

BOROUGH OF MONTVALE
PLANNING BOARD
REGULAR MEETING
TUESDAY, FEBRUARY 3, 2026
COMMENCING AT 8:00 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT
MONTVALE DONUTS LLC : OF
121 Chestnut Ridge Road : PROCEEDING
Block 1901 Lot 3 :
Applications for Variance and :
Soil Movement :
:

.....
B E F O R E:

BOROUGH OF MONTVALE PLANNING BOARD
THERE BEING PRESENT:

JOHN DePINTO, CHAIRMAN

WILLIAM LINTNER, VICE CHAIRMAN

DIETER KOELLING, COUNCIL LIAISON (RECUSED)

JOHN RYAN, MAYOR'S DESIGNEE (RECUSED)

JOHN CULHANE, MEMBER

CHRIS GRUBER, CODE OFFICIAL

JAVID HUSEYNOV, MEMBER

SHERWIN TSAI, MEMBER

FRANK STEFANELLI (ABSENT)

JOSEPH PUGLISI, FIRST ALTERNATE

ANITA BAGDAT, SECOND ALTERNATE

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-1	Affidavit of Notice		11
A-2	Stonefield Engineering Site Plan set, 19 sheets, last revised 11/5/2025		11
A-3	Architectural Plans prepared by GRA Design Studio, 4 sheets, dated 10/18/2025		11

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-4	GRA Design drawings, 8 sheets, dated 5/13/2025		11
A-5	Survey signed by T. Miller, 2 Sheets, last revised 6/12/2024		11
A-6	Bergen County Soil Conservation District approvals dated 8/12/2025		11
A-7	EIS memo prepared by Stonefield Engineering, two pages, dated 5/12/2025		11
A-8	Stormwater Management report prepared by Stonefield Engineering, last revised 11/5/2025		11
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A-11	Stonefield response letter, 15 pages, dated 11/6/2025		11
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1 CHAIRMAN DePINTO: Moving on. The next
2 item will be the public hearing on Block 1901, Lot 3,
3 121 Chestnut Ridge Road, Montvale, Montvale Donuts
4 LLC. Application for variance and soil movement.

5 Mr. Del Vecchio, I want a credit for
6 one minute.

7 MR. DEL VECCHIO: You got it. We'll
8 add it to the end of the thing.

9 CHAIRMAN DePINTO: Okay. Thank you.
10 I promised Mr. Del Vecchio we would
11 hear him at eight, it is now 7:59, so he owes me a
12 minute.

13 MR. DEL VECCHIO: That is a feat,
14 because I always get asked on the way out the door
15 what time will you be home, and for the last 35 years
16 I haven't been right once.

17 CHAIRMAN DePINTO: We have to send some
18 folks home.

19 MR. REGAN: Yes, this is a D variance.

20 (At this point in the proceeding,
21 Councilman Koelling and Mr. Ryan step off the dais
22 and are recused.)

23 CHAIRMAN DePINTO: Good evening, Mr.
24 Del Vecchio.

25 MR. DEL VECCHIO: Good evening, Mr.

1 Chairman, members of the board.

2 Andy Del Vecchio, a member of the firm
3 of Beattie Padovano on behalf of the applicant,
4 Montvale Donuts LLC.

5 We are here concerning property known
6 as 121 Chestnut Ridge Road, formerly designated as
7 Block 1901, Lot 3, on your tax assessment map.

8 Located in your B-1 zone, the property
9 is approximately .77 acres in size.

10 The application seeks to relocate the
11 existing Dunkin' Donuts' use on Chestnut Ridge Road
12 to a new location, this location in fact, by
13 demolishing the existing improvements on the site and
14 constructing a new Dunkin' Donuts and secondary
15 retail or store on the property, it could be sales or
16 services, along with a drive-through, which is
17 triggering the D-1 variance that sent some of our
18 board members home this evening.

19 Hopefully they're thanking me, not
20 cursing me.

21 CHAIRMAN DePINTO: Mr. Del Vecchio,
22 before you continue, Mr. Regan, I understand that as
23 set forth in the technical review letter of Colliers,
24 that the application has been deemed complete for
25 preliminary only.

1 MR. REGAN: That's what it says.

2 I understand the applicant can apply
3 for both preliminary and final.

4 CHAIRMAN DePINTO: Right.

5 And Mr. O'Brien, is that correct?

6 MR. O'BRIEN: Correct.

7 CHAIRMAN DePINTO: So you found it
8 only --

9 MR. REGAN: We should swear Carl in, if
10 he's going to be answering questions. I'll swear
11 Darlene at the same time.

12 Do you swear or affirm that the
13 testimony you will give in this proceeding shall be
14 the truth, so help you God?

15 MS. GREEN: Yes, I do.

16 MR. O'BRIEN: Yes.

17 C A R L O ' B R I E N, PE, PP, duly
18 sworn/affirmed.

19 D A R L E N E G R E E N, PP, AICP, duly
20 sworn/affirmed.

21 CHAIRMAN DePINTO: Mr. Del Vecchio, do
22 you have anything with respect to that? You
23 recognize this is preliminary only?

24 MR. DEL VECCHIO: I actually do have
25 something on that.

1 CHAIRMAN DePINTO: Okay.

2 MR. DEL VECCHIO: Montvale does not
3 have a final site plan process. It is not in your
4 code book. There is no checklist for final approval.
5 I'm not sure how we could be deemed incomplete for
6 final when there's no checklist to compare us
7 against. I just assumed --

8 MR. REGAN: I guess he's welcome to do
9 his application, prosecute it. It would be up to the
10 board to determine whether there's enough information
11 to grant preliminary and final approval. That's how
12 it works. It worked that way in the past cases, you
13 were the applicant attorney.

14 MR. DEL VECCHIO: Just for purposes of
15 the record, I would obviously note absent not being
16 deemed incomplete, which we were never deemed
17 incomplete for final approval, with a specific list
18 of items to address, the statute would automatically
19 deem us incomplete by running or a passage of time.
20 We don't need to get there. I hope to provide the
21 board with every piece of information you may want or
22 ask me for, so that you can render a vote, but for
23 purposes of the record, I just need to be clear what
24 the applicant's position is.

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

1 issue with the county as well, you don't have their
2 approval yet.

3 MR. DEL VECCHIO: 22B of the statute
4 requires this board to grant --

5 MR. REGAN: I know it's a condition, I
6 understand it may.

7 MR. DEL VECCHIO: It is not "may", it
8 says "shall" condition. I just had this discussion
9 with Mr. Drill in Saddle River, which is only reason
10 I even know the number off the top of my head.

11 CHAIRMAN DePINTO: So, Bob, it's your
12 opinion that we can proceed with the application as
13 submitted?

14 MR. REGAN: If you don't have enough
15 information for final, you can just grant
16 preliminary.

17 CHAIRMAN DePINTO: So it can be dealt
18 with on the backside, not necessarily the front side.

19 MR. REGAN: I've advised this board in
20 the past I'm not comfortable with granting a
21 preliminary and final approval with 60 conditions.
22 We've had that before. We've had problems.

23 CHAIRMAN DePINTO: Okay. So with that
24 said, we're going to move forward as per counsel's
25 advice. We will hear the application, and when it

1 comes time to render a decision, the decision will be
2 rendered based on the opinion of the board as to
3 whether or not there's adequate information to grant
4 both preliminary and final. We'll just have to take
5 it to the end, as we run through the course of this
6 hearing.

7 Do you find that acceptable, Mr.
8 Del Vecchio?

9 MR. DEL VECCHIO: Well, subject to my
10 notes for the record, yes.

11 CHAIRMAN DePINTO: Okay. I'm good.
12 Please continue.

13 MR. DEL VECCHIO: At this point I'd
14 like to premark some exhibits, starting with A-1 and
15 I'll be happy to supply both the court reporter and
16 the board attorney with a copy of my exhibit sheet
17 after the meeting.

18 A-1 is the Affidavit of Notice.

19 A-2 will be the Stonefield Engineering
20 site plan set consisting of 19 sheets, last revised
21 November 5, 2025.

22 A-3, the architectural plans prepared
23 by GRA Design Studio, consisting of four sheets,
24 bearing a date of October 18, 2025.

25 A-4 is the GRA Design drawings

1 consisting of eight sheets bearing a date of
2 5/13/2025.

3 A-5 is the survey signed by T. Miller,
4 last revised 6/12/2024, consisting of two sheets.

5 A-6 is the Bergen County Soil
6 Conservation District approvals dated 8/12/2025.

7 A-7 is the EIS memo prepared by
8 Stonefield Engineering consisting of two pages
9 bearing a date of May 12, 2025.

10 A-8 is the stormwater management report
11 prepared by Stonefield Engineering last revised
12 November 5, 2025.

13 A-9 is the traffic report by Stonefield
14 Engineering bearing a date of November 6, 2025.

15 A-10 is the NJDEP issued letter of
16 interpretation dated September 19, 2025.

17 A-11 is the Stonefield response letter
18 dated November 6, 2025, consisting of 15 pages.

19 (Whereupon, Exhibit A-1 through A-11
20 are marked into Evidence.)

21 MR. DEL VECCHIO: Just by way of
22 background, the applicant, of course, has filed for
23 preliminary and final site plan approval, as noted by
24 the discussion we just had, along with a soil moving
25 permit, tree removal permit, a D-1 variance for the

1 drive-through, and a number of C variances related to
2 the property and the proposed use.

3 The property is to be improved with a
4 new two store configuration, the Dunkin' Donuts is
5 approximately 1,499 square feet of size and the
6 second tenant is approximately 1,460 square feet in
7 size. This will essentially replace the Douglass
8 Realty use that currently exists on the property.

9 The property has frontage on Chestnut
10 Ridge Road and also has frontage to the right-of-way
11 known as the Garden State Parkway to the rear.

12 We will go over the individual
13 variances during the course of testimony.

14 With me this evening for testimony is
15 the intended owner operator of the Dunkin' Donuts,
16 our architect, engineer, traffic consultant, and
17 planner. We will do our best to address many of the
18 comments raised in the professional reports in direct
19 testimony, but, of course, we'll answer any remaining
20 ones at the appropriate time.

21 With the board's permission, I would
22 like to call our first witness and have them sworn
23 in.

24 MR. REGAN: Raise your right hand.

25 Do you swear or affirm that the

1 testimony you will give in this proceeding shall be
2 the truth, so help you God?

3 THE WITNESS: I do.

4 MR. REGAN: State your full name and
5 spell your last name.

6 THE WITNESS: Sure.

7 William Mulholland,
8 M-U-L-H-O-L-L-A-N-D.

9 MR. REGAN: Thank you.

10 **W I L L I A M M U L H O L L A N D**, having been
11 duly sworn/affirmed, testifies as follows:

12 DIRECT EXAMINATION

13 BY MR. DEL VECCHIO:

14 Q. Mr. Mulholland, you are the current
15 owner and operator of the Dunkin' Donuts on Chestnut
16 Ridge Road?

17 A. Yes.

18 Q. How long have you owned and operated
19 that site?

20 A. Five years.

21 Q. Can you tell us your experience in the
22 ownership and operation of the site in terms of how
23 busy you are, when you are busy, the nature of the
24 operation at that particular location?

25 A. Yes.

1 Our busiest hours are between 6:00 a.m.
2 and 10:00 a.m. That's the height of our business.
3 70 percent of our business comes through of those
4 hours. The balance is trickling in all day long.

5 Right now currently, we have a busy
6 store but when you look at the situation and the
7 morning uses, it's a little bit of a tight fit for
8 parking.

