying -- going to say  
14 something after that.

15 MR. CULHANE: NO other comments --

16 MR. NAPOLITANO: So, they did -- the fire  
17 department did request mountable curbs. We're going  
18 to show mountable curbs. The County didn't want  
19 mountable curbs.

20 CHAIRMAN DEPINTO: The county did not want  
21 them?

22 MR. NAPOLITANO: Yes.

23 CHAIRMAN DEPINTO: And what is Colliers'  
24 position on that Chris?

25 MR. DOUR: I think from the standpoint of

1 just access the fire department mountable curbs are  
2 recommended.

3 MR. NAPOLITANO: Yeah, we'll -- we'll put  
4 the mountable curb -- the fire department, right,  
5 we'll put the mountable curb in here when -- when it's  
6 hidden. Summit has to be a curb. You got to have a  
7 curb here, right to about there and then everything  
8 will be mountable.

9 (Indiscernible conversation)

10 MR. NAPOLITANO: Yeah, so we'll work that  
11 out.

12 CHAIRMAN DEPINTO: Okay, good. Mr. Gruber?

13 (Indiscernible conversation)

14 CHAIRMAN DEPINTO: Okay. And councilman?

15 COUNCILMAN KOELLING: No question.

16 CHAIRMAN DEPINTO: Okay, thank you. We  
17 should open the meeting to the public. The chair will  
18 entertain -- I'm sorry, Ms. Green?

19 MS. GREEN: I have a question for Mr.  
20 Napolitano.

21 CHAIRMAN DEPINTO: Fine.

22 MS. GREEN: But I don't know if you want to  
23 -- or not.

24 CHAIRMAN DEPINTO: Let's -- let's go to the  
25 public and then we'll do planning.

1 UNIDENTIFIED MALE: I do think -- come here  
2 tonight --

3 (Pause in proceedings)

4 CHAIRMAN DEPINTO: Chair will entertain a  
5 motion to open the meeting to the public.

6 MR. CULHANE: So moved.

7 MR. RYAN: So moved.

8 CHAIRMAN DEPINTO: Mr. Culhane, seconded  
9 John. All in favor? Aye.

10 BOARD MEMBERS: (Collectively) Aye.

11 CHAIRMAN DEPINTO: Anyone from the public  
12 wish to be heard? No? The Chair will entertain a  
13 motion to close the meeting -- the public.

14 (Indiscernible conversation)

15 CHAIRMAN DEPINTO: Mr. Teagno. Seconded?

16 MR. ZITELLI: I'll second it.

17 CHAIRMAN DEPINTO: Mr. Zitelli. All in  
18 favor.

19 BOARD MEMBERS: (Collectively) Aye.

20 CHAIRMAN DEPINTO: Okay, before we get into  
21 test --

22 MR. REGAN: Yeah, we can mark the county  
23 report. Going to make it as a Board exhibit.

24 CHAIRMAN DEPINTO: Yeah, what are you going  
25 to mark it?

1 MR. REGAN: I think it would be B-13.

2 BOARD SECRETARY: Thank you.

3 CHAIRMAN DEPINTO: Okay, did we mark into  
4 evidence Darlene's letter?

5 MR. REGAN: Yes we did.

6 MS. GREEN: B-9.

7 MR. REGAN: A-9. B-9.

8 CHAIRMAN DEPINTO: B-9. And -- but we have  
9 not heard any testimony from the applicant's planner.

10 MR. REGAN: No we haven't.

11 MS. GREEN: I will keep it just to Mr.  
12 Napolitano's --

13 CHAIRMAN DEPINTO: Okay, why don't you do  
14 that and then we'll go onto testimony.

15 MS. GREEN: Sure.

16 CHAIRMAN DEPINTO: From the planner.

17 MS. GREEN: Mr. Napolitano -- reviewed --  
18 set of plans we identified a variance for intersection  
19 -- intersection of lighting. Will the applicant  
20 seeking that waiver, or are you able to comply with  
21 the order?

22 MR. NAPOLITANO: So -- so it's a little  
23 vague to me the ordinance at the intersection -- tell  
24 me three foot candles --

25 MS. GREEN: Right along the property line.

1           MR. NAPOLITANO: Okay, so in -- in that  
2 comment that you have made we added an additional  
3 lighting fixture at the entrance of -- point on both  
4 -- both on Spring Valley and Summit. To increase the  
5 foot candles we do not have three foot candles at the  
6 property line. This must be a very new ordinance that  
7 was recently put in, I would imagine.

8                           (Indiscernible conversation)

9           MR. NAPOLITANO: That -- half a foot candle.

10

11           MS. GREEN: Yes.

12           MR. NAPOLITANO: And very often times we --  
13 argue we need more lighting at that entrance so at  
14 least give us a waiver or a variance at the time. I  
15 guess somebody came up with that. Okay, so then I  
16 know that for future.

17                           We can either ask for a -- I mean it's --  
18 it's -- it's got foot candles. To do that we would  
19 have another head here, here, here and here and we  
20 would not ask for a waiver or a foot candle. We would  
21 have three foot candle --

22           MR. REGAN: So you would comply?

23           MR. NAPOLITANO: We -- we would comply.

24           MR. REGAN: That makes it easy.

25           MR. NAPOLITANO: Thank you.

1           CHAIRMAN DEPINTO: Darlene anything else?

2           MR. NAPOLITANO: Thank you.

3           MS. GREEN: Not a problem. On Page 7,  
4 comment number 9. There are eight and a half foot  
5 wide -- throughout the parking lot. And in our  
6 ordinance we say that you're allowed to have eight and  
7 a half foot wide parking spaces if they're going to be  
8 used for employee parking.

9           MR. NAPOLITANO: Yes.

10          MS. GREEN: As -- I can't -- any testimony  
11 on that -- I don't know if you're the right person to  
12 -- testify to that?

13          MR. NAPOLITANO: Yeah, I'm going to tell you  
14 why --

15          MS. GREEN: Certainly.

16          MR. NAPOLITANO: This is just my little  
17 strategy. The orange is where that eight and a half  
18 foot is. And the -- because of these -- just -- just  
19 very briefly. We measured -- these are existing  
20 conditions. We measured every aisle as -- just -- to  
21 the two inches -- and we're re-striping -- we're  
22 re-milling, we're re-topping, we're re-paving, we're  
23 re-striping. The stripes out there now, are faded,  
24 they're there. If I went out there and five other  
25 people went out there we'd all come back with a

1 different total number because we would have seen  
2 something to be a little different than somebody else.  
3 So I'm not comparing this to what -- what is there.

4 But if you were take the dimension from here  
5 to here, as an example, take other than the handicap  
6 spaces, it's a perfect eight and a half foot wide  
7 here. If you did nine you'd lose some space and you'd  
8 have some strange dimension at the end. The same  
9 thing happened here. And the same thing happened up  
10 in this area.

11 So, if -- if the Board is amenable those  
12 spaces can be designated by management, not by signage  
13 or striping or any kind of thing like that, that  
14 employees would park on these edges and those spaces.  
15 All those other spaces that happen to be nine feet,  
16 literally are perfect nine foot spaces.

17 So, that's the reasoning behind that.  
18 Could these spaces go to nine feet? They could easily  
19 go to nine feet. We'd have to have a funky little  
20 spot at the end --

21 CHAIRMAN DEPINTO: Yeah, but Steve aren't  
22 you concerned at some point in the future these  
23 undersized parking spaces intermittently disbursed  
24 through the site --

25 MR. NAPOLITANO: Yes.

1           CHAIRMAN DEPINTO:  -- would become a  
2 problem?

3           MR. NAPOLITANO:  Yes.

4           CHAIRMAN DEPINTO:  Larger vehicles trying to  
5 fit into smaller spaces?

6           MR. NAPOLITANO:  It could be, yes.  Yes,  
7 they may not know not to park there.

8           CHAIRMAN DEPINTO:  And I'm also concerned  
9 that all of a sudden that someone would decide to put  
10 of signage.

11          MR. NAPOLITANO:  I've been authorized to  
12 make a commitment to the Board that the eight and a  
13 half foot spaces will be designated for employees --  
14 parking plan interior to the operation.

15          CHAIRMAN DEPINTO:  Without signage?

16          MR. NAPOLITANO:  That's correct?

17          CHAIRMAN DEPINTO:  So how -- how is that  
18 going to work?  What happens if a visitor decides they  
19 want to park an oversized vehicle --

20          MR. NAPOLITANO:  Well, we're going to have  
21 -- we're going to have employees fill up those spots.

22          CHAIRMAN DEPINTO:  What would the loss of  
23 parking spaces amount to if you eliminated the eight  
24 and a halves?

25          MR. NAPOLITANO:  Two to three here.  One to

1 two here. Maybe one here.

2 CHAIRMAN DEPINTO: And I recall --

3 MR. NAPOLITANO: And -- kind of a lot --  
4 you're getting half inch, half inch, half inch all  
5 way.

6 (Indiscernible conversation)

7 CHAIRMAN DEPINTO: -- that with respect to  
8 parking that we had more than enough parking spaces.

9 MR. NAPOLITANO: Yes.

10 CHAIRMAN DEPINTO: So why would we want to  
11 -- to impose this eight and a half feet --

12 MR. NAPOLITANO: Sure.

13 CHAIRMAN DEPINTO: -- when we can do it at  
14 nine and really not give up more than eight or ten  
15 spaces?

16 MR. REGAN: Yeah, the plan shows 368  
17 according to Darlene's letter.

18 MR. NAPOLITANO: There is a lot on the side,  
19 I just missed, it was right over here.

20 CHAIRMAN DEPINTO: Yeah, I -- I would --

21 MR. NAPOLITANO: We're going to re -- I  
22 think based on the comments here we're going to re --  
23 revise that to have just nine foot wide spaces  
24 throughout, other than the handicap spaces --

25 CHAIRMAN DEPINTO: Yeah, that -- let me --

1 MR. NAPOLITANO: Okay.

2 CHAIRMAN DEPINTO: That's certainly my  
3 preference.

4 MR. REGAN: Steve can you tell us before you  
5 poll the Board how many it would reduce it to?

6 CHAIRMAN DEPINTO: Was that a reduction of  
7 about ten parking spaces?

8 MR. NAPOLITANO: Or less.

9 CHAIRMAN DEPINTO: Or less.

10 MR. REGAN: Okay, that's fine.

11 CHAIRMAN DEPINTO: Okay, Mr. Huysenov, are  
12 you okay with eliminating eight and a half?

13 MR. HUYSENOV: Yes.

14 CHAIRMAN DEPINTO: Okay John down below  
15 Chris?

16 MR. RYAN: Yeah.

17 CHAIRMAN DEPINTO: And Dieter?

18 (Indiscernible conversation)

19 CHAIRMAN DEPINTO: Okay, why don't we go  
20 that way?

21 UNIDENTIFIED MALE: Yeah, no more than ten.

22 (Pause in proceedings)

23 MS. GREEN: Okay -- thank you.

24 MR. NAPOLITANO: Thank you.

25 MS. GREEN: Yes, Steve I searched the site

1 plan and I do not see any proposed generator. Does  
2 this site need a generator, and if so where would it  
3 go?

4 MR. NAPOLITANO: There -- I don't know some  
5 of those questions. But there is an existing  
6 generator here.

7 MS. GREEN: Okay.

8 MR. NAPOLITANO: It's always been there, and  
9 it's been on this plan to remain as an existing  
10 generator. I understand the building owner is either  
11 going to utilize that generator or -- I don't know the  
12 condition of it, I don't know. I would imagine if  
13 it's in good condition -- it's in this fenced -- this  
14 existing fenced in area, there is one there.

15 MS. GREEN: All right, thank you.

16 MR. NAPOLITANO: Yes. Says existing --

17 (Indiscernible conversation)

18 MS. GREEN: That's why it was --

19 MR. NAPOLITANO: Yeah.

20 MS. GREEN: Just bear with me one second.

21 Just skipping over the architect comments. Moving on  
22 to lighting. Are there going to be any freestanding  
23 fixtures that would be turned off and -- during the  
24 evening hours? Or ordinance talks about security  
25 lighting after certain hours. And it wasn't clear if

1 all of the light fixtures would remain on all night,  
2 or if certain one will be turned off for security  
3 level or --

4 MR. VOGEL: I -- I inquired of that when I  
5 saw your comment. The intention is to keep all of the  
6 lights on because of the nature of these -- and  
7 there's the -- that if there's any spillage onto other  
8 properties -- so there's light source that is  
9 offensive to another property we will work it out be  
10 either putting a cover on it or by redirecting the  
11 light. But their desire is -- and they do it on all  
12 of their locations is keep the lights on. Number one  
13 it provides for security. Two, it gives a certain  
14 amount of secure feeling to the people who are inside,  
15 the residents because they see lights not dark  
16 outside. So they like to keep them on, and if it does  
17 intrude on anybody else they will -- put a provision  
18 -- resolution that we would accommodate any spillage  
19 or light source that's an intrusion -- property --

20 CHAIRMAN DEPINTO: Chris in the Colliers'  
21 review letter, is there a recommendation as to the  
22 level of illumination that we would find acceptable?

23 MR. DOUR: There -- there's no number Mr.  
24 Chairman. And I think there was a comment, if I'm not  
25 mistaken about -- the ordinance for security and

1 dimming the lights, possibly and also have them go off  
2 at a certain time. But based on the applicant's  
3 testimony, and the fact that the -- there -- it's a 24  
4 hour operation that they would prefer to have the  
5 lights on.

6 CHAIRMAN DEPINTO: Right, but I think we  
7 have to be sensitive to the residential developments  
8 both to the north of the property and the south of the  
9 property. So, yes there should be no illumination at  
10 the property line that they would find offensive. But  
11 depending upon the height of the poles and the type of  
12 lighting that they're using, if they're keeping it on  
13 24 hours, I think it has to be a lesser lumen or  
14 illumination. Chris, do you agree with that?

15 MR. DOUR: They could -- they could possibly  
16 dim the lighting along the perimeter facing alongside  
17 of the residential development. That may accommodate  
18 that or address that concerns.