9 Q. And there's no drive-through at that
10 location?

11 A. There is not.

12 Q. How is the parking at that location?

13 A. Not great.

14 Q. Do you own other Dunkin' Donuts as
15 well?

16 A. I do.

17 Q. And in terms of their busy hours, are
18 they generally the same as reflected in Montvale?

19 A. Yes, they're all, the whole tri-state
20 area and most of all Dunkin' across the country is
21 typically the same busy hours.

22 Q. What went into your selection of a new
23 site in Montvale to continue your business here in
24 Montvale?

25 A. Progressively obviously times changed

1 since COVID. I've had a number of drive-throughs
2 before COVID but they've become more prevalent after.
3 The use people come to our store right now,
4 48 percent of order ahead and pickup. Pre-COVID that
5 number was more like 16 percent. So it's really
6 changed the face of our businesses of late, of the
7 last six years.

8 What we like about it, it makes sites
9 more efficient. You have 80 percent of our business
10 comes through the drive-through. And when you look
11 at 80 percent of that business, with the technologies
12 of today, you have 48 percent of them app-in in on
13 the app and then coming through the drive-through at
14 the second window and picking it up.

15 Again, with all the technologies and
16 geofencing, we know exactly who is coming to the
17 window. We don't have to ask. We know Brian or Tom
18 or Julie, we know who's coming based upon the ping
19 off their geofencing of their phone.

20 So the technology has really helped us,
21 and when I say it makes it more efficient, we have
22 probably someone who apps in online, probably about
23 50 seconds to 120 seconds they're in our lot.

24 The other, if you're ordering from the
25 menu board to the drive-through, no matter what you

1 order, our average on that 6 to 10 window time is
2 118 seconds.

3 So we're very efficient, and with the
4 efficiencies of our new technologies inside the
5 store, it makes it a well circulating traffic pattern
6 to get in and out. We don't have everybody coming,
7 getting out of a car, so it makes it a lot more
8 efficient.

9 Q. In your more modern locations, let's
10 just walk through what happens. Somebody orders on
11 the app, pulls into the lot, and how do they fulfill
12 the rest of their order?

13 A. Well, if you ordered on the app, you
14 actually have a bypass lane. So you have a menu
15 board lane and a bypass lane. So you will not have
16 to get stuck behind cars typically like you would a
17 long time ago before we had these technologies. You
18 can go around, you merge in, you pick up your order,
19 the second window, and you're out of the lot.

20 Q. And what would you say the average time
21 is for that transaction to occur, for that app
22 orderer who orders?

23 A. That was approximately the 80 to
24 120 seconds coming in and out of that lot, because
25 you're just really circulating, pulling up, receiving

1 your order that's already prepared, and move on your
2 way.

3 Q. With 80 percent of your business coming
4 through the drive-through, has that had any effect on
5 your need for parking on the site?

6 A. Yes, absolutely. It's limited our site
7 parking. I do have a considerable amount of stores
8 where we actually have two full uses. They're always
9 opposite timing, a lunch or dinner type of concept,
10 and it really efficiently 80 percent of that going
11 through, there's very limited parking for Dunkin' at
12 any given time, let alone the afternoon day part.

13 Q. Are your hours expected to remain the
14 same at your new location?

15 A. Yes.

16 Q. Just for the record can we have them?

17 A. Yes. We're basically 5:00 a.m. --
18 4:30, 5:00 a.m., depending on the time of year, to
19 9:00 p.m. in the summer and 8:00 p.m. in the winter.

20 We're a bedroom community. We don't
21 like late hours. In a bedroom community store,
22 that's typically the hours we operate.

23 Q. Now, we're going to hear from the
24 architect after you're done testifying tonight. The
25 architecture that was developed for this store, is it

1 a typical prototype Dunkin' Donuts?

2 A. It is not. It actually is a one-off
3 Dunkin' location that took a lot of consideration and
4 moving up the corporate chain to get approved. They
5 like something either plain, you know, they don't
6 allow us to really kind of get detailed within it,
7 and we had fun with this one actually, we're having
8 it fit Montvale.

9 Q. In terms of a drive-through queue,
10 what's your experience with the average drive-through
11 queue during the busy hours that you've identified?

12 A. Average drive-through queue -- when you
13 say "queue", stacking back as far as --

14 Q. How many cars from the menu board?

15 A. To the road can it handle?

16 Q. No, do you normally see on a average
17 Dunkin' that you operate?

18 A. In our newer concepts like this, 3 to 5
19 at any height of what we're doing, it's because of
20 the bypass lane.

21 Q. Obviously I had mentioned that there's
22 a second proposed use on this property. Can you
23 share with the board your thoughts for that second
24 use?

25 A. Yes.

1 Being very of considerate of the road
2 and where we are, we want to do something specialty
3 medical and I've committed to that. I don't have any
4 one person identified. I think, you know, as a
5 businessperson, it's very easy to fill that spot on
6 that type of use, appointment only. And definitely
7 would be the second part of the day, heavy after
8 10:00 a.m., which is most of the specialty medical
9 industry, and that's what I have planned.

10 Q. And the intent is to balance the busy
11 morning that Dunkin' will be busy with the balance of
12 the day for the second user on the site?

13 A. Yes, ensure that it balances. Because
14 I do have multiple locations where we do have two
15 food uses, but by doing specialty medical, I feel
16 that's securing and that there will be no possibility
17 of traffic, any issues with the traffic situation at
18 our location.

19 Q. And you understand that this board
20 retains the right, under their use permit process, to
21 approve users that may seek to occupy that space?

22 A. Yes, and I think that is a good check
23 and balance system, because there are variances that
24 would be needed parking-wise for a second use, and I
25 think that's kind of what will hold me true to my

1 word what we're going to offer.

2 Q. Can you describe for the board how
3 deliveries normally would take place to a Dunkin'?

4 A. Yes.

5 Q. And how often?

6 A. Yes, we get one centralized delivery
7 for all product once a week, and we have donut
8 delivery every night, usually between 2, 3 in the
9 morning. They have a key to our restaurant. They go
10 through the side door, probably 5, 10-minute drop,
11 they take our old racks, they leave the new product
12 in there. I think what's really good is a mirror
13 image what's going on right now. And if you look at
14 it, you see these big 18-wheelers, and actually in
15 our current location, we're able to request a
16 straight job truck for delivery and we've been
17 getting that for years. It used to be, before I
18 owned that store, it was based upon a big truck
19 pulling up, blocking a lot of either on the street or
20 in the lot, and we definitely would be getting
21 delivery the same as this location with a straight
22 job delivery truck, which is a 24-foot of truck. So
23 it's a relatively smaller truck to maneuver around
24 the parking lot and get in and out.

25 Q. So essentially deliveries would take

1 place when the entire site is closed and not in
2 operation?

3 A. The donut delivery, that's every day,
4 yes. We can request overnight delivery. Currently,
5 we have an early morning delivery in our current
6 location, very early, like 5, 6 in the morning,
7 before the rush. We're not really near residential,
8 so it's worked out very well, and it will probably be
9 the same or we can request overnight delivery as
10 well.

11 Q. Where would the non-donut delivery
12 truck deliver through?

13 A. They would, the same side door. The
14 donut delivery truck is a 16-foot straight job truck,
15 it's a much smaller vehicle that comes on the
16 premises.

17 MR. DEL VECCHIO: Okay. I have no
18 further questions of Mr. Mulholland. I make him
19 available to the board for their questions.

20 CHAIRMAN DePINTO: Sure.

21 Start with Bill.

22 VICE CHAIRMAN LINTNER: Thank you, Mr.
23 Chairman.

24 Thank you for your detailed
25 information. Can you give the board an idea of how

1 many customers you're anticipating during a typical
2 morning hour?

3 THE WITNESS: Yes.

4 Can I start with the broad overview and
5 then kind of bring it back?

6 If you look at our current location, we
7 do \$1.4 million a year. We have 10 plus -- 10
8 parking spots plus a handicap spot. We anticipate
9 going to 1.8 to 1.9, let's call it \$500,000 increase
10 in sales in that location.

11 If you break that down, a per ticket is
12 like \$8. So you're really looking at \$1,500 extra a
13 day, 125 guests a day over 17 hours. Without looking
14 at the height of time, you're looking at probably
15 eight customers an hour extra. We go by 15-minute
16 increments, so eight guests an hour. But really
17 looking at the broad span of it, we're 80 percent
18 drive-through now.

19 And, I mean, even though we are still
20 48 percent pickup in our current location, every
21 single person has to get in, get out. So it makes it
22 a little more efficient, but as far as we're just
23 incrementally increasing the business and making it
24 much more efficient.

25 VICE CHAIRMAN LINTNER: Can you give me

1 a number, a quantity, how many customers --

2 THE WITNESS: Yeah.

3 VICE CHAIRMAN LINTNER: -- an hour?

4 THE WITNESS: I'll state with the
5 height, which is 7 to 8 and 8 to 9. You have 75 to
6 78 to 80, right around there, that's the max, between
7 7 and 8 and 8 to 9. That's what we do currently in
8 our current location. So you're looking at an extra
9 eight customers an hour. Look at the height of it
10 and say okay, let's say it's 15 in the height of your
11 business. So that's, to break that down, every
12 15 minutes you're looking at, it's very incremental.

13 VICE CHAIRMAN LINTNER: Right now your
14 peak time where you are now is about 80 an hour?

15 THE WITNESS: Yes, and that's between 7
16 and 8 and 8 to 9. They're really identical, those
17 two hours. Everything else before that is like 25,
18 30. Then after that, you're looking at 25, 30, it's
19 very dribs and drabs.

20 And then if you look at the lunchtime
21 hour, it's probably about 10. And then if you look
22 at 1:30 to 2:30, you're back up to 25, 30, like that.

23 VICE CHAIRMAN LINTNER: So I take this
24 80 that you currently have and give it a small
25 increase, you're talking 85 or 90 in that peak hour

1 is what you're anticipating?

2 THE WITNESS: I mean, conservatively
3 for your numbers, let's call it 90; 90, 95. And if
4 you look at the efficiencies with the drive-through
5 component and 50 percent ordering online, because
6 when you look at the 48 percent ordering it online,
7 but once it happens, they're still getting out of my
8 current location. So they're getting in and out a
9 lot quicker and efficiently.

10 VICE CHAIRMAN LINTNER: Thank you. No
11 more questions.

12 MR. HUSEYNOV: Just one clarification.

13 Towards the end when you're discussing
14 about the delivery truck, you said the delivery truck
15 is different from like regular sites?

16 THE WITNESS: Yes, because you usually
17 have like a 40-foot trailer at most of my locations.
18 I have a handful of locations that it's not big
19 enough, right, so we can request from our centralized
20 distribution center a straight job truck, we call it.
21 It's almost like a Penske truck, a rental truck type
22 of size and that's what we get. And that's once a
23 week, and then the donuts is every day. We order the
24 day before, and they bring that order that evening.

25 And we bake bagels, muffins, croissants

1 on premises, and just the donuts and Munchkins get
2 delivered.

3 MR. HUSEYNOV: And delivery typically
4 happens like, daily delivery happens in the morning
5 hours?

6 THE WITNESS: Yeah, like 2, 3 in the
7 morning, right around there.

8 MR. HUSEYNOV: All right. Thank you.

9 CHAIRMAN DePINTO: Okay. Thank you.
10 Sherwin.

11 MR. TSAI: I'm sorry if you covered
12 this already, but you mentioned during your peak
13 time, there's a queue on average about three cars?

14 THE WITNESS: The max, and what I
15 really a quaint that to is that bypass lane has been
16 a game changer for us.

17 MR. TSAI: What would be the average
18 turnaround for each vehicle served by?

19 THE WITNESS: Between 6 and 10, we're
20 looking at 118 seconds. That's if you order from the
21 menu board to get your order at the window.

22 We're looking at 80 to 120 coming in,
23 because we don't control how someone comes in,
24 leisurely or fast, right, we don't know how they're
25 pulling to the window on the pickup side of it.