19 MR. VOGEL: -- down the road -- almost every  
20 application -- my comment is if there is -- if there  
21 is a problem we will solve it. If you -- if there's  
22 the lighting that's on that plan intrudes on anybody  
23 else. To say that we'll turn down the lights at a  
24 given time.

25 CHAIRMAN DEPINTO: That's -- that's -- that

1 reactive, I want to be proactive. I want to design  
2 something that our professionals say will not be  
3 offensive.

4 MR. VOGEL: Well I -- I -- I think our  
5 position Mr. Chairman is that the lighting that we  
6 have designed will not spill out onto other people's  
7 property, will not be a light source that will  
8 intrude. We have -- as per our plan is --

9 CHAIRMAN DEPINTO: But I'd like specifics --

10 MR. VOGEL: -- if that representation  
11 doesn't turn out to be true, we'll modify it to  
12 whatever --

13 CHAIRMAN DEPINTO: But I would like the  
14 specifics to what the illumination will be.

15 MR. VOGEL: Well we -- we have a lighting  
16 plan, we've shown the fixtures, that's what we're  
17 proposing.

18 CHAIRMAN DEPINTO: All right. Chris, I'm  
19 going to ask that you review that again.

20 MR. DOUR: Will do Mr. Chairman.

21 CHAIRMAN DEPINTO: And come back with a  
22 report.

23 Okay, what else --

24 MS. GREEN: -- if I could add to that --

25 CHAIRMAN DEPINTO: Sure.

1 MS. GREEN: I was just looking back and our  
2 prior testimony from February 15 when Mr. Smith  
3 testified, and he said that he would have a total of  
4 180 employees and 100 of those employees will be on  
5 the day shifts. Which my math then means there's 80  
6 employees left for night shift. So of the 300 and  
7 some odd parking spaces they only need 80 at night.  
8 So perhaps we only need to illuminate a field of 80  
9 parking spaces as opposed to 368.

10 CHAIRMAN DEPINTO: Again, we'll take a look  
11 -- a closer look to the lighting plan and see what  
12 we're going to do with that. Do you have anything  
13 else Ms. Green?

14 MS. GREEN: Yes.

15 CHAIRMAN DEPINTO: Go ahead.

16 MS. GREEN: Last to --

17 CHAIRMAN DEPINTO: And again you're  
18 referring to the Collier --

19 MS. GREEN: Colliers' letter dated July 12th  
20 marked as D-9.

21 CHAIRMAN DEPINTO: Okay.

22 MS. GREEN: Mr. Napolitano the closed heated  
23 above ground structure you don't have details on that  
24 yet; correct? Like the size?

25 MR. NAPOLITANO: Yeah, no details.

1 MS. GREEN: Do you believe that the five 6  
2 foot tall trees that are proposed will be tall enough  
3 to screen that from view of Summit?

4 MR. NAPOLITANO: Yes, I'm basing that size  
5 on the size that was designed for the property just --  
6 private -- same size. I shall -- because I'm taller  
7 --

8 MR. VOGEL: And I would have no problem in a  
9 resolution that provide that the plantings there would  
10 be high enough to cover the heights of -- put that in  
11 as a requirement. And -- something as too short we'll  
12 have to replace it. I'm sure Mr. Gruber will be out  
13 there --

14 MS. GREEN: Okay, thank you. My last  
15 question. Sheet Y5 of your plans indicates that the  
16 bollards on the site OSHA Yellow. And I don't know  
17 that we have OSHA Yellow bollards anywhere in town.

18 MR. VOGEL: You know I'm disappointed, I  
19 thought the chairman would pick that up. I -- I don't  
20 where the yellow -- came from. I don't know -- I  
21 don't know --

22 MR. NAPOLITANO: Lot of warehousing  
23 projects, maybe the yellow came from that.

24 CHAIRMAN DEPINTO: I'm sure -- I'm sure it  
25 was a typo.

1 MR. NAPOLITANO: So what color would you  
2 like from me?

3 MS. GREEN: Black.

4 UNIDENTIFIED MALE: Grey, beige --

5 UNIDENTIFIED MALE: Grey is good. Purple.

6 (Indiscernible conversation)

7 MS. GREEN: Where -- where are the majority  
8 of them located Steve? -- the dumpster area -- I  
9 guess I'm just trying to envision what the back drop  
10 is so that they don't stick out like a sore thumb.

11 MR. NAPOLITANO: I don't think we have that  
12 many. I'm trying to think where we even have them.  
13 That's on the detail that you saw?

14 MS. GREEN: Sheet Y5.

15 MR. NAPOLITANO: Yeah, that's the detail --  
16 note on there -- phrase -- I mean we probably have  
17 them located -- I -- I have to see on the plan where  
18 we have them.

19 MS. GREEN: As long as it's not neon or  
20 ocean yellow.

21 MR. NAPOLITANO: Yeah, no problem.

22 CHAIRMAN DEPINTO: Grey -- grey or black,  
23 it's fine. A flat black.

24 MR. NAPOLITANO: Yeah, absolutely.

25 (Indiscernible conversation)

1           CHAIRMAN DEPINTO:  Okay, we're going to take  
2 a five minute break and when we return Mr. Vogel we'll  
3 hear testimony, I believe, from your planner.  And  
4 then we'll go over Ms. Green's planning review letter.

5           MR. VOGEL:  I have one more witness --  
6 Gregory --

7           CHAIRMAN DEPINTO:  Yes, when we return from  
8 the break we'll hear from Ms. Gregory.

9           MR. VOGEL:  Very good.

10          CHAIRMAN DEPINTO:  Thank you.

11                   (Off the record, on the record)

12          CHAIRMAN DEPINTO:  Okay, Mr. Vogel.

13          MR. VOGEL:  Yes, the singular witness that  
14 we have -- this application is a planning testimony.  
15 I have a witness here -- available.  -- may I have the  
16 witness sworn please?

17   K A T H R Y N   G R E G O R Y, APPLICANT'S WITNESS,  
18   SWORN

19          MR. REGAN:  All right, for the record state  
20 your full name and spell your last name please.

21          MS. GREGORY:  Kathryn Gregory.  My first  
22 name is spelled K-A-T-H-R-Y-N, last name Gregory,  
23 G-R-E-G-O-R-Y.  My business address is 96 Union Plaza  
24 -- Fort Lee, New Jersey.

25          MR. REGAN:  Mr. Chairman, Ms. Gregory has

1 previously testified before this Board as a planner.  
2 I recommend she be deemed qualified without any  
3 further testimony.

4 CHAIRMAN DEPINTO: The chair will accept  
5 recommendation of counsel. Please continue.

6 MR. VOGEL: -- any credentials on the record  
7 --

8 MR. REGAN: No we don't need it, she's been  
9 here.

10 CHAIRMAN DEPINTO: No -- no -- no.

11 MR. VOGEL: Ms. Gregory recognizing that  
12 you're a professional planner in the State of New  
13 Jersey, were you engaged by the applicant to undertake  
14 a planning review of the facility because it's the  
15 subject matter of this application?

16 MS. GREGORY: Yes.

17 MR. VOGEL: Would you describe for the Board  
18 the process that you went to and the conclusions that  
19 you reached with respect to that --

20 MS. GREGORY: Certainly. Actually I  
21 reviewed the zoning ordinances, your master plan. Is  
22 at in -- hearing -- well -- all four -- exhibits, et  
23 cetera, et cetera. And I've come up with a planning  
24 conclusion regarding the -- associated with the site  
25 plan application before you this evening.

1           Just keep going?

2           MR. VOGEL:  Yes Please.

3           MS. GREGORY:  Okay, great.  I'm going to  
4   take a little seat right now.  Okay.  So, we're here  
5   tonight seeking a number of bulk variances associated  
6   with the site plan application.  As you all know in  
7   the case of a C or bulk variance -- C-1, which is --  
8   hardship or unique situations affecting a piece of  
9   property or a building -- C-2 -- must be -- purposes  
10  of zoning.

11           I think that issue -- these variances could  
12  probably fall as -- I ordered -- but I'm going to go  
13  through those four -- elegantly lined out in your  
14  planner's letter.  So I'll go through those.

15           First variance is for steep slope  
16  disturbance.  There's disturbances permitted over 15  
17  percent or greater.  We are proposing 8,350 square  
18  feet of slope -- to be disturbed.  However, this is  
19  really by virtue of really -- retaining walls.  And  
20  with that said there will be no increase of lot  
21  coverage and there will not be -- no stormwater runoff  
22  as per the state regulations.  This has all been  
23  testified to by our engineers, so we believe that this  
24  variance would be -- granted.

25           Next would be the variance for the access

1 drives. The access drives need to be at least 10 feet  
2 from any building. So I'm going to -- the site plan  
3 with this, and kind of point these areas out. The  
4 applicant proposes a main entrance addition to -- on  
5 the south side of the existing building which  
6 overhangs the one --

7 And then additionally an access drive is  
8 proposed 6 feet 6 inches from the ambulance entrance  
9 of -- which would be here on --

10 So, with that said on the access drive  
11 itself you need to be 10 feet from any building.  
12 Number one, obviously the building overhangs it here.  
13 I don't think what this provision really consider --  
14 and obviously the reason that -- this is necessary is  
15 due to just the nature of the use, this is obviously a  
16 very nice thing to have in inclement weather, when you  
17 have people that are infirm trying to get out of the  
18 vehicle that -- that they're being dropped off in --  
19 the entrance. So, I we do believe that that's  
20 warranted. And this is also -- because we have an  
21 ambulance drop off. I think we -- it's not as though  
22 all of our access drives are less than ten feet from  
23 the building. I think -- conditions -- usually with  
24 that -- warranted.

25 The next would be the variance for

1 sidewalks. The ordinance -- sidewalks were  
2 constructed along the building to be located not less  
3 than five feet from the building unless landscaping --  
4 five feet are located along 50 percent of the length  
5 of the building to which the sidewalk is adjacent.

6 So the first of which the applicant proposed  
7 a sidewalk that ranges from 5 to 10 feet -- bridge way  
8 between the two buildings -- and that would be here.  
9 You have a 10 foot that goes to a 5 foot walkway right  
10 here. And no --

11 (Indiscernible conversation)

12 MS. GREGORY: Obviously we do have a pitch  
13 point where the sidewalk kind of touches the building.  
14 Obviously we can't -- but what I also could say to  
15 this is this is very internal to the buildings. It's  
16 not as if it's external here. As if we had a sidewalk  
17 here and -- coming from the parking lot towards the  
18 building where we had the sidewalk, and then we have  
19 the landscape and then we have the building. This is  
20 actually interior only to the building.

21 That also holds true for this area right  
22 here. The applicant -- a sidewalk along the northwest  
23 -- sidewalk and building facade. That would be the  
24 same argument in this area as well.

25 And then lastly the applicant proposes a

1 six and a half foot wide sidewalk along the north east  
2 ambulance entrance -- was to --

3 (Indiscernible conversation)

4 MS. GREGORY: I was a little confused about  
5 this one because I'm pretty sure that -- this  
6 particular sidewalk, which is actually adjacent to the  
7 -- building. But we do have the ambulance entrance  
8 here, so again -- condition -- warranted with this  
9 location, because we're going to have -- and we may  
10 have more than one ambulance coming here at a time.  
11 We're going to need that sidewalk area to actually get  
12 people out of ambulances and --

13 The next -- be the number of parking spaces.  
14 As was discussed -- I'm not sure how many spaces we're  
15 going to have now. We had 368.

16 (Indiscernible conversation)

17 MS. GREGORY: We will probably lose 8 to 10  
18 spaces. Our engineers -- probably more like 8, so  
19 then we'd be at 360 spaces. But we do have that range  
20 where we're supposed to have between -- but obviously  
21 there's been -- traffic -- already been provided to  
22 you. I think --

23 (Indiscernible conversation)

24 MS. GREGORY: -- talked about re-striping  
25 and losing those spaces. So I think there's been

1 enough testimony about that by our traffic engineer.

2 The next variance would be for the front  
3 yard parking. The ordinance does permit up to 15  
4 percent of the total number of parking spaces for --  
5 the front yard. This technically was an existing  
6 condition, but we minimized it. Originally it we  
7 proposed 24.7 percent when we had the 368 spaces, and  
8 35.5 percent existing. But what happens when you  
9 eliminate a couple of the spaces? Just -- so again  
10 I'm kind of -- couple of -- I think obviously these  
11 need to be worked out. But if we had 350 spaces,  
12 which is a loss of 8, we'd have 25.2 percent of  
13 parking spaced in the front yard. And if we had 358  
14 spaces that is -- loss of 25.4 percent.

15 But as we stated before, no matter what  
16 condition -- ends up with we're still reducing the  
17 number of spaces that are in --

18 MR. REGAN: Could you give me those  
19 percentages again? I know they're different than  
20 what's in Ms. Green's letter.

21 MS. GREGORY: So originally -- actually I  
22 think -- yes -- because yes in your planner's letter  
23 it says 24.7 percent. But --

24 MR. REGAN: But it's not -- not 368 it's 360  
25 or 350.

1 MS. GREGORY: Right if you lose -- if we  
2 lose and go to 360 spaces it's 25.2. So that -- going  
3 with the kind of the low and the high here.

4 MR. REGAN: Okay.

5 MS. GREGORY: So that would be -- but if we  
6 lost ten spaces, then the percentage would be 25.4.

7 MR. REGAN: Okay.

8 MS. GREGORY: Okay. Okay, and then actually  
9 she notices that there's two pre-existing  
10 non-conforming additions. And that's when -- can't be  
11 closer than -- feet to any property line or existing  
12 conditions --

13 And also the next one would be that --  
14 surface parking -- located within 50 feet of any  
15 residential district. And we -- we have a parking  
16 area that's 49.62 feet from the H-6 district. And I'm  
17 pretty sure that's probably just human error because  
18 that's really close. So, it's -- same conditions, but  
19 it's obviously --

20 So, to go forward -- positive and negative  
21 criteria. I do believe that -- positive criteria.  
22 Most notably that would be from today.

23 (Indiscernible conversation)

24 MS. GREGORY: The reason I say that is --  
25 one were actually --

1 (Indiscernible conversation)

2 MS. GREGORY: And the most the public health  
3 and of itself. But also in case of Antique Silver v.  
4 Seeley (phonetic) it was found that -- the state goal  
5 -- from a public welfare. And in the State Plan, in  
6 planning area one, which Montvale is in, our goal is  
7 for redevelopment -- areas of existing -- which is  
8 exactly what's happening here.

9 I'm going to go further with that -- start  
10 talking about your Master Plan a little bit. Because  
11 this particular district and a lot of the --  
12 application are really directly come from your Master  
13 Plan.

14 I also think that we do provide adequate --  
15 the State. I don't think the variances are going to  
16 impact any light -- for space. Even though we do have  
17 --

18 (Indiscernible conversation)

19 MS. GREGORY: And I also believe that we're  
20 going to provide -- perfect locations -- variety of  
21 uses -- to be -- New Jersey citizens -- this facility.

22 In terms of the negative criteria, I don't  
23 believe there's going to be any substantial detriment  
24 -- proposed. The public is actually already --

25 (Indiscernible conversation)

1 MS. GREGORY: -- which is a different sort  
2 of reduction, but maybe they will. But I don't think  
3 there's any adverse impacts on any of the --  
4 properties -- witness this application.

5 So, now we get to the zoning plan and --  
6 Master Plan. I don't think there's any substantial  
7 impairment --

8 (Indiscernible conversation)

9 MS. GREGORY: I reviewed all of your last  
10 master plan re-examinations which ran from 2008, 2010,  
11 2014, 2016, and 2017. Long material. And what I  
12 would like to say is that the purpose of the July 6,  
13 2016 -- examination -- was to guide the development  
14 and redevelopment of properties located in the --  
15 district, which we are in. And it state -- and I know  
16 you're very familiar with this. "The large office  
17 buildings in -- zones are becoming antiquated as they  
18 reach their 30 plus year anniversary. Many buildings  
19 have," --

20 (Indiscernible conversation)

21 MS. GREGORY: But then further -- the Master  
22 Plan does talk about the municipal changes. The  
23 Borough recognizes the issues the -- face and --  
24 actively plan to insure the zones provide appropriate  
25 or -- to the office -- bulk standards, to encourage

1 re-investment and redevelopment of these older  
2 campuses. That's exactly what we're doing here. We  
3 are --

4 (Indiscernible conversation)

5 MS. GREGORY: Which will make this site  
6 become fully productive and contribute to the  
7 sustainability of the district. To what we believe is  
8 meant to be really the highest best -- use of the  
9 property. Given that we're knocking down one building  
10 -- keeping the other one and then building a new one.

11 So we have a -- use on the property but  
12 we're also -- a new -- facility as well.

13 And I do believe that -- several goals of  
14 your last re-examination. Goal number one talks about  
15 -- and then goal number 14 talks about -- districts.  
16 Goal number 15 is to expand the --

17 (Indiscernible conversation)

18 MS. GREGORY: So, therefore I do believe  
19 that the benefits of -- variances associated with this  
20 application certainly -- because we are addressing  
21 some of the things we obviously identify in your  
22 master plan through the years. And so therefore  
23 hopefully you'll see fit to grant the variance  
24 associated with this application this evening.

25 MR. REGAN: Good I just ask you to re -- you

1 cited the re-examination. Is that the 2020 --

2 MS. GREGORY: Yes, the re-examination was  
3 the last one.

4 MR. REGAN: 2020 -- was it 2020 or --

5 UNIDENTIFIED MALE: 2016?

6 MR. REGAN: 2016.

7 CHAIRMAN DEPINTO: 2016.

8 MS. GREGORY: 2016.

9 MR. REGAN: -- the redevelopment of office  
10 uses. Okay.

11 MS. GREGORY: Okay.

12 CHAIRMAN DEPINTO: The goals and objectives  
13 in 2016.

14 MR. REGAN: Right, 2016, okay.

15 MS. GREGORY: Yes. Yes, sorry about that.

16 (Pause in proceedings)

17 MR. VOGEL: That, Mr. Chairman represents  
18 the testimony on behalf of the applicant. I submit  
19 the witness for any questions the Board or the public  
20 may have.

21 CHAIRMAN DEPINTO: Okay, and we will take  
22 advantage of that. However, first I'd like to hear  
23 from the Borough planner, Ms. Green. You did a  
24 written review which --

25 MS. GREEN: Yes.

1           CHAIRMAN DEPINTO:  -- we've marked into  
2 evidence.

3           MS. GREEN:  As D-9.

4           CHAIRMAN DEPINTO:  And could you sum --  
5 summarize that review and do you have any questions of  
6 Ms. Gregory?

7           MS. GREEN:  Yes Mr. Chairman.  On page three  
8 of the -- variances, Ms. Gregory summarized all of the  
9 variances that the applicant needs.  However I would  
10 call your attention to page five, the application of  
11 -- waiver for fence height.  They -- in our code when  
12 a fence is placed on top of a retaining wall you have  
13 to add both of those features together.  And there is  
14 one retaining wall that does have a maximum height of  
15 7.25 feet and that does trigger a waiver in section  
16 196-51.1 of our Code.

17           Otherwise in the comment section, and the  
18 Court -- going through my comments.  I actually do not  
19 have any planning comments or questions, I believe my  
20 outstanding questions are related to architecture and  
21 landscape.

22           CHAIRMAN DEPINTO:  And no further comments  
23 with respect to planning?

24           MS. GREEN:  No comments --

25           CHAIRMAN DEPINTO:  And with respect to the

1 testimony that you heard this evening from Ms.  
2 Gregory.

3 MS. GREEN: I would agree that the ordinance  
4 as drafted does not contemplate, for example the --  
5 the access drive variance or the side lot variance.  
6 It's clear that our ordinance was written more for a  
7 retail, and that you want the drive aisle and the  
8 sidewalks to be set away from the building, not for  
9 this type of facility. So I think those -- the --  
10 variance is reasonable and directly related to the  
11 type of use of their --

12 In addition the applicant is not seeking any  
13 bulk variances for yard setback or coverage. And all  
14 the variances that they're requesting are variances  
15 that we either granted in other instances or in the  
16 case of the front yard parking actually a reduction in  
17 the deviation from the Code requirements.

18 So, I do believe that they are reasonable  
19 requests.

20 CHAIRMAN DEPINTO: Okay, good. Questions  
21 from Board members starting with John?

22 MR. RYAN: No questions Mr. Chairman.

23 CHAIRMAN DEPINTO: Okay, thank you Mr.  
24 Huysenov?

25 MR. HUYSENOV: No questions.

1 CHAIRMAN DEPINTO: Thank you, Dante?

2 MR. TEAGNO: No questions Mr. Chairman.

3 CHAIRMAN DEPINTO: Okay, moving down Chris?

4 MR. GRUBER: No questions.

5 CHAIRMAN DEPINTO: Thank you, Dieter?

6 COUNCILMAN KOELLING: Oh, no questions.

7 CHAIRMAN DEPINTO: Thank you, Mr. Zitelli?

8 MR. ZITELLI: I have no questions Mr.

9 Chairman. I mean I heard the testimony here and I

10 think the -- requests are reasonable --

11 CHAIRMAN DEPINTO: Okay, very good. Thank

12 you. And let's -- John Kurz with respect to your

13 opinion. You've reviewed the plans; you're here

14 representing the Borough's interest with respect to

15 fire protection. Do you have any comments?

16 MR. KURZ: Yes Mr. Chairman. The -- I met

17 with the fire chief -- at the time. And he -- have --

18 reviewed the plans and we came up with 18 points, 2 of

19 which were already taken care of at the beginning of

20 the meeting so that leaves 16.

21 Would you like me to go through and --

22 CHAIRMAN DEPINTO: Yeah, please.

23 MR. KURZ: -- and comment on them or --

24 CHAIRMAN DEPINTO: Please, however you're

25 comfortable.

1           MR. KURZ: Okay, so the first one is that  
2 the -- the -- we need to get the water flow test  
3 performed by the water company because as of date a  
4 flow test have not been received by the fire  
5 department. And as you know -- Montvale's water  
6 supply inside the town are -- is poor. So we need to  
7 get a flow test, and it needs to be received by the  
8 fire department -- water.

9           CHAIRMAN DEPINTO: Before you go on John.  
10 Either Jerry or Steve what work has been done with the  
11 utility company with respect to those tests?

12           MR. NAPOLITANO: I believe the applicant is  
13 still getting the appropriate folks to do the test,  
14 but I don't believe the test has been done just yet.

15           CHAIRMAN DEPINTO: Okay. So obviously that  
16 would be any -- that would be a condition and any  
17 resolution. Okay John please continue.

18           MR. KURZ: Okay, number two the --

19                           (Indiscernible conversation)

20           MR. KURZ: -- to provide adequate water for  
21 fire -- water for fire protection. I need that  
22 recommendations from them.

23                           Also number three, we're proposing that  
24 there's a separate 8 inch water main loop around the  
25 building for the fire hydrants that are going to

1 provide water supply to the fire department  
2 connections and -- the fire department is there. And  
3 so -- thing that we like --

4 CHAIRMAN DEPINTO: Hold on one second.  
5 John, Mr. Vogel is the applicant agreeing to install  
6 that 8 inch line?

7 MR. NAPOLITANO: It's on the drawing.

8 MR. VOGEL: Yeah, I -- I read the -- the  
9 report of April 3, I believe it is. And I don't -- I  
10 don't find anything in that report that I object to or  
11 --

12 MR. REGAN: Jerry we're talking about June  
13 30th.

14 BOARD SECRETARY: Do you have June 30th I --

15 MR. REGAN: The total of 18 items.

16 MR. VOGEL: I'm looking at the old --

17 MR. REGAN: Okay.

18 MR. VOGEL: -- I think I -- my car. I don't  
19 know if there's -- I don't know if there's a  
20 difference. So --

21 CHAIRMAN DEPINTO: What's the date on that  
22 Bob?

23 MR. REGAN: June 30th.

24 (Pause in proceedings)

25 MR. NAPOLITANO: Yeah I don't have this --

1 it's similar. Yeah, so -- another comment. So number  
2 three was on the drawing. Four we added to the  
3 drawing. We can go through them if you'd like.

4 MR. REGAN: Yeah, we just -- we just need to  
5 know if the applicants consents to comply with the  
6 requirements.

7 MR. KURZ: -- have plenty of -- so the --  
8 stick number -- fire department connections -- the  
9 fire departments -- locations of them. There is one  
10 off of Summit Avenue, I believe. -- serves the entire  
11 building. And we've located the building -- I -- I  
12 recommend as the fire official that you should  
13 probably have separate -- on each portion of the  
14 building. You're going to have very low -- in that  
15 building for fire fighter's access to the fire. And  
16 all that -- be two and a half inches -- two and a  
17 half inches -- as recommended.

18 Number seven, is a fire -- the chief in the  
19 community not going to sign off on any of the hydrant  
20 locations until --

21 (Indiscernible conversation)

22 MR. KURZ: Number eight -- reflect the -- so  
23 during the darker hours of the night, especially  
24 during the winter time that the fire department shall  
25 -- access the -- easier for them to see.

1           Roadways 30 feet wide. If they are narrower  
2 we'd have to make them -- designated as fire zones.  
3 And the fire zones along -- building --

4           MR. NAPOLITANO: We have -- we have those on  
5 the plan.

6           MR. KURZ: Okay.

7           MR. REGAN: And they're all 30 feet wide?

8           MR. NAPOLITANO: No, that's why have those  
9 markings on the plans.

10          MR. REGAN: Okay.

11          MR. NAPOLITANO: So -- that. Our -- our --  
12 24 foot --

13          MR. REGAN: Yeah, if it's not 30 you have  
14 mark -- all right.

15          MR. NAPOLITANO: You get 30 --

16          MR. KURZ: Okay, number 11 --

17                    (Indiscernible conversation)

18          MR. KURZ: -- for access to the fire  
19 department to --

20                    (Indiscernible conversation)

21          MR. KURZ: -- for each building for access  
22 to all common areas when -- the -- when the building  
23 is after hours. I'm sure we'll have staff in there,  
24 but it's easier to have every key that we access every  
25 part of the facility, every door --

1           Number 13 and 14 we hit on.

2           As far as the stand -- connections in the  
3 building, where the fire department can hook up. They  
4 will -- each stairwell and also the -- the center area  
5 where the nurses station is going to be on each level  
6 and -- of the new building, which is highly  
7 recommended. And that -- hook up on -- floor, as we  
8 all know.

9           They want the return units marked in the  
10 stairwell for access so they can access them -- where  
11 --

12           The fire department does request the floor  
13 plans showing -- fire -- devices and their location.  
14 Has to be an 11 by 17 copy because they are getting  
15 some smaller copies from these new buildings that are  
16 going up and they cannot read them. So they will have  
17 them -- the chief will have them access through him  
18 and I believe Chief you want them -- you're going to  
19 have them in the apparatus also, or is it just --

20           FIRE CHIEF: Both.

21           MR. KURZ: Okay, and then fire department  
22 knows what -- and I will -- also the emergency plan  
23 for the facility to -- you know -- residents as far as  
24 where the emergency -- the evacuation -- required --  
25 people evacuate the building --

1           So, that's pretty much as far as the fire  
2 department and my department. The biggest -- the  
3 biggest concerns I have is where the FPC is going to  
4 be located in the building. The hydrants and -- and  
5 as far as that particular --

6                           (Indiscernible conversation)

7           UNIDENTIFIED MALE: Yeah, just to reiterate  
8 until we know where the FPC's are going to be located  
9 we don't know where the fire hydrants are going to be  
10 located. So, ideally I believe -- hydrant within 100  
11 feet of the --

12           MR. KURZ: Right, and like we just discussed  
13 at the break the location of the FPC. If you a good  
14 working fire in that location -- and -- that location  
15 -- fire apparatus is five inch. So if you're going  
16 to have multiple towns coming in --

17                           (Indiscernible conversation)

18           MR. KURZ: -- item is -- corner -- FPC, this  
19 is allow for more apparatus to get into -- access to  
20 the building. -- not going to be able to run over  
21 hoses if they're charged. We need access to a  
22 building this big and this many people in there and  
23 it's a medical care facility. That's pretty much it.  
24 Mr. Chairman.