1 And then if you look at the full day,
2 it would be 140 second average, because we time every
3 store so we know.

4 MR. TSAI: Thank you. That's all I
5 have.

6 CHAIRMAN DePINTO: Thank you.
7 John.

8 MR. CULHANE: How many employees would
9 be at the store?

10 THE WITNESS: On my given day, 5 or 6.
11 It's going to be pretty much what we have currently,
12 because the efficiencies of a drive-through and
13 building the store a little bit smaller and
14 everything working towards the window, we need like
15 one less person.

16 MR. CULHANE: I was just curious if
17 there was one or two employees out, would that slow
18 up the operation or do you have a fallback position?

19 THE WITNESS: We have area managers,
20 which is our area directors, I should say. So any
21 kind of callouts, they manage that. If someone
22 doesn't come in, that's where they go for the day,
23 and that's basically how we run our stores. You're
24 going to have that once in a while. We have that
25 currently. We know at six in the morning, someone is

1 not coming in, so right before the rush we have an
2 area manager, our area manager manages 5, 6 stores,
3 so that's where they dart there because they don't
4 want them falling behind.

5 MR. CULHANE: No other questions, Mr.
6 Chairman.

7 CHAIRMAN DePINTO: Thank you.
8 Joe.

9 MR. PUGLISI: Mr. Mulholland, do you
10 have any sense of whether these times to order or use
11 of the app vary by demographics; in other words,
12 older people maybe that don't use the app as much?

13 THE WITNESS: Right. You know what,
14 think of it this way, it doesn't matter how quick you
15 order, once you press, you know, pay, send, that's
16 going to be ready for you.

17 What I can't control is obviously
18 someone drives through the lot, how slow, how fast,
19 that's why we always like to have really good
20 directionals and guidance around there for safety
21 purposes, but in my stores and for the record, I have
22 24 drive-throughs, the efficiencies, we have it down,
23 and when we look at that side of it, it's a very good
24 question, we haven't seen an issue as of yet.

25 MR. PUGLISI: Right. I'm not talking

1 about if you use the app to time to get to the
2 window, I'm talking about how many people use the app
3 versus how many people still walk in?

4 THE WITNESS: Oh, 48 percent are on the
5 app ordering online, 48 percent.

6 And by the way, that's a number, I said
7 before COVID it was at like 16 percent. It just
8 keeps on moving up. And we still have people coming
9 in, like I'm not really until lately a little more
10 technically savvy, but we have people come in, we
11 show them how to do it, and once they do it, that's
12 what they app, they app in.

13 MR. PUGLISI: I'm going to have you
14 work with my wife.

15 No more questions, Mr. Chairman.

16 CHAIRMAN DePINTO: Thank you.

17 Anita.

18 MS. BAGDAT: No questions.

19 CHAIRMAN DePINTO: Thank you.

20 Chris.

21 MR. GRUBER: The only question I have
22 for you is: Do you feel that -- you're going to have
23 two businesses on this property, a Dunkin' Donuts and
24 a retail space, in the back of the parking lot is
25 where your trash container is?

1 THE WITNESS: Yes.

2 MR. GRUBER: Do you feel that that's
3 going to be adequate size and area of trash
4 containment for the two stores, seeing you don't know
5 what the other store is going to be at this point?

6 And how are you going to handle that?

7 THE WITNESS: Absolutely, 100 percent.
8 And I'll give you an example.

9 We have a location in Haledon, and we
10 have very little space for that, and we can control
11 the frequency of pickup. So we can get pickup, we
12 get there five times a week.

13 If you look at what we're proposing,
14 though, we're proposing a medical specialty use. So
15 it would be very limited and all we do is just
16 increase the frequency. We also can control the
17 timing of it. We pay extra, but we control the
18 timing because I don't want that coming in in the
19 height of our business. So we pay for a lot of
20 overnight pickups, early morning pickups, and, again,
21 not having residential around us, it works for us in
22 that respect.

23 MR. GRUBER: And do you feel that
24 there's adequate space for snow removal? I mean the
25 last --

1 THE WITNESS: After the snow we just
2 had?

3 You know, on average, yes. And listen,
4 even where I'm at currently, prior to the current
5 ownership, I used to pay to have snow removal, you
6 know, come in and just remove it. And they would
7 just put it in the back of a truck and take it away,
8 not elaborately like I've seen at Wegmans and they're
9 melting it and all the technologies that they're
10 using, I'm like, wow, that's pretty night.

11 But we deal with that, because the
12 first thing is we have to make it safe. And at all
13 our locations, we have to make sure they're salted,
14 they're plowed many passes, and I do know in our
15 engineering plans that was a good take back that we
16 took and said we're making a little more room to be
17 able to put that. But when you look at it, that's
18 honestly on me, because I have to keep things safe
19 and if we have to remove snow, that's what we have to
20 do.

21 MR. GRUBER: You would be responsible
22 for both tenants?

23 THE WITNESS: Oh, yes.

24 MR. GRUBER: Okay. That's all my
25 questions.

1 CHAIRMAN DePINTO: Okay. Carl, do you
2 have any questions at this time?

3 MR. O'BRIEN: No, I'll save it for the
4 engineer.

5 CHAIRMAN DePINTO: Thank you.
6 Darlene.

7 MS. GREEN: Yes. Thank you, Mr.
8 Chairman.

9 I've got a question on the second
10 tenant. So the plans say proposed retail tenant, but
11 tonight I'm hearing it's a specialty medical
12 appointment only.

13 THE WITNESS: Yes. And quite honestly,
14 you know, we are going with a second use, we weren't
15 sure. After, you know, kind of speaking to some
16 feedback, we're like you know what, I live in this
17 town for 25 years, first thing, if something doesn't
18 work, I'm the first one when the coffee is not right,
19 my wife gets a phone call. We want to make sure
20 things work and to please everybody. I'm like, you
21 know what, I have no problem doing the second use and
22 limiting that to such a tight scope, but that's
23 something that evolved.

24 MS. GREEN: So it's a medical office?

25 THE WITNESS: I can't tell you that.

1 It's going to be a medical use, it's not going to be
2 a medical office. It could be a dental use. It
3 could be a physical therapy office. I'm looking at
4 an esthetician.

5 MS. GREEN: This is why I'm asking.
6 Because depending what your answer is, you may need
7 another D-1 use variance.

8 THE WITNESS: Again, it's basically all
9 appointment only is what I'm seeking out. And again,
10 I put this out there, quite frankly, it has to come
11 to the board for approvals for any variances. So if
12 it's something that's not going to fit, I don't
13 expect anybody to pass that.

14 MS. GREEN: I guess I'm trying to
15 figure out what the ask is, because the plans say
16 retail tenant and if you're changing the request --

17 THE WITNESS: I'm not changing the
18 request, I'm just --

19 MS. GREEN: So is it retail or is it
20 not retail?

21 MR. DEL VECCHIO: I think in fairness,
22 we don't know who the tenant is. We're not asking
23 this board to issue any approvals for that other or
24 second tenant at this time.

25 For purposes of the plan, when we

1 filed, we labeled it as retail. We understand there
2 may be a concern about retail, and if the board
3 wishes to impose a condition that tightens down the
4 scope of what can be there, we're happy to accept and
5 entertain that condition and come back at a later
6 point when we actually have a user and a tenant, when
7 we know how they operate, what they are, what their
8 needs may or may not be, and apply for the right
9 approvals at that point in time.

10 THE WITNESS: And I don't have a
11 timeline on a tenant. I'm not in a rush, I want to
12 get the right tenant, and I prefer it to be
13 appointment only to meet the criteria that would be
14 suitable hopefully to the board. But, again,
15 anything that's proposed, I feel, you know, we're
16 going to propose something that's appointment only
17 and it would have to be approved by the board, so as
18 far as what's on the paperwork and whatnot, we're
19 kind of trying to evolve and tighten the scope.

20 MS. GREEN: So I guess, Mr. Del
21 Vecchio, you're not asking for a use that is outside
22 of the B-1 zone tonight, as part of this application?

23 MR. DEL VECCHIO: That is correct.

24 MS. GREEN: Okay. I know we heard
25 discussion about comparing to the existing site.

1 What property would be closest to
2 Montvale that is most similar to what you're
3 proposing here?

4 THE WITNESS: North Haledon, New
5 Jersey. And actually my team that's with me here can
6 testify to, I'm sure, is that Passaic County, when we
7 got approvals from them for my new Haledon site, I
8 used that as a proposed example. And one of the
9 people from the county said, well, I live near there
10 and I never see anybody there. I said, well, the
11 store does \$1.9 million a year and I said the
12 efficiencies on that.

13 So I got my approvals in Haledon on a
14 very small piece of property that was based on the
15 efficiencies of the new concept. Of a few others
16 they've seen, but firsthand seeing that location.

17 MS. GREEN: The Haledon site, during
18 that 7 to 9 peak hour period, how many customers do
19 you handle in an hour?

20 THE WITNESS: The North Haledon or the
21 Haledon? Because we just opened up the
22 drive-through two days ago for Haledon itself.

23 MS. GREEN: Then no.

24 THE WITNESS: So North Haledon?

25 MS. GREEN: North Haledon.

1 THE WITNESS: North Haledon is the same
2 type of customer, you're looking at 90, 95. I mean,
3 that's always our two busiest hours and really mirror
4 each other.

5 MS. GREEN: Okay. Thank you.

6 That's all I have, Mr. Chairman.

7 CHAIRMAN DePINTO: I'm a little bit
8 confused. You're seeking relief with respect to the
9 required parking on the site, correct?

10 THE WITNESS: Yes.

11 CHAIRMAN DePINTO: Approximately 50
12 parking spaces?

13 THE WITNESS: I don't know what the
14 exact is.

15 CHAIRMAN DePINTO: I said
16 approximately.

17 THE WITNESS: Yes.

18 I thought it was 80 something parking
19 spots. Wasn't it higher?

20 I mean, respectfully, we have
21 approximately 18 parking spots. Hopefully the
22 testimony you get tonight from traffic and everyone
23 else and myself included will --

24 CHAIRMAN DePINTO: Right.

25 I'm just following up on questions that

1 preceded mine. With respect to the second retail
2 space, that is not determined what it will be. It
3 may be medical, but I presume you would want the
4 option to put any use that's permitted within that
5 business zone subject to getting local approvals.

6 THE WITNESS: I'm literally
7 pigeonholing myself to say I don't need that, that
8 I'm --

9 CHAIRMAN DePINTO: If we're granting
10 you approximately relief on putting some 50 parking
11 spaces in, you need that relief and you're not even
12 occupying the entire structure.

13 So what type of use can we put into a
14 second store, when you're already deficient 50
15 spaces? And I might be wrong on the 50, Mr. Del
16 Vecchio.

17 MR. DEL VECCHIO: I'll give you the
18 numbers. They will come from the engineer, but this
19 is from the plans.

20 The retail space as it's delineated or
21 second tenant, interchangeable labels, triggers a
22 need for eight parking spaces.

23 CHAIRMAN DePINTO: Right.

24 MR. DEL VECCHIO: The restaurant use,
25 the Dunkin' Donuts, triggers a need for 57 spaces,

1 for a total of 65 spaces on site.

2 The applicant is proposing 19 spaces on
3 site for the combined uses. That's what's on the
4 drawings.

5 CHAIRMAN DePINTO: Okay. So I'm off by
6 5 or 6 spaces.

7 THE WITNESS: Well, the only thing I
8 can say to the board is, being I consider myself a
9 professional when it comes to 24 drive-throughs, I
10 have over 50 locations, and when we look at it, our
11 average parking for two uses is what we're looking at
12 right here. And they're usually two high volume uses
13 but opposite operating hours.