25           CHAIRMAN DEPINTO: Okay, thank you. Will

1 there be -- Mr. Napolitano or Mr. Vogel, will there be  
2 changes to the latest submission -- plan submission to  
3 reflect the applicant's compliance with the request of  
4 the fire department?

5 MR. VOGEL: Yes, we don't have a problem  
6 with -- I think the -- the requests are not unusual  
7 and not remarkable, they're consistent with experience  
8 of other locations.

9 MR. REGAN: And the applicant will -- will  
10 comply with the requirements detailed in that exhibit?

11 MR. VOGEL: Correct.

12 MR. REGAN: Okay.

13 CHAIRMAN DEPINTO: And we've marked that  
14 exhibit?

15 MR. REGAN: B-11.

16 CHAIRMAN DEPINTO: B-11.

17 (Pause in proceedings)

18 MR. VOGEL: Board number --

19 BOARD SECRETARY: B-11.

20 MR. REGAN: B-11.

21 UNIDENTIFIED MALE: B-11.

22 MR. REGAN: Jerry we talked previously about  
23 -- the issue of ambulance service. I don't see an  
24 exhibit for a -- a suggested draft of an agreement.

25 MR. VOGEL: I will -- yes I -- I --

1           MR. REGAN: I know we did have it on your  
2 Thrive application next door, but I don't see it.

3           MR. VOGEL: I am well aware of the  
4 requirement. And between now and the next meeting --

5           MR. REGAN: Okay.

6           MR. VOGEL: -- I will resolve it.

7           MR. REGAN: Thank you.

8           CHAIRMAN DEPINTO: Okay, we did not open the  
9 meeting to the public for questions with respect to  
10 planning. Anyone care to make a motion to that  
11 effect? Mr. Culhane. Seconded? Mr. Teagno. All in  
12 favor?

13           BOARD MEMBERS: (Collectively) Aye.

14           CHAIRMAN DEPINTO: Anyone from the public  
15 have any questions or comments with respect to the  
16 planning testimony we've heard this evening either  
17 from Ms. Gregory or Ms. Green? No -- oh I'm sorry  
18 Chief? Just kindly step forward and put your name on  
19 the record.

20           FIRE CHIEF: Mr. Chairman Chuck Gibbons  
21 (phonetic) -- fire chief. I -- on a tour on 100  
22 Market Street the other day. And one of the comments  
23 that came with the ambulance Corps was the elevators  
24 in that building will not accommodate a full size  
25 stretcher. They have to do CPR on -- on a patient the

1       stretcher will not fit in -- in the elevators. I  
2       noticed -- I saw on their sheet that that was on their  
3       list. But that is a concern for me and the Corp. So,  
4       I just wanted to bring that to your attention.

5               CHAIRMAN DEPINTO: Right, and with respect  
6       to the design that's been presented to the Board your  
7       architect is here this evening. The adequacy of the  
8       proposed elevators to accommodate the stretcher which  
9       --

10              MR. DEMERICH: Yes, they will accommodate  
11       the stretchers.

12              CHAIRMAN DEPINTO: They are the --

13              MR. DEMERICH: They have to per the --

14              MR. NAPOLITANO: -- don't forget theses  
15       plans have to be provided to the DCA --

16              MR. REGAN: State approval.

17              MR. NAPOLITANO: -- they have to be  
18       reviewed. They're consistent for what the use is. So  
19       there is oversight on that beyond the municipality.

20              CHAIRMAN DEPINTO: Yeah, speaking of which  
21       Mr. Gruber, these plans are going to go to DCA.

22              MR. GRUBER: Yes.

23              CHAIRMAN DEPINTO: And in the past we've had  
24       some challenges when plans go to DCA. How do you  
25       propose this should be dealt with because this is a

1 similar situation.

2 MR. GRUBER: Well, protocol is that plans go  
3 from their office to the DCA for review. The DCA  
4 reviews the plans they sent them up to our office for  
5 releasing. That is the process.

6 MR. REGAN: Well, we had a situation --

7 CHAIRMAN DEPINTO: Right, but there is --  
8 yeah where --

9 MR. REGAN: -- provision in the resolution  
10 if there's any changes by another agency it has to  
11 come back to the Board. That's in all our  
12 resolutions.

13 MR. VOGEL: The point is we got to try go  
14 get DCA approval, but we don't get a CO unless Mr.  
15 Gruber signs off. So --

16 CHAIRMAN DEPINTO: But the difficulty we had  
17 Mr. Vogel was the plans came back from DCA with DCA  
18 approval. Building department used those plans to  
19 review the construction as the construction took  
20 place. Those plans that came back from DCA did not  
21 match what had been approved by the Planning Board.  
22 So we were dealing with two sets a plans. A  
23 resolution referencing a plan approved by the planning  
24 board and building department reviewing for  
25 construction purposes what was approved by DCA. How

1 are we going to avoid that this go around?

2 MR. VOGEL: I don't know just have to --  
3 plans. We'll submit -- we're going to submit a set of  
4 plans to the DCA.

5 CHAIRMAN DEPINTO: But the boiler plate --

6 MR. VOGEL: We'll make sure that the plans  
7 that the DCA comes back are what we give to Mr.  
8 Gruber.

9 CHAIRMAN DEPINTO: And if they don't --

10 MR. REGAN: And if they don't match?

11 CHAIRMAN DEPINTO: If they don't match what  
12 Planning Board approves.

13 MR. VOGEL: If they don't match we're going  
14 to have to resolve it. I mean --

15 MR. REGAN: Okay.

16 CHAIRMAN DEPINTO: Well, what if --

17 (Indiscernible conversation)

18 MR. DEMERICH: Currently have 150 projects  
19 in the DCA right now. Consistently work with --  
20 health, get -- approval first, get DCA approval  
21 secondly and then -- authority, which -- the processes  
22 and challenges of getting that approval -- matching  
23 what the Planning Board -- and going -- the change --  
24 as approved, you know, in the Planning Board.

25 (Indiscernible conversation)

1           CHAIRMAN DEPINTO: So, in this case if the  
2 Planning Board were to grant site plan approval based  
3 upon the presentation that was made to this Board, it  
4 goes down to DCA and this is something that we've  
5 experienced just recently in Montvale. They actually  
6 change the foot print of the building.

7                           (Indiscernible conversation)

8           CHAIRMAN DEPINTO: Beg your pardon?

9           MR. VOGEL: That would be really unusual for  
10 them to change the building.

11           CHAIRMAN DEPINTO: I agree. We found it  
12 very unusual also. And --

13           MR. VOGEL: All I can say to you is we have  
14 a site plan approved by this Board and we send a set  
15 of plans down to DCA, and that changes the site plan  
16 as such we have to come back to this Board, there's no  
17 question.

18           MR. REGAN: Okay.

19           MR. VOGEL: There's no question.

20           CHAIRMAN DEPINTO: So long as that's clearly  
21 understood.

22           MR. VOGEL: I don't anticipate that  
23 happening here, but if --

24           MR. REGAN: But it happened.

25           CHAIRMAN DEPINTO: But again this happened

1 within the past year.

2 MR. VOGEL: Then I would be standing up here  
3 saying you know we didn't want to make this change,  
4 the DCA made us make it, you would take a look at it  
5 and you would come to a conclusion if it was okay or  
6 not --

7 CHAIRMAN DEPINTO: But I do think --

8 MR. VOGEL: -- we have to -- somewhere.

9 CHAIRMAN DEPINTO: -- I do think before the  
10 shovel goes in the ground, and that's where we missed  
11 it on the last application. Before the shovel goes in  
12 the ground and the plan comes back from DCA we need a  
13 comparison done between the DCA approved plan and the  
14 Borough approved plan to see whether or not these  
15 things match. And if in fact they don't match the  
16 burden is going to be upon the applicant to show the  
17 Board why it does not match and an amendment to the  
18 resolution is going to have to be made. We can't have  
19 one set plans at the State level and another set of  
20 plans at the local level. And you said this is  
21 something that you deal with on a regular basis.

22 MR. DEMERICH: Regular basis.

23 MR. VOGEL: You have no argument from me on  
24 that. Give us -- if you grant us the site plan, we  
25 have to build the building consistent with the site

1 plan. And if DCA tells us that they're -- they're not  
2 going to approve that site plan, it's up to us to --  
3 to coordinate so that what the DCA wants and what you  
4 want --

5 CHAIRMAN DEPINTO: Okay.

6 MR. VOGEL: -- are the same.

7 CHAIRMAN DEPINTO: So let's say -- let's say  
8 you get site plan approval within the next 30 days or  
9 so. Are you prepared to submit to DCA?

10 MR. NAPOLITANO: -- no we need a few months  
11 to prepare the documents.

12 CHAIRMAN DEPINTO: Okay, and then when you  
13 do submit to DCA, typically how long does it take for  
14 them to review and approve?

15 MR. DEMERICH: So, actually the process is  
16 first the Department of Health -- review. Typically 45  
17 to 60 days. Once we get that approval letter they'll  
18 need to submit to DCA. In that case the DCA can take  
19 20 business days to review the initial submission.  
20 It's trending about 30/40 days right now. We'll get  
21 -- letters back for -- and then get a chance to  
22 address those. And by law it -- seven days to review  
23 those. But it's more than two weeks. And then --

24 (Indiscernible conversation)

25 CHAIRMAN DEPINTO: And when DCA does its

1 review of a plan that has been approved locally, what  
2 types of changes do you DCA requesting lately?

3 MR. DEMERICH: So the Department of Health,  
4 as long as the -- under applicable codes, Department  
5 of Health typically doesn't have too many comments.  
6 So once the -- DCA. DCA doesn't necessary make many  
7 changes in terms of building footprints. It's more  
8 about the function of the space inside the building.  
9 We rarely see any footprint changes. And then once  
10 DCA approval is given, typically what we do is all --  
11 code official sit down with the Department of Health  
12 review letter, DCA review letter and the resolution --  
13 the plans, and do a -- submission of --

14 CHAIRMAN DEPINTO: Okay, so Bob can this be  
15 addressed in the resolution? The applicant's  
16 willingness to comply with it.

17 MR. REGAN: Yeah, well --

18 CHAIRMAN DEPINTO: It created a quiet a  
19 problem --

20 MR. REGAN: Well, we always require if  
21 there's any deviation from another agency that there's  
22 a condition of the resolution that the applicant would  
23 be required to return to the Board.

24 MR. VOGEL: Right.

25 MR. REGAN: I think we can maybe expand on

1 that based on the representations made by the  
2 applicant now that they will come back to the Board  
3 should those -- should that occurrence take place.

4 MR. VOGEL: Yes if the site plans change we  
5 have to come back. That's -- nobody can argue --  
6 nobody can argue --

7 MR. REGAN: And Actually Chris is the  
8 gatekeeper --

9 CHAIRMAN DEPINTO: Again --

10 MR. REGAN: -- he won't issue a permit.

11 CHAIRMAN DEPINTO: Right. But because we're  
12 now hearing about other agency, one of which is  
13 Department of Health, the other is DCA. Can we name  
14 them in the resolution?

15 MR. REGAN: Sure.

16 CHAIRMAN DEPINTO: And not just leave it to  
17 generic agency -- other agency?

18 MR. REGAN: We'll say the DCA, Department of  
19 Health and any other agency.

20 CHAIRMAN DEPINTO: And any other agency that  
21 may have jurisdiction. Because that -- that caused  
22 quite a delay.

23 BOARD SECRETARY: Yes. So I have a  
24 question. So --

25 CHAIRMAN DEPINTO: Sure.

1           BOARD SECRETARY:  -- when a plan comes back  
2 from DCA who is comparing that plan to what was  
3 approved?  So that's where the -- it fell apart.

4           MR. REGAN:  It can be -- it can be -- it can  
5 be the Borough Engineer.  It can be Chris.  It can be  
6 whoever you wanted -- it could be Darlene.

7           CHAIRMAN DEPINTO:  Well, the architect  
8 submits the plan to DCA.

9           MR. REGAN:  Right.

10          CHAIRMAN DEPINTO:  The architect receives  
11 the approval back from DCA and then the building plans  
12 are submitted to the local building authority.  Is  
13 that correct?

14          MR. DEMERICH:  That's correct.

15          MR. VOGEL:  I don't -- you can ask him to,  
16 I don't think he'll review the plans unless that it  
17 comes back from the DCA approval.

18          MR. DEMERICH:  Yeah, when they come back  
19 from the DCA they literally are ready to be released.

20          BOARD SECRETARY:  But how do you know?

21          MR. REGAN:  The problem is --

22          CHAIRMAN DEPINTO:  Yeah, but that's not the  
23 issue.

24          BOARD SECRETARY:  That's the problem.

25          CHAIRMAN DEPINTO:  That's not the issue.

1           MR. REGAN: Are they different -- are they  
2 different than what the planning board approved?

3           CHAIRMAN DEPINTO: There we need the  
4 architect's certification that in fact what came back  
5 from DCA or Department of Health matches what was  
6 approved by the local board. I think the burden is  
7 upon the applicant to that extent. Otherwise you're  
8 telling us that you get it back from DCA and you're  
9 sub-codes follow whatever they approved.

10          MR. DEMERICH: We don't -- we don't even  
11 look at it because they -- they have their own  
12 sub-codes that they go through. We don't have any  
13 jurisdiction over changing anything under DCA.

14          CHAIRMAN DEPINTO: Darlene.

15          MS. GREEN: I have an idea. I will  
16 volunteer myself to review the plans, because I -- I  
17 -- I don't want to repeat that again. And I -- I  
18 found the last issue where they -- footprint, they --  
19 they -- space in an attic -- in an attic area that --  
20 was now all of a sudden usable space.