14 CHAIRMAN DePINTO: Right. But as you
15 know, the borough has a code, the code prescribes the
16 required number of parking spaces. The number is not
17 just pulled out of the air, it's part of our code.

18 You're asking relief for some 40 to 50
19 parking spaces, with a good portion of the proposed
20 construction not being counted for.

21 MR. DEL VECCHIO: No, it is counted
22 for.

23 CHAIRMAN DePINTO: Okay. So that is
24 true, it is being counted?

25 MR. DEL VECCHIO: It is counted for and

1 you'll hear testimony from our traffic consultant
2 for, and I don't want to jump the gun, but the ITE
3 parking demand for restaurants is much different than
4 the Montvale code, and the predicate that Mr.
5 Mulholland has laid is because of the amount of
6 business, that roughly 50 percent number that goes
7 through the drive-through.

8 THE WITNESS: 80 percent.

9 MR. DEL VECCHIO: 80 percent goes
10 through the drive-through, sorry, that 80 percent of
11 the business going through the drive-through, that is
12 a very unique situation and unique use compared to
13 the one space per three --

14 CHAIRMAN DePINTO: I fully do
15 understand. I'm old, but I to use drive-throughs. I
16 don't use an app. I park my car, I walk, I pick up
17 the steps to get from the car to the counter. I like
18 doing it the old-fashioned way, but I do look at
19 drive-throughs as I drive past. One of them happens
20 to be not a coffee shop, but the only drive-through
21 we have in the Borough of Montvale, which is at Taco
22 Bell. And if you go to Taco Bell late at night,
23 you'll find a queuing that wraps completely around
24 the property. They must have a wonderful business.

25 THE WITNESS: But it does go against

1 everything that I stand for, and my team can testify.
2 When we look at that, you go through that
3 drive-through, if you look at the curbs, they're
4 black because tires -- it's such a hard -- I've done
5 it for my daughters, picking them up at night. Going
6 through, they have three people working. They're
7 getting a blast, they don't have a bypass lane, but
8 it's full order --

9 CHAIRMAN DePINTO: And that is the way
10 it is, because that predated having an ordinance that
11 prohibited that drive-throughs. So back 35, 40 years
12 ago when we did that, we were winging it.

13 Now we look at it and we see how well
14 it is used. I mean, it's used, I think, beyond its
15 capacity. I don't know what we could have done
16 better or whatever that case may be.

17 THE WITNESS: They just evolve with
18 technology.

19 CHAIRMAN DePINTO: My concern is the
20 adequacy. We're creating -- we can't do anything
21 about the size of your property, your property is X
22 amount of square feet, it's an acre. We can control
23 what we do with that property. We can control the
24 size of the building. We can control that the
25 setback, if that's required in order to get a better

1 queue. There are a lot of things we can control.
2 And it seems to me on first blush it's an
3 overutilization of a very small piece of property.

4 THE WITNESS: I understand your
5 feelings. One thing said and I say this very
6 respectfully, if I knock the building down and built
7 a parking lot here, I couldn't get 50 plus spots.
8 And, again, and I understand the ordinances are put
9 there for great reason. I'm respectfully requesting
10 the variance for this, and, again, I really kind of
11 fall back that being from the town, I want the best
12 for our town. I know that doesn't factor into your
13 decision, but I'm very passionate about this and I
14 really passionate about putting a good product out
15 for the town.

16 CHAIRMAN DePINTO: We share your
17 passion. People sit here for many years and listen
18 to a lot of applications. We live in Montvale
19 because we like Montvale, we like the way it looks,
20 and we've had our little hand in making it look the
21 way it does. We have to make sure we're doing the
22 right thing.

23 THE WITNESS: Absolutely.

24 CHAIRMAN DePINTO: And we're guided by
25 the code. And I can't recall in recent years, I

1 mean, I've sat here for 47 years, I can't recall in
2 recent years an application on a one acre piece of
3 property for as many variances and severity of the
4 variances that you need. It is kind of unique, and
5 we're going to have to look at it real close.

6 THE WITNESS: And we're doing our best
7 to really bring down the variances as many as
8 possible. We really are. We want to do our best,
9 and I know we have, they will testify.

10 CHAIRMAN DePINTO: We'll hear from the
11 experts, but I just want to make my position clear
12 that sometimes it's self-imposed, it's overdeveloped.
13 And I hope we're not looking at that. I hope we're
14 not going down that path. That's my only concern.

15 With that said, Chair will entertain a
16 motion to open the meeting to the public.

17 MR. HUSEYNOV: So moved.

18 MR. TSAI: Second.

19 CHAIRMAN DePINTO: Javid and Sherwin.
20 Those in favor say "aye".

21 (Chorus of ayes.)

22 CHAIRMAN DePINTO: Anyone from the
23 public wish to be heard?

24 (No response.)

25 CHAIRMAN DePINTO: No?

1 Chair will entertain a motion to close
2 the meeting to the public.

3 MR. CULHANE: So moved.

4 MR. TSAI: Second.

5 CHAIRMAN DePINTO: John and Sherwin.
6 All in favor?

7 (Chorus of ayes.)

8 CHAIRMAN DePINTO: Okay. Thank you.
9 Mr. Del Vecchio, you have another
10 witness?

11 MR. DEL VECCHIO: I do. I have to go
12 back --

13 MR. RACHED: Mr. Chairman, if I may, I
14 do have a question for Mr. Mulholland, if you don't
15 mind.

16 CHAIRMAN DePINTO: Sure.

17 MR. REGAN: Do you swear or affirm that
18 the testimony you will give in this proceeding shall
19 be the truth, so help you God?

20 MR. RACHED: I do.

21 **M A U R I C E R A C H E D, PE, PTOE,** having
22 been duly sworn/affirmed.

23 MR. REGAN: Provide your name and spell
24 it.

25 MR. RACHED: Maurice, M-A-U-R-I-C-E,

1 Rached, R-A-C-H-E-D.

2 MR. REGAN: Mr. Rached is the board's
3 traffic engineer.

4 MR. RACHED: Good evening, Mr.
5 Mulholland. Thank you for the testimony. I have one
6 question for you.

7 So you had indicated that you expect
8 approximately 90 customers in the morning peak in the
9 new location. Some of them will come by car, those
10 by car, some will use the drive-through, some will
11 park, but then a portion of the customers may walk to
12 the facility. In your mind, what would be the
13 percentage of drive-through customers versus parked
14 customers versus walkers, just approximately?

15 THE WITNESS: Well, I can start with
16 the drive-through, the drive-through is the hard
17 80 percent. What's hard for us to tell is who pulls
18 in and parks and who walks in walking by.

19 Living in the area, I mean there's not
20 a lot of sidewalks in the area, it's a highly, you
21 know, not walkable road. I would say a handful of
22 uses that surround it you're looking at, you know,
23 your veterinarian office, you have a bank, you have
24 CVS across the street. Those are the people you
25 might see on walk-in. If I were to guess, I'd

1 approximately say five percent, three percent.

2 That's just a guess.

3 MR. RACHED: Okay. Very good.

4 That's all. Thank you very much.

5 THE WITNESS: Thank you.

6 CHAIRMAN DePINTO: Thank you.

7 Okay, Mr. Del Vecchio.

8 MR. DEL VECCHIO: So just to make
9 everyone feel better, including you Mr. Chairman, I
10 think when the Taco Bell drive-through was approved
11 you were actually not the Chairman for a very short
12 period. So it wasn't on your watch. And it was a
13 variance and it was granted to Art Odabash, who
14 happened to be the Chairman of the county planning
15 board at the time.

16 CHAIRMAN DePINTO: I do remember that.

17 MR. DEL VECCHIO: A long time.

18 With that said, Aaron.

19 MR. REGAN: Raise your right hand,
20 please.

21 Do you swear or affirm that the
22 testimony you will give in this proceeding shall be
23 the truth, so help you God?

24 THE WITNESS: Yes, I do.

25 MR. REGAN: For the record, state your

1 full name, please, and spell your last name.

2 THE WITNESS: Sure.

3 My name is Aaron Chan, spelled
4 A-A-R-O-N, last name is Chan, spelled C-H-A-N.

5 MR. REGAN: Thank you.

6 **A A R O N C H A N, PE,** c/o Stonefield
7 Engineering & Design, 92 Park Avenue, Rutherford, New
8 Jersey 07070, having been duly sworn/affirmed,
9 testifies as follows:

10 MR. DEL VECCHIO: Mr. Chairman, with
11 your permission I'm going to mark an aerial exhibit
12 that is labeled "Aerial Exhibit - Mulholland Network
13 - Proposed Dunkin' Donuts" on a Stonefield
14 Engineering title block bearing a last revision date
15 of January 16, 2026. I've marked it as A-12.

16 (Aerial Exhibit - Mulholland Network -
17 Proposed Dunkin' Donuts, last revised 1/16/2026, is
18 marked as Exhibit A-12 in Evidence.)

19 Q. Aaron, can you please provide the board
20 briefly with the benefit of your educational and
21 licensing background.

22 A. Of course.

23 I graduated with a bachelor's in civil
24 engineering from the College of New Jersey. I've
25 been practicing in the field for the last 12 years.

1 I'm a licensed professional engineer in
2 the State of New Jersey. My license is in good
3 standing. I'm a certified municipal engineer by the
4 NJSME. I've been accepted by 50 land use boards
5 across the state and provided expert engineering
6 testimony.

7 MR. REGAN: Chairman, I recommend you
8 accept his qualifications.

9 CHAIRMAN DePINTO: We accept
10 recommendation of counsel to qualify.

11 Please continue, Mr. Del Vecchio.

12 DIRECT EXAMINATION

13 BY MR. DEL VECCHIO:

14 Q. Aaron, I marked a number of documents
15 this evening that were attributed to Stonefield
16 Engineering.

17 Putting aside the traffic report, those
18 documents were either prepared by you or under your
19 supervision?

20 A. That's correct.

21 Q. And you've had an opportunity to visit
22 the site which is the subject of this application?

23 A. That's correct.

24 Q. Visited the Dunkin' Donuts that's in
25 operation across the street?

1 A. Yes, I did.

2 Q. You made yourself familiar with the
3 ordinances of the borough as they may apply to this
4 property?

5 A. Yes, I did.

6 Q. Let's start with the EIS waiver.
7 You prepared the EIS document that we
8 marked as A-7?

9 A. Correct. Yes. When we prepared that
10 exemption document we were seeking relief from the
11 EIS report itself, and the justification really being
12 the proposed use, the proposed project, is very
13 inline that the adjacent uses here. It's a
14 commercial type of development in a commercial B-1
15 zone, you know, the proposed Dunkin' and the second
16 tenant would all fall in line with that.

17 There are trees on site. We did do the
18 additional investigation that was a verification
19 letter by the NJDEP. They confirmed that there no
20 wetlands on site, so there are no environmental
21 wetland concerns that the DEP would restrict from
22 development.

23 Additionally, there's no increase in
24 industrial waste; site items like noise, glare, all
25 of those item are consistent and similar to the

1 surrounding area.

2 Q. The property is currently developed,
3 correct?

4 A. The front half of the property is
5 currently developed, yes.

6 Q. Based upon your analysis of the
7 exemption requirements for an EIS under the borough's
8 code, have you reached an opinion as to whether this
9 property qualifies for an exemption?

10 A. Yes, I do feel that it can qualify for
11 an exemption.

12 Q. We have also proposed or submitted an
13 application for soil moving permit. Can you just
14 review the quantities and the soil movement aspects
15 of the application?

16 A. Sure.

17 As part of our application, there is a
18 bit of soil movement on site. I think the soil
19 permit, soil movement application had a total
20 aggregate movement of 1,570 cubic yards and that's
21 really due to fill on site. The property slopes back
22 towards the Parkway. I'll describe the topography in
23 detail in a second, but that's a brief version of our
24 soil movement application.

25 Q. I'm sorry, there was a net fill?

1 A. There's a net fill, correct, of
2 approximately 1,600 cubic yards.

3 Q. All right. Let's start with the
4 existing conditions. If you can review the existing
5 conditions?

6 CHAIRMAN DePINTO: Excuse me one
7 second.

8 So, Mr. Del Vecchio, you're seeking an
9 exemption from the requirement of submission of the
10 EIS. Is that correct?

11 MR. DEL VECCHIO: That is correct, Mr.
12 Chairman.

13 CHAIRMAN DePINTO: Before we move
14 forward, I'd like to see what the board has to say
15 with respect to that request for exemption from EIS.

16 And so that I understand correctly, I
17 believe I read somewhere in the application that
18 there are some 79 trees, of which about 70 are going
19 to be removed from the property. Is that correct?

20 THE WITNESS: Yes, that's correct. And
21 of that, we took entire tree inventory as we prepared
22 the application, 70 of those trees are being removed
23 of which 28 of those trees are designated to be
24 within that preservation zone.

25 We noted when we did the full study of

1 those 28 trees, there's seven that are either
2 diseased or dying, and you'll hear in our landscaping
3 plan --

4 CHAIRMAN DePINTO: My question to you
5 is: Removing that greater percentage of the existing
6 trees on the property, that will not negatively
7 impact the environment in the areas that we are
8 attempting to preserve as much as possible?

9 THE WITNESS: I understand, and the
10 argument here in our proposed landscaping plan that
11 we actually meet the compensatory trees as required
12 as part of our tree removals. And with our
13 stormwater management and the way we developed our
14 site, we do feel that the proposed development won't
15 have a negative impact to the surrounding area in
16 sense of the environmental impacts.

17 CHAIRMAN DePINTO: I think because of
18 the sensitive nature of the property that an EIS
19 should have been part of this application, but again
20 that's just my opinion.

21 Javid, do you have an opinion on this?

22 MR. HUSEYNOV: Yeah, I agree that EIS
23 should have probably been part of the application.
24 I'd like to hear what's going to be the plan.

25 CHAIRMAN DePINTO: Thank you.

1 Sherwin?

2 MR. TSAI: As a previous member of the
3 environmental commission, yeah, that's a lot of
4 trees. I do agree that it should be submitted.

5 CHAIRMAN DePINTO: John?

6 MR. CULHANE: The property is already
7 developed. Although it is a significant number of
8 trees, I don't think there's a need for an EIS.

9 CHAIRMAN DePINTO: Okay. Thank you.
10 Joe.

11 MR. PUGLISI: Well, as somebody who
12 currently is on the environmental commission, I feel
13 it is appropriate for that body to review it.

14 CHAIRMAN DePINTO: Thank you.
15 Anita.

16 MS. BAGDAT: I have no comment. I
17 mean, those are a lot of trees, 70 trees to be
18 removed, that's plenty.

19 CHAIRMAN DePINTO: Okay. Thank you.
20 Chris.

21 MR. GRUBER: I don't have anything.

22 CHAIRMAN DePINTO: Thank you.
23 Bill.

24 VICE CHAIRMAN LINTNER: I tend to agree
25 with John that it's a property that's already been

1 developed, but I would be interested in what Carl has
2 to say from our engineering perspective. If he feels
3 that it should be provided, I certainly would agree
4 with what he recommends.

5 CHAIRMAN DePINTO: And let's go to the
6 professionals.

7 Carl.

8 MR. O'BRIEN: Thank you, Chairman.

9 So you do have an environmental
10 commission that handles a lot of items in the town,
11 present right here.

12 So typically with issues like this,
13 hearing from their perspective on how it impacts the
14 site and also the community, so especially with the
15 number of trees being removed and you have, what is
16 it, 28 trees within the tree preservation area, to
17 have them have a look at this would make sense, in my
18 opinion.

19 CHAIRMAN DePINTO: So are you
20 recommending that they do, the applicant submit an
21 EIS or not?

22 MR. O'BRIEN: I would recommend it,
23 yes.

24 CHAIRMAN DePINTO: Darlene.

25 MS. GREEN: I don't know that we need

1 every item in the EIS. The balance of what Mr.
2 Culhane is saying that it is a developed site, I
3 think out of all the items, the significant percent
4 of the tree canopy that is suggested for removal I
5 think is of the most concern out of all the items in
6 the EIS.

7 CHAIRMAN DePINTO: Okay. So we have 1,
8 2, 3, 4, and the professionals are recommending it.
9 I believe, Mr. Del Vecchio, obviously the matter will
10 be carried but I think an application to submit an
11 EIS, and as per the recommendation of the borough
12 engineer, not necessarily have to address all of the
13 10 or 12 points that the EIS typically would contain,
14 but those points which he believes are most
15 sensitive.

16 And, Carl, what would you limit the EIS
17 points to?

18 MR. O'BRIEN: I'd have them go through
19 the checklist with it, but I'd have to agree with
20 Darlene for right now. The main issue is the trees,
21 the canopies, how that affects the entire site.

22 CHAIRMAN DePINTO: Mr. Del Vecchio.

23 MR. DEL VECCHIO: I'm a little confused
24 at some of the comments, so forgive me as I ramble
25 through here. An EIS never goes to the environmental

1 commission. That's not how the ordinance is
2 structured, that's not what the approval process is,
3 even if a full blown EIS is filed.

4 It appears from the comments, as I read
5 them, that the main concern is tree removal, which
6 this applicant is prepared to address by way of our
7 engineering testimony, our landscape testimony, and
8 tree preservation testimony. We believe we've fully
9 complied with or will fully comply with the tree
10 preservation ordinance, and, therefore be in
11 compliance with this community's requirements on that
12 particular issue.

13 This application has been on file with
14 the borough since November? And I understand the
15 normal process is, the environmental commission would
16 be given notice of any new application filed and have
17 an opportunity to issue a report or comments.

18 As far as I know, we are now 60 plus,
19 almost 90 days post application filing, which means
20 roughly, I could be wrong but roughly three meeting
21 cycles of the environmental commission, maybe two
22 because of the December holiday.

23 We don't have a report or a comment
24 letter from the environmental commission, good, bad
25 or otherwise. I would have expected to the extent

1 there were comments or concerns, we would have
2 received a detailed review letter making us aware of
3 what those are, giving us an opportunity to address
4 them prior to our appearance here this evening.

5 We're prepared to address tree removal
6 on every and each facet of the ordinance this
7 evening. The EIS may memorialize that testimony in
8 writing, but it is going to be the same identical
9 testimony that we are prepared to provide this
10 evening on the record.

11 To the extent we need to have that
12 portion of the hearing transcribed and submitted in
13 lieu of an EIS, we're happy to do that, but to delay
14 the hearings for purposes of --

15 CHAIRMAN DePINTO: No, no, no, and
16 there is no intent to delay.

17 That is a significant number of trees
18 in relationship to what exists and what's to be
19 removed.

20 MR. DEL VECCHIO: No doubt, but that
21 happens on every vacant property.

22 CHAIRMAN DePINTO: Which I understand.

23 And if you want to transcribe the
24 testimony that you're going to be presenting for the
25 board to look at more carefully and to seek input

1 from the environmental commission, we know there's no
2 requirement in the code that you need the approval of
3 the environmental commission in Montvale in order to
4 move forward. However, the environmental commission
5 has been looking for greater participation. Is that
6 correct, Sherwin?

7 MR. TSAI: That's correct, Mr.
8 Chairman.

9 CHAIRMAN DePINTO: And, Joe, you're
10 hearing the same thing. Is that correct?

11 MR. PUGLISI: Yes.

12 CHAIRMAN DePINTO: So I think this
13 would be a good opportunity to move in that
14 direction.

15 So not go with a full blown EIS, but
16 deal with those areas that as per Carl's
17 recommendation should be looked at more closely. Is
18 that correct, Carl?

19 MR. O'BRIEN: Yes, correct, Chairman.

20 MR. DEL VECCHIO: My suggestion is that
21 we will deal with the tree issue, which is the only
22 one I've heard identified to this point, by way of
23 the transcript that I am proposing to provide.

24 If there are any other issues where the
25 board may have concerns, as I said when we started

1 this, we're here to answer questions, we'll get you
2 the answers.

3 CHAIRMAN DePINTO: And, Carl, while
4 we're doing this hearing can you look up the code and
5 what's required for an EIS. And we can move on with
6 your witness.

7 MR. DEL VECCHIO: Okay.

8 BY MR. DEL VECCHIO:

9 Q. So, Aaron, I think we were going to
10 move to have you describe existing site conditions
11 both on site and in the neighborhood.

12 A. Sure. Absolutely.

13 So, again, you know, we've been talking
14 about the subject property. I'm sure most are quite
15 familiar with it. It is south of the intersection of
16 Summit Avenue on Chestnut. The property itself is
17 .77 acres. I do believe the minimum lot area is
18 7,500 square feet. So it's a little bit larger than
19 a minimum lot area.

20 The shape of the property is a little
21 bit unique in that it's long and linear. It's
22 approximately 125 feet deep, approximately 100 feet
23 wide, and it does narrow down to about of 35 feet at
24 the eastern portion as it abuts the Garden State
25 Parkway.

1 As developed, there is that old
2 Realtors office, that is a building that has two
3 stories, 1,300 square feet. The parking lot and the
4 driveways to access that building is along the front
5 side of the property. And the rear is obviously the
6 wooded portion that we've been describing, and all of
7 it is hopefully very visible in the way of the aerial
8 exhibit.

9 I spoke about the topography on site.
10 You know, like many of the other properties and
11 surrounding properties along this stretch, it slopes
12 from Chestnut Ridge Road, back to the Garden State
13 Parkway. It does experience a fair amount of grade
14 change as you traverse across the site to the tune of
15 around 12 feet from the front to the back. And it
16 pretty much matches the adjacent properties in the
17 way of its topography.

18 I previously mentioned the wetlands
19 that we had NJDEP verification on. There's an
20 absence of wetlands on this particular site, that's
21 why we felt it was important to solicit that approval
22 from the DEP and provide it to the board for review.

23 And in the surrounding uses, to the
24 north is the Dairy Queen at the hard corner there,
25 and to the east obviously is the Parkway, and then to

1 the south we have the vet's office, TD Bank that has
2 I think four drive-up teller windows, and the ramp
3 onto the Garden State Parkway, and then to the west
4 is that existing Dunkin' that this project would
5 effectively replace. That's attached to the car
6 wash. That's also a part of that gas station that
7 has multiple points of ingress and egress onto that
8 property. There are effectively three different uses
9 there. I believe it was mentioned that there's about
10 10 to 12 parking spaces that currently services that
11 Dunkin' without the benefit of a drive-through lane
12 and facilities as well.

13 And then to the southwest we have a
14 CVS, Italian, Chinese restaurants, UPS, Verizon, so
15 on and so forth, so it's commercial type of uses in
16 the B-1 zone.

17 I'll flip to the next exhibit.

18 MR. DEL VECCHIO: I'm going to mark as
19 A-13 a exhibit prepared on a Stonefield Engineering
20 title block labeled "Site Plan Rendering Exhibit,
21 Montvale Donuts LLC", bearing a last revision date of
22 1/19/2026. I believe we are up to A-13.

23 (Site Plan Rendering Exhibit, Montvale
24 Donuts LLC, last revised 1/19/2026, is marked as
25 Exhibit A-13 in Evidence.)

1 THE WITNESS: What A-13 is is a site
2 plan rendering that's been prepared by my office.
3 And what it effectively shows is a colorized version
4 of the proposed site plan as submitted with the
5 benefit of the proposed landscaping overlaid on top,
6 that way the board can see a complete visual of the
7 proposed application.