21          MR. REGAN: Livable space, yeah.

22          MS. GREEN: And for the board members I -- I  
23 have an architecture -- a degree in architecture so  
24 the --

25          MR. REGAN: Trenton will be no match for

1 Darlene.

2 MS. GREEN: -- much. And so if -- that is  
3 what the Board wants my office can do that. Whenever  
4 Chris gets the plans back from DCA we can arrange a  
5 way to get that, and I can compare that with whatever  
6 the latest version is that the Board reviewed.

7 CHAIRMAN DEPINTO: Yeah, I -- I think -- I  
8 think that's a good suggestion.

9 (Indiscernible conversation)

10 MR. DEMERICH: Very rare -- very rare.

11 MS. GREEN: It was -- it was bad.

12 MR. DEMERICH: Very rare.

13 MR. REGAN: Yeah -- remember, it was a real  
14 problem.

15 MR. VOGEL: I mean if the DCA came back and  
16 there was a comment that they made, and there were  
17 approvals that -- that they stamped on there that was  
18 different than the site plan, you wouldn't give us a  
19 building permit.

20 CHAIRMAN DEPINTO: Jerry I -- I could tell  
21 you that half the people sitting in this room walked  
22 through the building when it was substantially  
23 complete and we were walking with a set a plans that  
24 were approved by the Planning Board, looking at a  
25 building that was built in accordance with the plan

1 that was modified because of DCA approval. And we  
2 were all walking around scratching our heads saying,  
3 this corridor wasn't where it was shown. This  
4 expansion of the building never showed.

5 It -- it truly was a problem, which I'd like  
6 to avoid.

7 MR. VOGEL: No and -- I always say the older  
8 I get things happen that I've never seen before. I've  
9 never seen that happen. So --

10 CHAIRMAN DEPINTO: Yeah.

11 MR. VOGEL: The fact of the matter is if it  
12 does occur we understand that the site plan -- grant,  
13 if you grant it is what we have to build in accordance  
14 with it.

15 CHAIRMAN DEPINTO: Right.

16 MR. VOGEL: And if the plans that are  
17 approved by the Health Department or the DCA are not  
18 consistent with the site plan we're going to have to  
19 come back here and tell you okay you approved this and  
20 on the review of the DCA they want -- they want to  
21 change this. And you will then consider whether or  
22 not --

23 MR. REGAN: You see, when the DCA changed it  
24 they didn't articulate what the changes were. They  
25 didn't have a letter saying, these are the changes we

1 made. They just did it.

2 MR. VOGEL: No, they mark up the plans and  
3 the DCA usually deals directly with the architect.

4 MR. REGAN: Yeah, exactly we didn't get  
5 anything. That's -- that's the problem.

6 (Indiscernible conversation)

7 MR. DEMERICH: So, DCA will never make a  
8 change to a drawing, they'll simply call upon code  
9 violation. And what happened was -- file the code.  
10 So -- the architect must had to redesign the building  
11 so they can conform.

12 MS. GREEN: He designed a lot of things that  
13 were not on the plan. Like an outdoor kitchen, a  
14 playground.

15 MR. DEMERICH: He was taking advantage of  
16 the process.

17 (Indiscernible conversation)

18 MR. VOGEL: When you go to the DCA it's no  
19 different than if you get a site plan from a planning  
20 board and it's subject to the county. And you go down  
21 to the county and the county now wants to change  
22 something -- the site plan. The first thing you say  
23 to the county is please don't do this to us. If you  
24 want that changed it's going to change my site plan,  
25 I've got to go back to the municipality. You do the

1 same thing with the DCA -- make that change. You tell  
2 them you don't want it and you try to resolve it,  
3 which usually you can.

4 CHAIRMAN DEPINTO: Okay, as long as we are  
5 all on the same page. And I think we have on a  
6 municipal side built into our review and approval  
7 process post-outside agency approval comparison  
8 between local approval and other agency and state  
9 approval. Whether you find it first or we find it  
10 first, we're all going to play by the same rules  
11 thereafter. The change has occurred you're going to  
12 have to come back here, which is the case. Is always  
13 the case.

14 (Indiscernible conversation)

15 CHAIRMAN DEPINTO: It -- it -- I guess it  
16 fell through the cracks the last time. And if can't  
17 learn from our mistakes then shame on us.

18 Okay. Bob you're going to incorporate  
19 whatever you can --

20 MR. REGAN: Yeah, I think I got it. Yeah.

21 CHAIRMAN DEPINTO: -- into that resolution.

22 MR. REGAN: Yeah, and again their architect  
23 is going to have to certify that what came back --  
24 comes back from the DCA matches what the Planning  
25 Board approved. Then we'll have Darlene review it as

1 well, so we'll have added protection.

2 CHAIRMAN DEPINTO: Okay.

3 MR. REGAN: I can't wait for this.

4 CHAIRMAN DEPINTO: Okay. I think -- I think  
5 we have a few other reports we have to deal with.

6 MR. REGAN: -- complete --

7 CHAIRMAN DEPINTO: Police department B-12.

8 (Indiscernible conversation)

9 MR. VOGEL: The last police department  
10 report that I have is dated April 12 --

11 MR. REGAN: No we have June --

12 CHAIRMAN DEPINTO: We have a June 29.

13 MR. REGAN: -- 29th.

14 MR. VOGEL: So that -- I don't have that.

15 MR. REGAN: Yeah, we've already marked --

16 CHAIRMAN DEPINTO: It's dated June 29  
17 addressed to the Board Secretary. After reviewing the  
18 application the Montvale Police Department has several  
19 concerns regarding this development. Number one, we  
20 would like to have the ability to enforce Title 39 on  
21 the property. Two, we would like to see cross walks  
22 at the entrances to the complex. Three we would like  
23 to see a stop sign at the exits of the complex. Four,  
24 we are looking for ALPR cameras, license plate  
25 readers, to integrate with the current system we have

1 in various locations throughout the Borough. These  
2 cameras help to protect the community and help solve  
3 crimes. Five, we would like to see the healthcare  
4 center have an ambulance on presence 24/7. Six, we  
5 would like to see a plan in place for police response  
6 to medical calls to other facilities like this. We  
7 run into a lot of uncertainty on what we respond to  
8 and what we don't. Finally seven, we would like to  
9 see an evacuation plan, in case of emergencies where  
10 residents need to be relocated to other facilities.

11 MR. VOGEL: Okay you want me to respond to  
12 each one?

13 CHAIRMAN DEPINTO: I believe.

14 MR. VOGEL: Okay we have -- Title 39 is not  
15 an issue, that's fine. That makes sense for everybody  
16 to have it. They would like to see crosswalks at the  
17 entrance to the complex. There are walks on the site  
18 plan that you have reviewed and looked at, and I  
19 assume those are the walks that they would like to  
20 see. Would like to see stop signs at the exit of the  
21 complex. I don't know whether we -- we put them. I  
22 think we had them already.

23 CHAIRMAN DEPINTO: Steve you think they're  
24 there?

25 MR. NAPOLITANO: They're there, but --

1           CHAIRMAN DEPINTO:  If not you will put them  
2 there.

3           MR. NAPOLITANO:  They're there, but if not  
4 we -- we actually -- just so you know, the County has  
5 a different -- must have in the past.  They're  
6 changing the stop bar and stop sign locations from  
7 their -- from their -- from what they call their curb  
8 line -- their curb line.  So we probably have to  
9 change it anyway.  But they are existing.  They will  
10 be --

11          CHAIRMAN DEPINTO:  Okay.

12          MR. VOGEL:  Item number four looking for ALR  
13 cameras with license plate readers.  We -- on a  
14 facility like this why would we have license plate  
15 readers.  They would like to have, but there's no --  
16 I'm not aware of any facility like this having license  
17 plate readers.

18          CHAIRMAN DEPINTO:  Well, we have license  
19 plate readers throughout the town.

20          MR. VOGEL:  I don't even know how much they  
21 cost.  Am I talking about \$5 or \$5,000?

22          CHAIRMAN DEPINTO:  Neither.  No, they --  
23 they go well beyond that.  I'm -- I'm trying to think  
24 -- John do you know -- I believe we have them up at  
25 Sloan Kettering.

1           MR. VOGEL: I don't believe you have them  
2 next door at 110, so they're not a requirement there.

3           CHAIRMAN DEPINTO: Yeah, I -- I don't  
4 recall. Andy Hipolit would know. Chris could you  
5 check if --

6           MR. DOUR: If they're at 110?

7           CHAIRMAN DEPINTO: No, where they are  
8 located.

9           MR. DOUR: Okay, I will.

10          CHAIRMAN DEPINTO: Okay, we'll get back to  
11 you on that one.

12          MR. VOGEL: I'm the most amenable person,  
13 but I -- I -- I really don't think that's necessary.

14          CHAIRMAN DEPINTO: Let's -- let's see --  
15 let's see what we've been doing.

16          MR. VOGEL: Item number five is they'd like  
17 to have an ambulance on the premises 24/7. Well,  
18 that's kind of interesting because Ms. Green raised  
19 the issue about having a vehicle parked overnight,  
20 we would need a variance for that because you're not  
21 allowed to have a vehicle parked there overnight. And  
22 my recollection is you wanted us to have a contract --  
23 our obligation, and I've indicated that I will provide  
24 it. But we would not have an ambulance parked on the  
25 property 24/7 just sitting there.

1           CHAIRMAN DEPINTO: Yeah, I -- I agree with  
2 that.

3           MR. VOGEL: Item six, and a plan in place  
4 for persons to respond. And item number seven an  
5 evacuation plan. What the fire department has asked  
6 for in number 17 and 18, those two plans would satisfy  
7 this is --

8           So, when we give -- when we give the  
9 evacuation plan to the fire department and when we  
10 give them the floor layout, we will then incorporate  
11 in that what -- is really what they're asking for.  
12 The evacuation plan is the same as we'd beg giving to  
13 the fire department. And the plan would be the same  
14 drawing. So that's really --

15          CHAIRMAN DEPINTO: That may well be  
16 redundant and I'm going to ask John Kurz --

17          MR. VOGEL: Well, we -- plan up, we'll just  
18 make sure that the plan is satisfactory to --

19          CHAIRMAN DEPINTO: Satisfactory to both  
20 agencies.

21          MR. VOGEL: Yeah, -- look at it. I've been  
22 down this road on plans in Montvale where they were  
23 unacceptable.

24          CHAIRMAN DEPINTO: Right.

25          MR. VOGEL: So --

1           CHAIRMAN DEPINTO: Okay, so what -- what  
2 else do we have that we have to go over.

3           BOARD SECRETARY: Landscaping plan.

4           CHAIRMAN DEPINTO: Landscape plan. Review  
5 letter by Gus DeBlasio.

6           BOARD SECRETARY: Dated July 11th. Do you  
7 have that Mr. Vogel?

8           MR. VOGEL: Pardon me?

9           BOARD SECRETARY: The landscape plan --

10          CHAIRMAN DEPINTO: Review letter.

11          MR. VOGEL: No, I do not --

12                    (Indiscernible conversation)

13          MR. VOGEL: What's the date on that  
14 Lorraine?

15          BOARD SECRETARY: July 11th.

16                    (Pause in proceedings)

17          MR. VOGEL: Okay so I received the plan. We  
18 found that the contents -- had been adequately  
19 addressed. However a recent change in -- pertains the  
20 entrance drive island on the south side of Summit,  
21 requires a redistribution of the proposed plant  
22 material. The light fixture does not require  
23 relocation. The -- should be performed as the plans  
24 are perfected for signature. I don't see that being a  
25 problem.

1 (Pause in proceedings)

2 MR. VOGEL: I don't see any problems Mr.  
3 Chairman with this report.

4 CHAIRMAN DEPINTO: Okay, fine. I'm -- I'm  
5 looking at a letter from Tri-Boro Volunteer Ambulance  
6 dated March 9. Was that submitted into evidence Bob,  
7 do you recall?

8 MR. REGAN: I don't know.

9 CHAIRMAN DEPINTO: From Heather McGee  
10 (phonetic).

11 (Pause in proceedings)

12 CHAIRMAN DEPINTO: Mr. Vogel do you have a  
13 copy of this?

14 MR. VOGEL: No.

15 CHAIRMAN DEPINTO: The Tri-Boro Volunteer  
16 Ambulance Corps letter of March 9.

17 MR. REGAN: It was B-7.

18 BOARD SECRETARY: Oh, it was.

19 MR. REGAN: Yeah.

20 BOARD SECRETARY: B-7.

21 CHAIRMAN DEPINTO: B-7.

22 MR. REGAN: B-7.

23 BOARD SECRETARY: It was from before -- B-7.  
24 Do you remember?

25 MR. REGAN: Yeah, it was the -- the date of

1 the meeting. It was from March 15th meeting.

2 CHAIRMAN DEPINTO: Could you read that into  
3 the record?

4 BOARD SECRETARY: Yes. "Montvale Planning  
5 Board, thank you for the opportunity for Tri-Boro  
6 Volunteer Ambulance Corps to review the site plan for  
7 Grey Capital Lot 1102 --. After careful review we  
8 have the following comments, questions or concerns.

9 One, Tri-Boro Volunteer Corps is an  
10 all-volunteer ambulance Corps serving three towns,  
11 Montvale, Park Ridge -- with limited volunteers, we  
12 will not be able to treat, transport, evacuate or  
13 accommodate the demands of this facility.

14 Two, staff -- ambulance must be on site for  
15 medical needs and transports either emergent or  
16 non-emergent 24 hours a day 365 days a year including  
17 holidays.

18 Number three, we request that all owners and  
19 managing entities acknowledge our request in writing  
20 and abide to not utilize Tri-Boro Volunteer Ambulance  
21 Corps for any medical or transport needs at this  
22 facility. We formally request that this demand be  
23 part of any -- for this property.

24 Respectfully Heather McGee President of the  
25 Tri-Boro Volunteer Ambulance Corp."

1 I will make you a copy.

2 MR. REGAN: Yeah, Lorraine could you make me  
3 one too, I'm missing that.

4 BOARD SECRETARY: Yes.

5 MR. REGAN: Thank you.

6 BOARD SECRETARY: -- make a copy.

7 CHAIRMAN DEPINTO: You know, we really  
8 should have a small copier here --

9 MR. REGAN: I know budget --

10 CHAIRMAN DEPINTO: I'm sorry?

11 MR. REGAN: I think we can afford it out of  
12 the budge.

13 (Pause in proceedings)

14 MR. VOGEL: We -- we will have a contract.

15 But what it says here that we request that all --  
16 request. We certainly acknowledge and abide not to  
17 utilize it for any medical or transport needs at this  
18 facility.

19 Well we'll abide by their request that we  
20 use them -- but if there's an emergency and we have to  
21 get somebody to a hospital and the private service  
22 doesn't come we will certainly do what -- you know  
23 what is the most expedient -- to take care of someone.

24 MR. REGAN: I -- I think what -- what is a  
25 real concern --

1           MR. VOGEL: And I think -- I've had  
2 discussions with the ambulance Corps on 1-10 and we  
3 said that, and I thought that that was agreeable,  
4 we'll never call you unless it's critical.

5           MR. REGAN: Well, the management may not,  
6 but the resident in his or her room dials 911.

7           MR. VOGEL: So I don't have a problem that  
8 saying that -- that in writing that we will  
9 acknowledge their request. But -- but to include in  
10 the resolution that we never use them, that's not --  
11 health, safety and welfare. I don't expect that we  
12 would ever call them, unless there was an emergency  
13 but -- to say that we won't.

14          MR. REGAN: It's -- it's not so much the  
15 management it's the individual occupant in his or her  
16 room who's not feeling well to pick up a phone and  
17 dial --

18          MR. VOGEL: No -- no --

19          MR. REGAN: That's what happens.

20          MR. VOGEL: -- I -- listen --

21          MR. REGAN: Tri-Boro's told us that.

22          MR. VOGEL: This is -- yeah, this is not an  
23 independent living unit. This is not an assisted  
24 living. This healthcare facility there are people  
25 that are treating. I mean I -- I think it's a

1 mistake, but it's your call. You can put -- you can  
2 put it in if you want but it doesn't really make any  
3 sense. We -- we recognize and request that we not  
4 utilize Tri-Boro Volunteer Ambulance. But -- but to  
5 add to that, and we will abide by not using it and  
6 having it in the resolution, I -- that's a mistake.  
7 It's a mistake for everybody. If there's an emergency  
8 and -- and an ambulance is not available, we're going  
9 to call the nearest person that would -- would be  
10 available to take care of that person. That's pure  
11 common sense.

12 CHAIRMAN DEPINTO: Yeah, I'm going to poll  
13 the board on this frankly. I guess I'm starting down  
14 here. Javid, what's your thoughts on this? You've  
15 heard concerns expressed by Montvale Tri-Boro or the  
16 Tri-Boro Ambulance Squad. They don't have facilities.

17  
18 MR. REGAN: They don't have the people.

19 CHAIRMAN DEPINTO: The people -- the  
20 resources I should say. I think Mr. Vogel offers a  
21 very good argument, that under health and safety and  
22 welfare of the general public to -- to deny someone  
23 emergency ambulance service is not fair. I recognize  
24 that. But this is a volunteer Corps we're talking  
25 about that. What are your thought on the subject?

1           MR. HUYSENOV: Yeah, it's -- it's -- it is  
2 unfair, but -- yeah, I think it -- so the suggestion  
3 is then for the Volunteer Corps to do --

4           CHAIRMAN DEPINTO: What -- what the  
5 applicant is saying is they're going to enter into a  
6 contractual agreement with a private ambulance or  
7 medical transportation company. But in the event of  
8 their unavailability or an emergency that they should  
9 not be the denied the right to call Tri-Boro to be  
10 transported from the facility to the hospital.

11          MR. HUYSENOV: Which I think -- which I  
12 think is a fair argument.

13          MR. REGAN: What -- what Tri-Boro has  
14 indicated -- when we spoke to them is that it -- it  
15 would be a private ambulance maintained by the  
16 facility. If it's not there, it may take an hour or  
17 two to show up. In the meantime they call Tri-Boro.  
18 And it's -- they're saying it's not sustainable.

19          MR. VOGEL: Well, just look at it from a  
20 reasonable standpoint. What the -- what the ambulance  
21 corps is saying is an obvious thing. Look we're a  
22 volunteer group, we have multiple calls, and we can  
23 probably barely keep up with the amount of calls --  
24 service. We don't want a private institution like  
25 this to now burden us with it. We're agreeable to

1 that. But to say that if there's an emergency you  
2 can't call them. That's like saying to them that --  
3 with respect to fire. Well, you have fire  
4 extinguishers don't call the fire department when you  
5 have a fire.

6 MR. REGAN: I don't think anyone's objecting  
7 to it -- a call on emergency. It's just that calls  
8 are being made to Tri-Boro when it's really not an  
9 emergency. That's the problem.

10 CHAIRMAN DEPINTO: You know chief -- chief  
11 you're in the back of the room. I know you deal  
12 closely with the ambulance corps. Do you have any  
13 knowledge or --

14 FIRE CHIEF: I think -- I think the business  
15 problem is that even though they're -- they have  
16 contractual agreement with these private ambulance  
17 corps services these private ambulance corps services  
18 are over booking themselves so that these ambulances  
19 are not available. Most of these companies -- I was  
20 talking with a paramedic the other day out of -- I  
21 don't know if it was out of Hackensack, or it was  
22 Valley Hospital, and they were down three ambulance  
23 transport units and two medic units because they don't  
24 have staffing.

25 What's happening is, is they're contracting

1 these private ambulance companies, but they don't have  
2 the ambulance -- service. And like they said if  
3 they're not available then they call Tri-Boro.

4 CHAIRMAN DEPINTO: And -- and Tri-Boro can't  
5 handle it. Is that -- is that your understanding --

6 FIRE CHIEF: They can handle it to a point,  
7 but I don't think they -- I think they're worried  
8 about, you know, what the call volume is going to be.  
9 I mean constantly you hear -- and you have to remember  
10 Tri-Boro covers three towns and constantly you hear of  
11 some other facilities, you know, when they're  
12 dispatching the ambulance because my -- doesn't have a  
13 private ambulance available. And it's -- it's  
14 becoming more and more prominent.

15 MR. VOGEL: So -- so suppose -- suppose you  
16 put language in there that said you require to have a  
17 private ambulance service contract. Then you put  
18 language in and said that that will be the first call  
19 that is made for an ambulance when needed and that  
20 there will be no first call to -- to the municipal  
21 volunteer, unless there is no other ambulance  
22 available, and an emergency exists with respect to the  
23 situation. Put language in like that.

24 MR. REGAN: Yeah.

25 MR. VOGEL: Aren't you protected then?

1           MR. REGAN: Yeah, well it's so open-ended  
2 though, it's not going to --

3           MR. VOGEL: Well, not --

4           MR. REGAN: Probably -- comment.

5           CHAIRMAN DEPINTO: Why don't we keep going,  
6 Dante?

7           MR. TEAGNO: It -- it seems to me that if --  
8 if you have a contract with an ambulance company and  
9 you call them and for some reason they can't respond,  
10 I don't think that it's out of the realm of  
11 possibilities if you call the Tri-Boro Ambulance --

12          MR. REGAN: It wouldn't.

13          MR. TEAGNO: Well, guess what they have the  
14 -- the option to do the same thing, we can't respond.  
15 Okay, so that's plan one, plan two. You've got to  
16 have a plan three or nobody's going to show up. Maybe  
17 you have a backup with another -- I don't know. But  
18 to me it's -- I don't know how you can say I can't  
19 respond. That's like the police saying, I understand  
20 you're being robbed but I can't send somebody. It's  
21 public -- it's public service. I know it's volunteer,  
22 but they're an emergency group that's put together to  
23 respond to emergencies. If they have to say I can't  
24 respond it's on them.

25          MR. HUYSENOV: I think the main word in that

1 is "emergency." I think a lot of these private  
2 companies they over book. I don't know -- sorry I'm  
3 jumping here, but I see this a lot with Tri-Boro  
4 ambulance. And I think maybe if there's a way to  
5 deter people from calling just because this ambulance  
6 is going to take an hour, it's non-emergency  
7 situation, oh we're going to call Tri-Boro Ambulance  
8 for transport. If there's a way for Tri-Boro to maybe  
9 bill that company.

10 CHAIRMAN DEPINTO: John?

11 MR. RYAN: In -- there's no absolutes. So  
12 -- suggested is that the private ambulance service  
13 that's contracted for is reliable. And, for argument  
14 sake, not the cheapest price around. But in absolute  
15 terms, if the private ambulance is not available then  
16 it would appear Tri-Boro's got to be the last resort.

17 CHAIRMAN DEPINTO: All right. Darlene you  
18 had something?

19 MS. GREEN: Yes, I just want to share with  
20 the Board that I have a site down in Morris County,  
21 that is an assisted living/rehabilitation center,  
22 probably half the size of this. And our resolution  
23 approval -- because it was a D-1 use variance that you  
24 have to have a private ambulance service contract.  
25 Yet or police department is called regularly saying

1 that I need help getting out of bed. Our volunteer  
2 ambulance squad is called, and it's not from the  
3 facility provider, the problem is it's coming from the  
4 individual units.

5 MR. REGAN: The resident.

6 MS. GREEN: And so I don't know if there's a  
7 way to control the phones in these units so that they  
8 cannot just pick up and start arbitrarily dialing our  
9 police department to come move them out of their bed  
10 because no one, I guess is responding in-house to  
11 their calls.

12 (Indiscernible conversation)

13 MS. GREEN: So, I -- I can tell you it's  
14 becoming a very large issue in that town, and they  
15 also have a volunteer ambulance squad that is --

16 MR. REGAN: And when they're so overwhelmed  
17 --

18 MS. GREEN: Yes.

19 MR. REGAN: -- you're going to lose members  
20 and they might -- might just disband. That's  
21 happening.

22 CHAIRMAN DEPINTO: Chris you got -- you got  
23 a word on this?

24 MR. GRUBER: It's a facility, why don't we  
25 -- we just have -- have them their own emergency

1 transport. It's only for emergency uses. Maybe they  
2 have a vehicle that's equipped and people that are  
3 trained on staff.

4 MR. REGAN: And have it there 24/7.

5 MR. GRUBER: 24/7 and they're the ones that  
6 like -- you know they'll take them to the hospital.

7 MR. REGAN: Yeah.

8 MR. GRUBER: It's only for their facility.  
9 You know, I mean they have trained people on the  
10 staff.

11 (Indiscernible conversation)

12 CHAIRMAN DEPINTO: John -- John Kurz you  
13 have anything on this?

14 MR. KURZ: Yeah, but I'd rather hold off on  
15 a comment, because -- I -- I don't know. I -- as far  
16 as -- you know, you all know on the Board that I'm a  
17 career fireman. So, it's tough even where I'm at  
18 getting ambulances to -- to these places or first  
19 responder -- like -- these facilities. I don't know,  
20 we have -- are they going to have individual phones in  
21 their --

22 CHAIRMAN DEPINTO: Sure.

23 MR. REGAN: That's what happened. They --

24 (Indiscernible conversation)

25 MR. KURZ: And they can call 911. I mean

1 that's -- you can't -- can't -- they can't contact  
2 anybody.

3 (Indiscernible conversation)

4 MR. KURZ: -- in Fair Lawn, she's a manager  
5 -- I do not believe Fair Lawn Volunteer Ambulance goes  
6 to that facility. I believe it's all private. I can  
7 find out, but I do not a -- because I used to be the  
8 inspector there, I don't think Fair Lawn ambulance  
9 corps does -- that facility.

10 MR. VOGEL: All I'm saying is, it should be  
11 -- it should be a call of last resort. That's all I'm  
12 saying.

13 MR. REGAN: Jerry it would really be a call  
14 of last resort if you have the ambulance there 24/7,  
15 which is what they're recommending.

16 MR. GRUBER: You could also set a protocol  
17 as far as what -- what my town down, when they  
18 dispatch us in Hackensack the protocol of what the  
19 call actually is. If it's difficulty breathing,  
20 cardiac, stroke. I mean you're not going to call for  
21 you know somebody that fell out of bed and needs  
22 assistance. They have the -- the people there to do  
23 it. If you -- protocol and talk to Heather, then do  
24 the protocol as far as, you know the degree -- the  
25 degree of the medical situation. That's what -- I'm

1 telling you as far as us, in Hackensack as first  
2 responder engine companies, it's the protocol that we  
3 get called out on, heart attacks, strokes, difficulty  
4 breathing. Other stuff we pretty much -- they, you  
5 know, sweep it under the carpet, let the ambulances  
6 take care of it.

7 CHAIRMAN DEPINTO: John Ryan?

8 MR. RYAN: The contract -- the private  
9 contractor to have a response -- call --

10 MR. VOGEL: Let me ask a question, maybe I  
11 --

12 MR. RYAN: Why isn't that company obligated  
13 under contract to respond?

14 MR. REGAN: They are, but they -- they're  
15 not -- sometimes they're not available. It takes  
16 time, a couple of hours.

17 MR. RYAN: Well, I guess that makes the  
18 contract null and void.

19 MR. REGAN: Well, it's up to them to enforce  
20 it.

21 (Indiscernible conversation)

22 MR. VOGEL: We have an obligation to have a  
23 contract and -- and we do it, because that's -- that's  
24 what we want to do in addition to what the Board  
25 wants. The corps' comment is you should have in the

1 resolution approving this a requirement that they  
2 never call us. And my only comment is if an ambulance  
3 is not coming and we got somebody in distress, what do  
4 we do? We just throw up our hands and say we can't  
5 call the ambulance corps? That's a point --

6 MR. REGAN: But you have the ambulance that  
7 you have that's parked on the -- on the property.

8 MR. VOGEL: Well, let me ask a question. If  
9 -- if I picked up my phone in here and I dialed 911  
10 and I -- I said I'm in distress, would it go to the  
11 ambulance corps or it would it be a paramedic that  
12 would come out of the hospital or whatever?