8 And what we have is the two tenant
9 building as we previously discussed, approximately
10 3,000 square feet. The footprint of the building is
11 31 feet wide by 103 feet long and it kind of follows
12 the narrowness of the lot.

13 And the entire site is going to operate
14 in a counterclockwise fashion, so the ingress
15 driveway is on the southern side of the property and
16 the drive-through components are going to circulate
17 in a counterclockwise fashion and to exit along the
18 north side of the property.

19 The Dunkin' is the front tenant.
20 That's closest to Chestnut Ridge Road. It's
21 approximately 1,500 square feet, with a drive-up
22 window along the north side of the building.

23 And the two drive-thru lanes along the
24 north side, and one of them is for the actual menu
25 ordering and the other one is for the mobile ordering

1 that allows for a little bit more stacking. And the
2 inner lane, that's for the drive-through via the menu
3 ordering that has a capacity of nine vehicles,
4 whereas this outer lane for the mobile order pickup
5 has another five-car capacity in that queue.

6 After you merge, you arrive at two
7 pickup windows. That allows for vehicles to pull up.
8 If it takes a little longer for the order to be
9 completed, they have the benefit of that second
10 window that allows for some additional capacity as
11 well.

12 The menu board for the Dunkin' is
13 placed at about the sixth car back from the pickup
14 window. That's a critical location, as that provides
15 the ample amount of time that's necessary to prepare
16 such orders so that by the time you reach the window
17 your order is ready and you don't have to wait at the
18 window itself. And there's also a full bypass lane
19 that allows you to escape out of the pickup lanes,
20 that fully traverses along the north side of the
21 property. It's 12 feet wide, and that full bypass
22 lane is to the tune of 250 linear feet long. That
23 allows for a lot of operational flexibility, allows
24 for some of the larger design vehicles on this site
25 to fully circulate this site without interfering with

1 any of the drive-through lanes or any of the
2 drive-through ordering and the pickup windows.

3 Overall, I think the site proposed
4 actually 19 parking spaces. I think I want to
5 clarify that for the record. Of the 19 parking
6 spaces, there's one van accessible ADA stall and then
7 one of those 19 spaces will be designated EV
8 make-ready. That brings our total proposed parking
9 count with the EV credit to be 20. However, there's
10 19 physical spaces across the side site, and
11 generally they are located on the southern portion of
12 the site as well as the rear portion of the site as
13 you get close to the trash enclosure.

14 The borough requirement for the parking
15 count that we've spent sometime talking about is one
16 parking space for every three seats and another one
17 parking space for 10 square feet of the area that's
18 designated for off-site consumption of services.

19 And then for the retail use itself, and
20 other B-1, B-2 uses, it's one space per 200 square
21 feet.

22 So calculating all that up, that adds
23 to 65 parking spaces being required, and I do believe
24 we clarified that, and then we are again proposing 19
25 parking spaces, 20 with the EV credit.

1 And you'll hear from our traffic
2 engineer, who studied this, where they did the
3 calculation based on ITE's Parking Generation Manuals
4 that arrives at a certain required number of parking
5 spaces based on demand, and he'll testify to why we
6 feel that those 19 parking spaces is adequate for
7 this particular site and use.

8 That being said, the drive aisles on
9 site is 24 feet wide adjacent to 90-degree parking
10 spaces, and 16 feet wide adjacent to the angled
11 parking spaces, which is all compliant with the
12 borough's ordinance.

13 The building as proposed, that
14 represents nine percent of coverage, building
15 coverage of nine percent, whereas 50 percent is
16 allowed. So we are significantly below that.

17 The trash enclosure is in the rear of
18 the property in that area where it pinches down as
19 you abut the Garden State Parkway. It's 15 feet wide
20 by 10 feet deep, six-foot tall, and it's going to be
21 a concrete masonry enclosure with gates. It complies
22 with the accessory structure height within the
23 borough ordinance, though it does require a variance
24 relief given that the property does pinch in and we
25 are not quite meeting the side yard setback for the

1 accessory structures of required eight feet, where
2 we're proposing 3.8. And the reason for that is
3 again due to the fact that the property does pinch
4 down and we wanted to center the trash enclosure
5 within that aisle for the maneuvering of the trash
6 vehicles. If we were to move it to comply with that
7 eight feet, that would get close to the parking
8 spaces, we feel that this is a better engineering
9 solution for the proposed trash enclosure location.

10 That being said, on the front half of
11 the property there is a proposed five-foot wide
12 sidewalk. It continues along the frontage. It is
13 technically within the -- not within the public
14 right-of-way, the public right-of-way along that
15 stretch is very narrow, 2 to 3 feet along the stretch
16 before you reach the Chestnut Ridge Road curb line,
17 so it's proposed on the private property side. I do
18 believe that itself being on the private property
19 requires a variance, but it is proposed along the
20 entirety of our frontage.

21 Q. Aaron, that sidewalk will be subject to
22 Bergen County Planning Board approval, since Chestnut
23 Ridge Road is under their jurisdiction?

24 A. That's correct.

25 So again I spoke about some of the

1 grading and the topography that the site experiences.

2 That being said, you know, we have that
3 12-foot grade change across the site. There is a
4 retaining wall that's going to be proposed to allow
5 for a pretty level parking lot that really the
6 intention is to have a very accessible and ease of
7 circulation for all the cars that's going to come
8 through this site and also for any pedestrians that
9 may utilize the property. So we actually wanted to
10 keep it relatively level as far as our proposed
11 grading is concerned; however, we do meet the grades
12 where it does slope back as you meet the Garden State
13 Parkway, so that ultimately results in a retaining
14 wall that's a maximum of height of 7.7 feet and
15 that's at the absolute rear of the property. And
16 generally the retaining wall itself is 4 to 5 feet in
17 its height.

18 So we spoke about the proposed
19 development, how it generates the added pavement
20 areas to handle the stormwater runoff that's
21 associated with this development. We actually
22 prepared a -- we had a geotechnical consultant
23 prepare a subsurface investigation. They did six
24 test pits and seven borings across the site, and they
25 concluded that the site actually has pretty favorable

1 infiltration rates as far as the BMP allows for, so
2 we took advantage of that in the way of creating a
3 set of underground storage basins that promotes
4 infiltration back into the groundwater for our
5 proposed runoff. And that is to the tune of, those
6 are 45-inch tall chambers. There's a total storage
7 volume of 9,800 cubic foot and that's across three
8 separate basins.

9 And all that gets captured, much of it
10 gets infiltrated back into the ground, captured and
11 ultimately gets discharged in the rear of the
12 property, similar to how it currently flows today.

13 Lighting on site will be upgraded with
14 modern LED fixtures. There will be a proposed five
15 LED light poles that's at a mounting height of
16 20 feet. These will feature back shields, and then
17 there's also eight wall packs at 18.5 feet mounting
18 height. And that's all compliant and lower with the
19 maximum height requirement of 25 feet. These are at
20 3000 Kelvin, so it also complies with the borough
21 ordinance of 3500 Kelvin color temperature, so it's
22 more of a warmer light. And there's modest
23 illumination, average across the site, it's 1.8
24 footcandles across the entire property. That
25 complies with the minimum of .5. And it also meets

1 the property line maximum of one footcandle, where
2 ours is .8 footcandles.

3 There is one that we do not meet the
4 borough ordinance on. It's the intersection. So the
5 driveway points where there is our area where we do
6 not meet it where it is three footcandles, however,
7 it does not take into account the existing light
8 poles that are mounted on the utility poles at either
9 of the driveway locations.

10 Previous to the last meeting, I did
11 conduct another light inventory study and found that
12 there's actually already two footcandles out there at
13 the driveway today. So between our proposed lights
14 and our existing lights, I do feel we will meet that
15 three footcandle value at the intersection points,
16 which are our northerly and our southerly site
17 driveway points.

18 Now I want to touch on the landscaping.
19 We've spent a little bit of time into that already.
20 So, again, you know, we are removing a fair number of
21 trees across the property. We conducted a full
22 inventory where we took into account the species, the
23 size, and its condition of all the trees on site.
24 Again, we are removing those 70 trees, of which the
25 28 is within that preservation area. However, seven

1 of that 28 is actually in poor condition or dying or
2 effectively dead.

3 So we are required to replace the 21
4 trees, and we're proposing a total of 23 deciduous
5 trees across the property, generally along the
6 perimeter and the edges of the property. We do have
7 some parking lot interior trees as well. We do feel
8 that it meets the true replacement standard that the
9 borough has, and we also have other landscaping
10 proposed. We have evergreen shrubbery that's going
11 to be along the base of the trash enclosure for
12 beautification purposes. That's going to be
13 evergreen in nature.

14 So the intention here is to have a mix
15 of deciduous trees that's going to have some seasonal
16 color interest and parking lot shading, as well as
17 365-day evergreen screening for some of the
18 structures that we have on site, so it's going to add
19 a nice palette across this property.

20 Lastly, there is a handful of
21 perennials and ground cover, junipers and day lilies,
22 interspersed throughout the property where we have
23 mulch beds and things like that for further site
24 beautification.

25 MR. DEL VECCHIO: Mr. Chairman, would

1 it be okay to take a break for the court reporter at
2 this point?

3 CHAIRMAN DePINTO: Sure. We'll take a
4 five-minute break.

5 (A short recess is held.)

6 CHAIRMAN DePINTO: Okay. The meeting
7 will continue. I think everybody is back.

8 MR. DEL VECCHIO: We're going to go
9 back and just fill in a couple of more details
10 because of the concern on the EIS and the tree
11 removal questions.

12 I'll put your drawing up. We are going
13 to be referring to the site plan set which was marked
14 as A-2 and in particular sheet C-11, which is
15 entitled "Landscaping Plan".

16 Do we also have a survey with our tree
17 removal plan?

18 THE WITNESS: It yes it's C-3 of the
19 site plan set.

20 Q. Let's go back to C-3 and we'll start
21 there.

22 A. So C-3 is the demolition plan and also
23 the tree removal plan. And as I stated before, when
24 we went about this project, we studied the entirety
25 of the site and we inventoried all of the existing

1 trees. We came to find that there are a total of 79
2 existing trees of which we are having to remove 70.
3 Within the borough ordinance there is: Tree removal
4 within the preservation zone is prohibited except for
5 the exemptions listed in 369-3 below in the
6 subsection C.

7 So they allow for removal of trees
8 within the tree preservation zone for items such as
9 of driveway, roadway access, off-street parking,
10 accessory structures, then necessary land grading,
11 underground utilities, dead, dying, diseased or
12 damaged trees, so on and so forth.

13 So when we went and did our
14 calculation, it was again deemed that the 21 trees
15 within of that total set needs to be replaced. So
16 when we crafted our landscaping plan, we were
17 intentional about meeting that compensatory
18 replacement number.

19 I testified to our landscaping plan
20 about the way we concentrated the bulk of the
21 plantings of those deciduous trees along the edges of
22 the property that has again, you know, some seasonal
23 color interest for the site. I testified to the fact
24 that we're proposing a host of evergreen shrubbery to
25 further screen some of our proposed structures. And

1 that was shown on C-11, which I can walk through in
2 greater detail.

3 So C-11 is our proposed landscaping
4 plan prepared by a licensed landscape architect
5 within my office, and we worked closely together when
6 we crafted this plan. And what you're seeing and
7 also represented in the colorized version is the host
8 of deciduous trees along the perimeter of the
9 property as well as a handful of trees on the
10 interior island that's fully within the drive-through
11 loop as well.