13 CHAIRMAN DEPINTO: Either -- probably it  
14 goes to police, the Tri-Boro --

15 MR. REGAN: The police would be the first to  
16 --

17 (Indiscernible conversation)

18 CHAIRMAN DEPINTO: And then dispatch then  
19 calls out to Tri-Boro and/or police.

20 MR. REGAN: Usually police will be there  
21 first.

22 (Indiscernible conversation)

23 CHAIRMAN DEPINTO: And then the police will  
24 reach out to Tri-Boro if they find it necessary.

25 (Indiscernible conversation)

1           BOARD SECRETARY: So, what happens is that  
2 when the police is called and the ambulance does not  
3 show up, that police officer has to stay until an  
4 ambulance does show up. So you're taking that officer  
5 now out of the line of duty to basically wait there.

6           CHAIRMAN DEPINTO: Wait there. Let me just  
7 finish polling. Bob, you got anything -- I'm sorry  
8 Dieter do you have anything?

9           COUNCILMAN KOELLING: No, that's --

10          CHAIRMAN DEPINTO: Bob you have anything  
11 more?

12          MR. ZITELLI: I -- I agree with what the  
13 other members said so far.

14          CHAIRMAN DEPINTO: And I guess John let me  
15 hear --

16          MR. CULHANE: Yeah -- yeah, look ideally I  
17 think there would be an ambulance on site. If they  
18 elect to go the contract route, they just need to make  
19 sure they have a good contractor and a backup perhaps.  
20 I guess with regard to calls, why would the ambulance  
21 corps be responding to individual calls. Why wouldn't  
22 they only take calls from -- from the management or  
23 the people managing the facility from a healthcare  
24 perspective.

25                 That I kind of understand that if it's a

1 once a year true emergency, and whoever's the  
2 designated person calls the ambulance corps, I think  
3 they should respond to that. But if residents are  
4 just picking up the phone, I understand why they don't  
5 want to respond to those calls.

6 CHAIRMAN DEPINTO: But I -- I think the  
7 practice, based on what Dieter said in Montvale is, if  
8 you are a resident in the facility and you're not  
9 going through the management company, but you pick up  
10 your cell phone and you call 911 because of whatever  
11 problem you have, it's going to go to dispatch.  
12 Dispatch is going to going to give it to police and  
13 police is going to go to the facility. They're going  
14 to make the call thereafter to ambulance. I can't  
15 call ambulance direct, Dieter? I don't know.

16 COUNCILMAN KOELLING: No, you're calling --

17 CHAIRMAN DEPINTO: I'm calling --

18 (Indiscernible conversation)

19 UNIDENTIFIED MALE: It's on the police to  
20 make the --

21 CHAIRMAN DEPINTO: It's -- it's the police  
22 that make the decision.

23 COUNCILMAN KOELLING: And the police are  
24 always going to call out an ambulance. They're going  
25 to err on the side of being cautious.

1 (Indiscernible conversation)

2 CHAIRMAN DEPINTO: Which makes sense.

3 Darlene you were recommending 24/7 ambulance service?

4 MS. GREEN: Based on the experienced my  
5 other town is having; I think you're going to see a  
6 lot of non-emergency calls coming in from residents.  
7 For whatever reason are not calling the nurse or the  
8 staff, instead picking up the phone dialing 911.

9 MR. REGAN: Yeah, Tri-Boro has told us that.

10

11 UNIDENTIFIED MALE: Yeah, that's the other  
12 reason why police put it on there --

13 MR. REGAN: Yeah.

14 (Indiscernible conversation)

15 UNIDENTIFIED MALE: -- and you're going to  
16 have a paramedic unit coming out. And if there's no  
17 ambulance there, they're not going to be happy. I've  
18 seen it plenty of times. I see it on an everyday  
19 basis, every time -- the paramedics are there, and  
20 there's no ambulance coming there's -- now they got to  
21 call out for other towns which we have -- a lot. So,  
22 just keep that in mind.

23 CHAIRMAN DEPINTO: And -- and the paramedics  
24 are coming out from the hospitals?

25 (Indiscernible conversation)

1 CHAIRMAN DEPINTO: Valley or Hackensack?

2 (Indiscernible conversation)

3 CHAIRMAN DEPINTO: Right.

4 MR. VOGEL: You know, be aware we don't have  
5 paramedics on site. Right, that's -- that's -- so --  
6 keep an ambulance on site, it doesn't make -- number  
7 one it violates your ordinance. Number two, even if  
8 you want us to keep it on site, we don't -- we don't  
9 have paramedics to take care of that. That's --

10 MR. REGAN: Well wouldn't the ambulance  
11 contract that you have --

12 MR. VOGEL: -- I don't know we keep  
13 pounding this. Because every time that we have a  
14 facility and I get confronted by the volunteer  
15 ambulance corps they create issues that go beyond what  
16 is reasonable, quite frankly. They are -- they are  
17 volunteers, they're good people, they do God's work.  
18 Fine. But I'm telling you now, you put a -- you put  
19 that in the resolution that will never call. What do  
20 you think somebody's going to do if no ambulance is  
21 available --

22 MR. REGAN: We're not going to put that in  
23 the resolution. I'm going to be drafting the  
24 resolution, it's not going to be in there. What we  
25 may put in there is that you have 24/7 coverage on the

1 property.

2 MR. VOGEL: We're not -- we're not going to  
3 buy an ambulance; I'll tell you right now.

4 MR. REGAN: I'm not saying you have an  
5 ambulance. If you have a contract with a company that  
6 will be there.

7 MR. VOGEL: No, I will not do that. There  
8 is no contract available. There is no contractor who  
9 will put an ambulance driver and an EMT person on our  
10 site 24 hours a day.

11 MR. REGAN: You can get --

12 MR. VOGEL: It doesn't happen.

13 MR. REGAN: Jerry you can get anything for  
14 money you know that.

15 MR. VOGEL: I'm telling, you've made an  
16 issue out of something that need not exist. Only  
17 because they raised some language here, because  
18 they're going to be concerned that we're going to  
19 overwhelm them.

20 MR. REGAN: Have you talked to them? I  
21 have.

22 MR. VOGEL: Well --

23 (Indiscernible conversation)

24 MR. VOGEL: -- I'm the most amenable person  
25 when it comes to issues that have to do with site

1 planning. We're now talking about health, safety and  
2 welfare.

3 MR. REGAN: Well we're talking about life  
4 and death --

5 MR. VOGEL: And that is unreasonable. Okay.  
6 That's my -- that's my position. If -- if you want to  
7 make it a part of your resolution, you make it part of  
8 your resolution, but I'm telling you you're making a  
9 mistake.

10 CHAIRMAN DEPINTO: Okay, somebody down here.  
11 Dante did you want to say something?

12 MR. TEAGNO: Yeah, let's go back to the  
13 beginning. If you're contracting with a company and  
14 they don't respond, what good is the contract.

15 MR. VOGEL: Of course. First of all  
16 you're making an assumption that we're going to  
17 contact and we're going to pay somebody, we're  
18 putting up a multi-million dollar facility, we're  
19 taking care of people who are infirm, and that we're  
20 going to sign a contract with some company that is not  
21 going to respond. That's -- that's not going to  
22 happen.

23 MR. TEAGNO: Well, let me ask you how --

24 MR. VOGEL: We're going to sign a contract  
25 with a responsible company. What we're talking about

1 is that emergency situation where they don't respond.

2 And -- and so --

3 MR. REGAN: What would be the response time?

4

5 MR. VOGEL: -- in distress.

6 MR. REGAN: What's the response time?

7 MR. VOGEL: Pardon me?

8 MR. REGAN: What will be the response time

9 in the contract?

10 MR. REGAN: I don't know what the response

11 time will be.

12 MR. REGAN: Well that's kind of important.

13 MR. VOGEL: -- you know what this is not a  
14 fruitful discussion, because I'm adamant with respect  
15 to this. We are not going to have -- we're not going  
16 to have an ambulance on the site. We don't have an  
17 EMT person on the site. We have -- in every instance  
18 where we have facilities and where facilities that are  
19 not owned by this company do not have an ambulances on  
20 the site and they sign contracts with responsible  
21 companies. We give you the contract. You review it  
22 like any other. And if they don't show up because --  
23 it's not going to happen on a regular basis, it's  
24 going to happen in an emergency.

25 MR. REGAN: Well, we don't even have a

1 contract yet, so we don't know what we're talking  
2 about.

3 (Indiscernible conversation)

4 CHAIRMAN DEPINTO: Okay, Dante let's just  
5 finish up. Go ahead.

6 MR. TEAGNO: How often does this happen.  
7 You've got a number of other facilities in this group.  
8 You must have some idea? Does this happen once a  
9 week, once a month, twice a year, that you need an  
10 ambulance where you don't have one on site?

11 (Indiscernible conversation)

12 CHAIRMAN DEPINTO: Let's just swear him in.  
13 Dante hold on one second.

14 A L A N E S E R N E R, APPLICANT'S WITNESS, SWORN

15 MR. REGAN: Name please?

16 MR. ESERNER: Alan Eserner, A-L-A-N  
17 E-S-E-R-N-E-R.

18 MR. REGAN: What's your position with the  
19 applicant?

20 MR. VOGEL: Would you -- would you describe  
21 to the Board your relationship to the applicant?

22 MR. ESERNER: Sure I -- I oversee multiple  
23 sites -- operation for the applicant.

24 I mean the answer to your question really  
25 honestly isn't -- it's not one-dimensional. Because

1 we have different situations, right. We have times  
2 where you need to call EMT. These transport companies  
3 staff EMTs, they don't staff, necessarily the  
4 paramedics. If these were a paramedic that would be a  
5 more emergent situation. So, in -- Jerry mentioned  
6 you can call 911 they dispatch an EMT. You know we  
7 staff registered nurses; we staff medical personnel  
8 and do basic life support on site. But if there's a  
9 need for a paramedic for advance life support, to  
10 transport a patient to a hospital, that's when the  
11 dispatch would send advance life support.

12 I don't know any contract of companies that  
13 would sit in the parking lot with advance life  
14 support.

15 MR. VOGEL: So, I think the question was on  
16 your experience how often does something occur where  
17 you don't have the private company available to -- to  
18 respond? Is that a regular --

19 MR. ESERNER: I couldn't answer that without  
20 -- without getting more information. But, you know,  
21 we do call a private contract company daily. They're  
22 the primary source of our transport to hospitals,  
23 doctor's appointments things like that, for people who  
24 can't go in regular transport.

25 But we're talking -- I think the main issue

1 the 911 calls we're talking about is advanced life  
2 support, not basic life support. I don't know of any  
3 contract companies that will park an advance life  
4 support resource in a parking lot 24 hours a day,  
5 dedicated.

6 MR. REGAN: What will -- what is your  
7 experience in terms of response times with these  
8 private companies.

9 MR. ESERNER: In which -- in which scenario?

10 MR. REGAN: It -- when there's a call for --  
11 for the private company -- private ambulance service.  
12 How long did it take them to respond on average?

13 MR. ESERNER: Honestly it could be anywhere  
14 from 15 minutes to 60 minutes depending on the  
15 situation.

16 MR. REGAN: 60 minutes isn't going to cut it  
17 for the residence in the room. Maybe 15 won't either.

18 CHAIRMAN DEPINTO: Well, it's a difficult  
19 question and we have to bring it down to a simpler  
20 form. Something that -- that the Board has confidence  
21 in that the applicant will provide us with a copy of a  
22 contract that they are prepared to enter into with a  
23 reliable medical transportation source. From what I  
24 understand there will be personnel on site because of  
25 the nature of the facility, who could give CPR or give

1 life support services until they're transported to a  
2 hospital, number one. A little bit different than  
3 other facilities.

4 Secondly, you're willing -- you're  
5 committing to contracting with a reputable company for  
6 transport. But in the unlikely situation that the  
7 company you contracted with, that their truck got a  
8 flat tire, I don't know whatever the case might be,  
9 stuff does happen. That you need the opportunity to  
10 have an ambulance, a Tri-Boro come and transport  
11 someone under a medical emergency situation. And I  
12 think we have to bear that in mind with the proposed  
13 use of the property.

14 I think to -- to set our concerns aside,  
15 because you do manage other facilities, if you could  
16 do a little bit of research into how frequently that  
17 occurs. We're not looking to penalize anybody. But  
18 as Jerry so eloquently stated, we're not looking to  
19 jeopardize public safety in anyway. I -- I couldn't  
20 sit here and say under no circumstances will we allow  
21 Tri-Boro to transport someone to a hospital if they  
22 need hospital care. I -- I couldn't do that. But I  
23 think we need some facts to know how to deal with  
24 this.

25 So, I think if you could check that out for

1 us, that would --

2 MR. ESERNER: Sure.

3 CHAIRMAN DEPINTO: -- we would find that to  
4 be very helpful.

5 MR. ESERNER: Does Tri-Boro dispatch the  
6 paramedics, the advance life support? Do we know  
7 that?

8 CHAIRMAN DEPINTO: You know I don't really  
9 know much about it.

10 (Indiscernible conversation)

11 MR. ESERNER: Okay, again because I don't  
12 know the operations here, but the vast majority of our  
13 cases --

14 CHAIRMAN DEPINTO: Could he communicate --

15 MR. ESERNER: -- the hospital.

16 CHAIRMAN DEPINTO: Lorraine, could he  
17 communicate directly with Heather?

18 BOARD SECRETARY: Yes.

19 CHAIRMAN DEPINTO: Could you provide him  
20 with the contact information?

21 BOARD SECRETARY: Yes.

22 CHAIRMAN DEPINTO: The person who heads up  
23 that Tri-Boro Ambulance, and maybe there can be some  
24 direct communication, so we get a better understanding  
25 on both sides.

1 All right, why -- why don't we move on?  
2 Okay were there any other documents that we had to  
3 deal with?

4 (Indiscernible conversation)

5 CHAIRMAN DEPINTO: Jerry did you have  
6 anything else we had to cover?

7 MR. VOGEL: So I don't think -- is there --  
8 are there any other reports --

9 CHAIRMAN DEPINTO: I don't think so, but do  
10 you have anything --

11 MR. VOGEL: If there's another one like  
12 this, I'm going to need an ambulance.

13 (Pause in proceedings)

14 CHAIRMAN DEPINTO: We've marked all revised  
15 plans. The other thing that I have, that I didn't  
16 mark was traffic study.

17 MR. REGAN: That's already been marked.

18 CHAIRMAN DEPINTO: Yeah, prepared by SNS.  
19 What do you have -- in your notes have it marked as?  
20 Or Jerry do you have the traffic study by Provident  
21 Design Engineering?

22 MR. REGAN: It may not have been entered.

23 MR. VOGEL: Yes.

24 MR. REGAN: No, that was marked, that was  
25 Mr. Dempsey's report. He testified to that.

1 UNIDENTIFIED MALE: -- report that had been  
2 previously submitted.

3 MR. REGAN: He testified about it.

4 (Indiscernible conversation)

5 CHAIRMAN DEPINTO: Right, do you have that  
6 marked? My -- I don't have it marked. Looks like  
7 it's dated September 1. Brian Dempsey.

8 (Indiscernible conversation)

9 CHAIRMAN DEPINTO: Was it?

10 MR. REGAN: Yeah.

11 (Pause in proceedings)

12 MR. REGAN: I don't have it marked either.  
13 I have as testimony A-2 aerial photo, A-3 -- or A-4 --

14 CHAIRMAN DEPINTO: I think for the record it  
15 should be marked. And Mr. Vogel you don't have it  
16 marked either on your notes?

17 MR. VOGEL: No.

18 CHAIRMAN DEPINTO: Mr. Dempsey's traffic  
19 report. Mr. Dempsey do you have any notes on it?

20 MR. DEMPSEY: Except those items A-2, A-3,  
21 A-4 are part of the traffic study.

22 MR. REGAN: Oh, they were okay.

23 MR. DEMPSEY: They were figures in -- within  
24 the traffic study. So --

25 CHAIRMAN DEPINTO: What -- what were they?

1           MR. REGAN: The aerial photo, the trip  
2 generation table, --

3           CHAIRMAN DEPINTO: So those were component  
4 parts of the --

5           MR. DEMPSEY: Yes.

6           CHAIRMAN DEPINTO: -- of the overall traffic  
7 study.

8           BOARD SECRETARY: Are we marking this?

9           CHAIRMAN DEPINTO: I think it should be  
10 marked. Because I think the detail included in the  
11 traffic study goes beyond that.

12                           (Pause in proceedings)

13           CHAIRMAN DEPINTO: 14?

14           MR. REGAN: Yes, A-14.

15           CHAIRMAN DEPINTO: Okay, why don't we mark  
16 that.

17           MR. REGAN: Okay, was there anything we  
18 wanted to discuss with -- Mr. Dempsey about the  
19 traffic?

20           MR. VOGEL: He testified.

21           CHAIRMAN DEPINTO: He did testify.

22           MR. DOUR: All right, anything -- well now  
23 we have -- right we have some new information -- right  
24 we think -- now this time we've heard that we're going  
25 to eliminate, we'll prohibit left turns. Which, I

1 think, you know makes it a little bit of a difference  
2 there. It will certainly help it.

3 You know, another thing that we've been  
4 talking with another applicant is synchronizing some  
5 of the traffic lights. Is that anything we want to  
6 discuss with Mr. Dempsey about that?

7 CHAIRMAN DEPINTO: Yeah, I would like your  
8 opinion on that, Mr. Dempsey if you're willing to  
9 share, any knowledge you might have with respect to  
10 the new method of synchronizing traffic signals,  
11 utilizing GPS signals.

12 MR. DEMPSEY: -- about Mr. Tim Sack to see  
13 what they actually would be doing.

14 CHAIRMAN DEPINTO: Okay.

15 MR. DEMPSEY: Because I had multiple  
16 conversations with him he did not bring that up. And  
17 when he marked up the plans and the suggestions for  
18 the modifications in the area, that was not -- not an  
19 issue.

20 CHAIRMAN DEPINTO: Okay.

21 MR. DEMPSEY: One thing to remember in terms  
22 of traffic impacts, we have significantly less traffic  
23 than the site -- redeveloped as -- you know being  
24 occupying as the office building.

25 MR. DOUR: Sure, I understand. We got

1 another applicant that, you know, we have to consider.

2

3 CHAIRMAN DEPINTO: Yeah.

4 MR. DOUR: Well, we have to consider traffic  
5 for the whole town. Right, and so with Valley Medical  
6 coming in, you know, we're very concerned about what's  
7 going on there. We've been talking with the County  
8 and with others about synchronizing some of the  
9 traffic lights in town here. And through the traffic  
10 lights that are on the list there are things that  
11 would affect your site.

12 So, you know, I think you guys ought to get  
13 involved a little bit and see what's going on there.

14 MR. DEMPSEY: Yeah, and I'll -- I can talk  
15 to Eric again, but again we're much less traffic you  
16 know as --

17 MR. DOUR: Agreed. I understand. I  
18 understand.

19 CHAIRMAN DEPINTO: Right, and -- and I think  
20 that is an argument why the Board would look at this  
21 application with an eye towards approval. But we also  
22 travel Summit Avenue, some of us more frequently than  
23 others, on a pretty regular basis and it is a horrible  
24 road. And the backup that occurs during the evening  
25 hours at the intersection of Spring Valley Road and

1 Summit Avenue --

2 UNIDENTIFIED MALE: That's correct.

3 CHAIRMAN DEPINTO: -- gets pretty ugly.

4 UNIDENTIFIED MALE: Oh, yeah it can really

5 --

6 CHAIRMAN DEPINTO: And what I have heard  
7 from the Borough Engineer was that if the traffic  
8 light at Spring Valley and Summit were synchronized  
9 with the traffic light at the corner of Summit and  
10 Chestnut Ridge Road, it would benefit all of the  
11 properties on Summit Avenue within that span. Some of  
12 them are residential, some are commercial, others are  
13 in the process of being occupied like the neighbor to  
14 the west of the subject property. And then there's  
15 your property.

16 So there's -- there's a lot of activity that  
17 exists on Summit Avenue and more coming.

18 UNIDENTIFIED MALE: More coming.

19 CHAIRMAN DEPINTO: So, I think for you to  
20 participate with the Borough, with the synchronizing  
21 of those lights, more particularly at least with the  
22 one at the intersection of Spring Valley and Summit  
23 would serve everyone's advantage. And I think before  
24 you speak to Mr. Tim Sack you should communicate  
25 directly with Mr. Hipolit who has done a lot of

1 research on the subject and has been in contact with  
2 the county, and I think he could fill you in as to  
3 what that plan might be.

4 MR. VOGEL: If -- if you're talking about  
5 timing and synchronization and Mr. Hipolit or Mr. Dour  
6 could put together something -- would be happy to  
7 shepherd it through Eric Tim Sack's office, talk to  
8 him on a regular basis on various projects.

9 CHAIRMAN DEPINTO: Sure.

10 MR. VOGEL: And -- and certainly -- you know  
11 would certainly participate in it. And not -- in  
12 participate any upgrade to the -- to the signals, but  
13 just it's timing and sequencing as I understand it.

14 CHAIRMAN DEPINTO: Yeah, that's my  
15 understanding of it all. So, I'm not familiar with  
16 the details. But Chris when are you expecting Andy to  
17 be back?

18 MR. DOUR: I believe early next week.

19 CHAIRMAN DEPINTO: Okay, so can you convey  
20 to him -- Mr. Vogel do you want Andy to communicate  
21 directly with you or Mr. Dempsey or how -- how would  
22 you like to proceed on your side?

23 MR. VOGEL: Yeah, if -- if Andy would call  
24 me up I'll try and put everybody together. I'll call  
25 Mr. -- you know, I'll be willing to do that.

1 CHAIRMAN DEPINTO: Okay, does that work for

2 --

3 UNIDENTIFIED MALE: I believe so. You were  
4 mentioning that the -- especially that light at Spring  
5 Valley and Summit permitting a -- a left turn out of  
6 the parking lot or out onto --

7 CHAIRMAN DEPINTO: No.

8 UNIDENTIFIED MALE: No, that's been shot  
9 down.

10 CHAIRMAN DEPINTO: No, that's taken care of.

11

12 (Indiscernible conversation)

13 CHAIRMAN DEPINTO: No, the Spring Valley --

14 MR. DEMPSEY: Yes -- Spring Valley --

15 UNIDENTIFIED MALE: Right, so especially in  
16 the evening time or any traffic -- that light backs up  
17 to -- Spring Valley as well, and the timing -- that  
18 parking lot --

19 (Indiscernible conversation)

20 CHAIRMAN DEPINTO: Yeah, I think Hipolit  
21 has a handle on that. I think he has spent  
22 considerable amount of time studying that. I think  
23 it's probably best we turn it over to him and see what  
24 we can put together. Something has to be done.

25 Again, I agree with Mr. Vogel the intended

1 use is less than what had previously existed on the  
2 property. That's a plus factor for everyone in that  
3 neighborhood. But if we can make further improvements  
4 I think your client should be receptive to that as  
5 well.

6 Okay, we got anything else on this? We're  
7 going to ask that you return. I would like for the  
8 Board upon your return to go into deliberations. I  
9 think we have a few unanswered questions we want to  
10 deal with. We have to see if we could come up with  
11 some language relative to dealing with the  
12 emergency transportation of anyone from the subject  
13 and I think we probably have some other things that  
14 went on the record today that have to be considered.

15 Jerry what is your availability to return to  
16 the Board for a vote on the resolution?

17 MR. VOGEL: Well your next -- meeting is  
18 August 2nd, I would be prepared to return on that day.

19 CHAIRMAN DEPINTO: Lorraine?

20 BOARD SECRETARY: I have two other public  
21 hearings on that day.

22 CHAIRMAN DEPINTO: Well, we're not going to  
23 be hearing any other testimony.

24 BOARD SECRETARY: Okay.

25 CHAIRMAN DEPINTO: Because you have no other

1 witnesses.

2 MR. VOGEL: No.

3 CHAIRMAN DEPINTO: If anything we might have  
4 some correspondence that we might have to go over. I  
5 think we could put it on for August 2nd.

6 BOARD SECRETARY: Okay.

7 MS. GREEN: Mr. Chairman are we going to  
8 receive revised plans between now and then? And if so  
9 are you expecting review letters out of our office  
10 prior to that meeting?

11 MR. DEMPSEY: My thought was if I do a set  
12 of plans, then I get the resolution, then I got to do  
13 another set of plans. My thought would be whatever's  
14 in the resolution we'll then do a set of plans. I  
15 mean it just --

16 CHAIRMAN DEPINTO: Well, based upon what we  
17 heard this evening, and base upon the technical  
18 reviews from both your office and Chris's office --  
19 with respect to changes to the plan, are they that  
20 extensive?

21 UNIDENTIFIED MALE: They're not, but I don't  
22 think we'll get them into -- ten days prior to that.  
23 That's the only -- two days from today -- but they're  
24 not extensive.

25 MR. DEMPSEY: Whatever changes we have to

1 make, if we did a set of plans now, and then we get  
2 the resolution -- have to be another set of plans --

3 CHAIRMAN DEPINTO: Which, I don't want to do  
4 that. I think it's best that you return on the 2nd.  
5 Presuming we can reach an agreement on some of these  
6 open questions. We then would ask Mr. Regan to  
7 prepare a resolution for adoption of our meeting on  
8 the 16th.

9 MR. REGAN: I can't get it done that fast,  
10 in two weeks.

11 CHAIRMAN DEPINTO: So you can't. So how  
12 much time --

13 MR. REGAN: September.

14 CHAIRMAN DEPINTO: -- do you need?  
15 September.

16 MR. REGAN: There's a lot of material here.  
17 It's going to be the first meeting in September.

18 BOARD SECRETARY: September 6th.

19 MR. REGAN: That's fine.

20 CHAIRMAN DEPINTO: So, I think that's all  
21 the more reason to have them return August 2nd because  
22 then that would give you a month --

23 MR. REGAN: Well, yeah except I'm going to  
24 be gone from about the 20th of August to Labor Day.

25 CHAIRMAN DEPINTO: Okay. There is no --

1 MR. REGAN: I'll get it done by then.

2 CHAIRMAN DEPINTO: No -- no -- no that  
3 brings us to third Tuesday in September then.

4 MR. REGAN: Well I could possibly get it for  
5 the first Tuesday. I can try.

6 CHAIRMAN DEPINTO: Okay, let's see how we do  
7 August 2nd, and then we'll take it from there. How's  
8 that?

9 MR. REGAN: Yeah, fine.

10 CHAIRMAN DEPINTO: Is everybody good with  
11 that one? Jerry you okay with that?

12 MR. VOGEL: Fine. August 2nd. -- respond  
13 to all of the issues that were raised -- and hopefully  
14 August 2nd we'll conclude.

15 CHAIRMAN DEPINTO: And if any -- any  
16 information that your professionals can provide from  
17 their experience in operations in other health  
18 facilities I think would be very, very helpful prior  
19 to that meeting. Anything that could be put  
20 together, Mr. Dempsey, Mr. Hipolit, and Tim Sack with  
21 regards to the synchronizing of the lights. I think  
22 that too would be found -- found to be very helpful,  
23 and we'll see if we can get wrap on this in -- in  
24 short order.

25 Okay, very good, thank you very much. Have

1 a good evening.

2 MR. VOGEL: -- see you on August 2nd, thank  
3 you.

4 CHAIRMAN DEPINTO: Okay.

5 (Matter Concluded)

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Certification

15 I, Jessica Robinson, the assigned transcriber, do  
16 hereby certify the foregoing transcript of proceedings  
17 with a total time of 02:34:35, is prepared in full  
18 compliance with the current Transcript Format for  
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21

✕✕ Jessica Robinson

Date: July 26, 2022

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Jessica Robinson AOC #581

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