12 Between all the varying trees proposed,
13 you know, our intention was to meet the replacement
14 number as well as the parking lot shade tree count.
15 And I do believe we noted a variance for the parking
16 lot screening. However, I did take a look, you know,
17 when I did a further site visit, to feel that we
18 actually meet that standard in the way that on the
19 southerly portion of the property there are large
20 mature trees, 20, 30, 40 feet in height already
21 existing and those are to remain as part of our
22 project. And we're also further supplementing it
23 with three additional trees along that southerly
24 edge. So I do feel that we can adequately screen the
25 parking spaces from view from Chestnut Ridge Road.

1 Furthermore, I think we can propose
2 additional probably low shrubs to screen those
3 parking spaces as well. However, given the proposed
4 grading, how the site is going to be graded, I do
5 feel that it needs to be actually a little closer to
6 the frontage to have that effective screening to
7 shield it from view from the public roadway.

8 Additionally, there's also another
9 standard within the borough ordinance for the
10 landscaping island. Ultimately it's a calculation
11 based on five percent of the parking area. That's
12 calculated on our plan. We do meet that particular
13 standard as well and we actually exceed that
14 requirement in the way we're proposing landscaped
15 areas across the property.

16 Q. Aaron, I believe one of the review
17 letters made reference to a potential variance for
18 landscaping or location of shade trees.

19 Can you speak to that?

20 A. Sure. Yes. I do believe that
21 requirement calls for the shade trees to be within
22 five-foot of the curb line. I think we can meet that
23 standard by shifting a few of our trees around. I
24 think some of them are a little bit too far to
25 actually fully satisfy that five-foot offset.

1 Q. So it would be the applicant's
2 intention to shift the location of the planting of
3 those trees to be in compliance with the code?

4 A. That's correct.

5 Q. And that is feasible to do on these
6 plans?

7 A. That's correct. Yes, it is.

8 Q. And the Dumpster area to the rear, that
9 is fully screened, besides for the existing fencing,
10 with vegetative material?

11 A. That's correct. As you can see a
12 concentration of the trees in the rear of the
13 property, the eastern portion of the property, and
14 also on three sides of the trash enclosure, minus the
15 gate of course, there is the evergreen shrubbery that
16 is going to screen the base of that trash enclosure.

17 Q. And in terms of shade trees along
18 Chestnut Ridge Road. Chestnut Ridge Road is a county
19 road, correct?

20 A. Correct.

21 Q. And the county approval requirements
22 will dictate whether trees get planted or not along
23 the county roadway?

24 A. Correct.

25 Q. We are awaiting further direction from

1 the county in that regard?

2 A. Yes, we are.

3 Q. An application is pending, correct?

4 A. Correct.

5 Q. Let's move on.

6 While we're on this sheet, maybe I can
7 ask you to provide a little bit of description of
8 what those dark rectangular areas are, what they
9 represent on the landscape plan?

10 A. Sure. Yes.

11 We intentionally show also the
12 underground stormwater features. I spoke about the
13 45-inch tall chamber system. That's all proposed to
14 be under the paved area. That allows for the capture
15 of the stormwater runoff, I think to the tune of
16 9,800 cubic foot of storage. That's interspersed
17 across the site in three different locations, and we
18 show it on the landscaping plan to ensure there are
19 no conflicts that between the proposed trees and
20 landscaping relative to the proposed basin features.
21 And again that's to take advantage of the favorable
22 infiltration rates that we did find on site. I do
23 believe within the geotechnical report that highlight
24 all the test pits and the borings, there was a note
25 about perched groundwater. It's a typical note that

1 this particular consultant often likes to add as a
2 disclaimer just in case the site conditions do vary.
3 However, they said that did not encounter static
4 groundwater across the site, and in the event that
5 you do encounter perched ground water during
6 construction, they can recommend some temporary
7 dewatering mitigations. However, they do not
8 recommend any permanent dewatering mitigations as
9 they did not encounter any of that across our
10 property.

11 MR. O'BRIEN: Aaron, so it's your
12 testimony it's in the report as a catchall?

13 There was nothing that was found?

14 THE WITNESS: Yes.

15 I'm happy to submit this report for
16 further review as well. I'm under their section for
17 5.4 for groundwater control. They list that perched
18 trapped groundwater may be encountered following
19 periods of wet weather within the existing fill. And
20 then they also noted that any temporary groundwater
21 measures can be recommended, if they do encounter it,
22 but as such this consultant, Whitestone, does not
23 anticipate the need for permanent groundwater control
24 for this particular site.

25 MR. O'BRIEN: Thank you.

1 Q. Aaron, I have turned to Sheet 7 on the
2 easel, which is the utility plan. If you can please
3 discuss utility service to and from the proposed
4 Dunkin' Donuts and also address whether their water
5 supply, water demand changes significantly because of
6 the change in use?

7 A. Not to a significant degree. I think
8 is the short answer.

9 The longer form answer is that there is
10 a 16-inch water main on the southbound side of
11 Chestnut Ridge Road, and the current existing service
12 is three quarter inch to the old Realtors office.

13 We're proposing a two-inch water
14 service into the building, that's going to connect
15 along the north side of the building. And similarly
16 for sewer, there is a main along Chestnut Ridge Road,
17 four-inch service line into the building. We're
18 proposing a 750-gallon grease trap immediately coming
19 out of the building prior to discharge into the main
20 itself.

21 Electric, we have been working with
22 Orange & Rockland for some pole relocations and
23 things like that. Also anticipating where the
24 electric service is going to run into our building,
25 that's going to connect towards the rear of the

1 building, I'll call it back of house, and we have
2 worked out that location with them. And then the gas
3 would be a main along the frontage similarly as well.

4 Between the proposed uses, the Dunkin'
5 and the potential medical second tenant user, it
6 doesn't generate significant demand on the
7 water/sewer services given the relatively small size
8 of the building itself.

9 Q. This application was submitted to
10 Bergen County Soil Conservation District?

11 A. That's correct.

12 Q. An approval was issued by the district?

13 A. That's correct.

14 Q. I know that the next issue that we need
15 to discuss is signage, some of it is wall mounted,
16 some of it is building mounted -- monument.

17 Can you discuss the signage as proposed
18 for this project?

19 A. Sure. Yes. Let's use the signage
20 packet.

21 MR. DEL VECCHIO: Just identify that.

22 A. Sure.

23 What I pulled up is titled: "Signage
24 Exhibit", prepared by Stonefield Engineering, dated
25 January 19, 2026. And all it is is a snip of the

1 proposed signage details of the wall-mounted signs,
2 as well as the freestanding monument sign, and
3 showing the proposed locations relative to where the
4 building where it is on the site.

5 MR. DEL VECCHIO: A-14.

6 (Signage Exhibit prepared by Stonefield
7 Engineering & Design dated 1/19/2026 is marked as
8 Exhibit A-14 in Evidence.)

9 A. I'll go through the proposed signage
10 briefly, and the I believe the project architect will
11 also show the signage on the building elevations as
12 well, that way it's a very clear visual.

13 So on the building signs itself,
14 there's two Dunkin' wall signs, there would be one
15 facing Chestnut Ridge Road, that makes intuitive
16 sense to have the identification signage on the side
17 that's facing the public roadway, and then there will
18 be also another Dunkin' wall sign over the main
19 entrance into that building as well. It also makes a
20 lot of intuitive sense for wayfinding reasons, for
21 customers to immediately see where the entrance would
22 be, and those signs are 21.6 square feet, it's
23 10.8 feet wide and two feet tall. They're internally
24 illuminated channel letters and you can see the
25 proposed sign in the way of the detail on the

1 right-hand side of the plan.

2 Since we do not know who the second
3 tenant is, we showed a general sizing of that future
4 tenant sign. That's to the tune of 20 square feet,
5 10 feet wide by two feet tall. We included that just
6 for a way of reference and you can see the sizing
7 relative to the --

8 MR. REGAN: Would you give me those
9 dimensions again?

10 THE WITNESS: Yeah. Sure.

11 The Dunkin' sign itself, 21.6. And
12 then 10.8 feet wide, two feet tall. Internally
13 illuminated, channel letters, on the front side of
14 the building as well as the building entrance.

15 And similarly the second tenant has a
16 wall-mounted sign over their entrance, similar size,
17 20 square feet, generically 10 feet wide, two feet
18 tall.

19 There will be directional signage that
20 allows for the identification of the ingress and
21 egress driveways, they're to the tune of 4.7 square
22 feet. That's 4.8 feet tall. That's only going to
23 feature an enter or exit text with no Dunkin'
24 branding. That will be located at each of the
25 corresponding driveways along Chestnut Ridge Road.

1 The menu board for the Dunkin' is
2 22.9 square feet at 6.8 feet tall. The canopy over
3 the menu board has a vertical clearance of 9.2 feet.
4 And the monument sign, that's along the front of the
5 building, the detail for that is on top on the
6 left-hand side of the page.

7 The monument sign is going to feature
8 two panels, each panel being 17.5 square feet. And
9 the panel dimension is 5.8 feet wide, three feet
10 tall, 17.5 square feet again. So between the two
11 panels, it totals to be 35 square feet.

12 The overall height is nine feet tall
13 and it's setback 10 feet from the property line,
14 about centered in the property.

15 Q. And located outside of any sight
16 distance triangle?

17 A. Correct.

18 Q. There are also some pavement markings
19 that are shown. Can you just tell us what they are?

20 A. Sure.

21 Q. They're a little bit small for me to
22 read.

23 A. They're typical pavement markings
24 that's associated with the Dunkin' drive-through. So
25 one highlights the drive-through lane, the other one

1 highlights the mobile order lane. So if you're a
2 customer that ordered on the app, you understand
3 which lane you want to go to. If you're a customer
4 looking to order via the traditional menu board, you
5 know which lane to go to. And there's an indicator
6 to point to where the start of the drive-through
7 itself actually is as well.

8 Q. And the colors of those markings?

9 A. They're typical Dunkin' colors or
10 features a mix of orange and white depending on which
11 part.

12 Q. All right.

13 A. Okay. So unless there's any particular
14 topics, I did get a chance to review the board
15 professional's letter and I think I covered hopefully
16 the bulk of that in testimony. I did get a chance to
17 review the December 30th engineering letter by Mr.
18 O'Brien. I didn't see anything that we couldn't
19 comply with and work with his office directly on.

20 And similarly for the planning report
21 dated January 15, 2026, went through that as well,
22 didn't feel like there was anything that we couldn't
23 reach -- we could definitely comply with the comments
24 as listed within the detail letter.

25 Q. Bear with me one moment.

1 Based on the list of variances that
2 appeared in the review letter, are there any from an
3 engineering standpoint -- I will do the architecture
4 with the architect -- any from an engineering
5 standpoint that you can make adjustments to comply
6 with?

7 A. Sure. Absolutely.

8 We did take a look at the planning
9 letter and the noted variance relief.

10 CHAIRMAN DePINTO: Before you look at
11 that, why don't we mark the technical review letter
12 of Mr. O'Brien December 30th as Board Exhibit B-1.

13 (Technical Review Letter from Mr.
14 O'Brien dated 12/30/2025 is marked as Exhibit B-1 in
15 Evidence.)

16 CHAIRMAN DePINTO: And if you want to
17 go over the points of concern or contention, please
18 address them.

19 THE WITNESS: Sure.

20 No particular points of contention or
21 concern from my perspective, from the engineering
22 perspective.

23 What we wanted to testify to is that
24 there's actually a few variance relief that we can
25 remove from the application.

1 I touched on very briefly the parking
2 lot screening. You know, I think between the
3 existing large mature trees --

4 MR. REGAN: Is that Ms. Green's letter?

5 MR. DEL VECCHIO: Mr. Green's letter
6 which we should mark as B-2, and I believe that is
7 dated January 15th of 2026.

8 (Technical Review Letter from Ms. Green
9 dated 1/15/2026 is marked as Exhibit B-2 in
10 Evidence.)

11 A. So the parking screening, we do feel
12 that we can meet that standard in the way of the
13 exiting trees that's already on site as well as the
14 proposed trees, and my testimony was that we can of
15 further add some lower lying shrubs to make sure the
16 parking spaces along the southern portion is fully
17 screened.

18 And additionally, the loading area,
19 there's not a designated formal loading area, so we
20 do believe that the screening I think is not
21 applicable for the loading spaces, a conservative
22 view it was noted as a variance given that we didn't
23 have a way of fully screening that area.

24 Q. Aaron, based upon Mr. Mulholland's
25 description of where the loading is going to take

1 place, can you point to us on the drawing where
2 that's going to occur?

3 A. Sure. It's intended to be the rear of
4 the property adjacent to the trash enclosure and the
5 testimony that you heard is some of the deliveries
6 happen early in the morning, 2 to 3:00 in the
7 morning, and we have plantings along the northern
8 portion as well as the eastern portion of the
9 property; however, I'm sure at certain vantage points
10 it's not 100 percent fully screened and that's why it
11 was called out as a variance.

12 Q. Okay.

13 A. The other piece we touched on was the
14 parking lot shade trees where two is required and my
15 testimony was that it's kind of given a five-foot
16 offset from the curb line, we didn't quite meet that
17 standard, and our intention is to comply with that
18 standard by shifting some of the trees around to meet
19 that borough standard.

20 Q. Essentially moving them closer to the
21 curb?

22 A. Correct.

23 And the other one that we are intending
24 to remove would be the building height, and I'll let
25 the project architect speak to that, we can meet the

1 25-foot building height standard.

2 Q. Other than the items you've identified,
3 the applicant is prepared to comply with the balance
4 of the review letters that were issued by the board
5 to date?

6 A. Correct.

7 Q. Aaron, if this project is approved in
8 the manner shown on the drawings and amended by the
9 conditions you agreed to, will it operate in a safe
10 and efficient manner from an engineering standpoint?

11 A. Yes.

12 Q. Will it satisfy the drainage and
13 lighting requirements of the community?

14 A. Yes.

15 Q. Will the parking lot operate in a safe
16 and efficient manner?

17 A. Yes.

18 Q. And the parking that is proposed here,
19 will it operate in a safer, better or similar manner
20 as the current parking lot servicing the Dunkin'
21 Donuts across the street?

22 A. It will definitely be an improvement
23 given that it's more spaces. The drive aisles will
24 also meet the borough standard as far as the widths,
25 and the parking stall geometry is also complying with

1 the borough standards.

2 Q. And based upon the entrance and exit
3 points, do they, to the best of your knowledge, meet
4 the county design standards for those entrance and
5 exit points?

6 A. Yes, they do, and they're under review
7 by the county.

8 MR. DEL VECCHIO: I have no further
9 questions of Aaron. I make him available to the
10 board and your professionals for any additional
11 questions.

12 CHAIRMAN DePINTO: Thank you.

13 Mr. O'Brien, reference has been made to
14 your technical review letter of December 30th.

15 MR. O'BRIEN: Yes.

16 CHAIRMAN DePINTO: Could you please
17 summarize your findings --

18 MR. O'BRIEN: Sure.

19 CHAIRMAN DePINTO: -- as to the
20 applicant?

21 MR. O'BRIEN: So from the December 30th
22 letter, it is the second review from a prior review.
23 The applicant's professionals took care of many of
24 the comments during the review period when we got it
25 back.

1 Just going through it, some of it was
2 based on updating some survey information, which the
3 applicant did. The DEP letter verification or the
4 letter of interpretation was provided and indicates
5 that there's an absence of wetlands on the property.
6 So that's to the benefit of the applicant as well.

7 The survey comments have been
8 addressed.

9 As far as the environmental impact
10 statement, that was discussed earlier tonight. The
11 recommendation is to provide the testimony that Mr.
12 Del Vecchio was talking about, that along with the
13 landscaping plan for removal and replacement to the
14 environmental commission so they can comment on that.
15 The remainder of the environment impact statement
16 we'll handle here between stormwater aspects,
17 traffic, everything else.

18 So I am in support of the waiver, but
19 with that one condition of passing the landscaping
20 information over to the environmental commission.

21 You spoke about the Bergen County
22 Planning Board, so once you have updated information
23 with that, please share it with us so that we can
24 review it and adjust as needed.

25 Architecturally, you'll get into by

1 your architect.

2 Variances were discussed.

3 Parking was discussed too. So it's 19
4 spaces are being provided where 65 is required.

5 Parking landscape, parking screening,
6 can you discuss that just a little bit?

7 THE WITNESS: Sure. Yes.

8 The parking screening in the way of the
9 landscaping again with the southern portion of the
10 property, there are existing trees, maybe a little
11 bit faint on this plan. They're large mature trees,
12 20 feet, 30 feet, 40 feet tall. There's probably a
13 handful of trees in that area. That's all to remain.
14 We're also supplementing it further with three
15 additional trees. And my testimony was that I do
16 feel we can add some additional evergreen or
17 whichever type of plant material a little closer to
18 the road. That's going to be at the same effective
19 height as the parking spaces themselves. That's
20 going to further add to that screening effect.

21 MR. O'BRIEN: Perfect. Thank you.

22 As far as the utility companies come,
23 you're responsible for coordinating with that, should
24 this application move forward to approval. And then
25 that gets into the Building Department for road

1 opening permits -- well, this is a county road so you
2 have to go to the county for that.

3 And what about the increased sanitary
4 sewer demand, how that are we looking with that?

5 THE WITNESS: It's a modest increase on
6 the sanitary sewer demand, it's generated based on
7 the GPD, based on the size of the building. The
8 testimony is the buildings themselves are actually
9 quite small, so it's a modest increase on the sewer
10 demand.

11 MR. O'BRIEN: When you say "modest",
12 can you provide some numbers?

13 THE WITNESS: Sure. Yeah.

14 So based on the NJAC calculations for
15 the sewer demand between the two uses, we have to
16 assume a use for the second tenant and we just did a
17 generic type of office, type of retail type of user,
18 a sewer demand is 430 gallons per day and then the
19 water is 400 gallons per day in terms of its
20 generation.

21 MR. O'BRIEN: Stormwater, some minor
22 items here and there. Your details, your calcs,
23 nothing major we can't deal with conditional on this
24 application.

25 Pipe sizing, same thing.

1 Some minor modification in the drainage
2 report.

3 And the final item is just Bergen
4 County Planning Board application. So when you have
5 that information, we'll get it.

6 As far as from an engineering
7 perspective, Mr. Chairman, we're clean on this side
8 with his testimony.

9 CHAIRMAN DePINTO: Okay. Very good.
10 Thank you.

11 Maurice, do you have any comments at
12 this time?

13 MR. RACHED: So they have addressed
14 most of the traffic comments, Mr. Chairman, except
15 two. One has to do with the left turn maneuver and
16 the other one has to do with some better connectivity
17 on site for pedestrians.

18 They did improve the site quite a bit
19 in terms of providing crosswalks and pedestrian
20 connectivity, but there is an area with a missing
21 link between when people walk from the southerly row
22 of parked vehicles into the island where the building
23 is, and then they want to go to the building from
24 that point. Maybe they have an answer for us or they
25 can make that connectivity better.

1 These would be my only two concerns.

2 CHAIRMAN DePINTO: Thank you.

3 Darlene, anything?

4 MS. GREEN: I want clarification. At
5 the very beginning, we talked about the soil movement
6 and I believe we received the net number. But in
7 Montvale for soil movement, we add when you cut and
8 you fill. So can you give us that total number,
9 because that I know Mr. Regan will put in any
10 resolution.

11 THE WITNESS: Sure.

12 So the total aggregate movement is
13 3,350 cubic yards of aggregate movement.

14 MS. GREEN: And the overall majority of
15 that is import?

16 THE WITNESS: Is import, yes.

17 MS. GREEN: Can you, I guess, help the
18 board to understand what that might translate to in
19 the total number of trucks of import?

20 THE WITNESS: Yes.

21 The standard dump truck is
22 approximately 12 cubic yards. Based on the
23 compensated import, given that there's some void
24 spaces created by our pavement box, given that
25 there's void spaces created by our building

1 foundation, the underground chambers themselves also
2 do not need soil import, so the net number that we
3 need to compensate again was that 1,600 cubic yard
4 number, divide that by the standard dump truck size,
5 approximately 130 loads of soil.

6 MS. GREEN: That's all I have, Mr.
7 Chairman, without getting into my letter.

8 CHAIRMAN DePINTO: Thank you.

9 Board members, questions of the
10 engineer or borough professionals?

11 MR. HUSEYNOV: You mentioned that the
12 additional space is going to be retail or you haven't
13 yet decided that it's going to be retail. So
14 depending on that, the use will change, I assume.
15 The figures that you cite also for water and sewer.

16 THE WITNESS: Yes, as part of our
17 initial preparation we had to assume some type of
18 user. The generation for retail use and the office
19 space use is quite similar. So if a user that gets
20 selected has unique or extraordinary numbers, we'll
21 modify that generation, but for the onset of the
22 application, we prepared it based on an assumption
23 for a typical user.

24 MR. HUSEYNOV: Okay. And the other
25 question was on the deliveries, you said where

1 exactly the delivery driver will be coming in, in the
2 rear?

3 THE WITNESS: In the rear of the
4 property, proximate to the trash enclosure, that
5 allows it to be out of the way of the entrance to the
6 drive-through lanes for both the menu board lane and
7 also the mobile pickup lane, and it's also the least
8 desirable parking spaces adjacent to that area, it's
9 the farthest away from the building itself. Again,
10 the operational testimony had the deliveries coming
11 in early hours, before some of these even open.

12 MR. HUSEYNOV: Okay. Those are all the
13 questions.

14 CHAIRMAN DePINTO: Thank you.
15 Sherwin.

16 MR. TSAI: Thank you, Mr. Chairman.
17 My main question is about the sign for
18 Dunkin'. It seems it's elevated above the building.
19 What is that elevation?

20 THE WITNESS: The elevation of that
21 sign is approximately 21 feet from the grade.

22 MR. TSAI: I guess my main question is
23 is that for aesthetics or does it serve some sort of
24 engineering purpose?

25 THE WITNESS: Yes, it serves an

1 engineering purpose in the way of wayfinding and site
2 identification to the building. My testimony was
3 that the property width of the frontage is only
4 100 feet wide. There's also a slightly -- there's a
5 dedicated ingress and egress driveway, so it's
6 important to identify where the building is, and then
7 that way you know and you can understand the I need
8 to take this particular driveway into the site, and
9 we also propose these smaller enter and exit signs to
10 complement and to clarify where those points are.

11 MR. TSAI: But for the commercial
12 space, the retail space, that sign will not be
13 elevated to match that?

14 THE WITNESS: That sign will be over
15 the front entrance of that particular space and the
16 approximate height I do believe is around 19, 19 and
17 a half feet.

18 MR. TSAI: So it's about the same, it's
19 two feet off of --

20 THE WITNESS: It's about the same,
21 yeah.

22 CHAIRMAN DePINTO: John.

23 MR. CULHANE: A couple of questions
24 about the retaining wall on the north side.

25 How close is the north face of the

1 retaining wall to the property line?

2 THE WITNESS: As its closest point, the
3 retaining wall outer edge to the property line is
4 about a foot.

5 MR. CULHANE: Do you have a detail for
6 the footing and for the crushed stone? How far does
7 the crushed stone extend north of the face of the
8 retaining wall?

9 THE WITNESS: It would be at the base
10 and behind the retaining wall with a geotech style
11 fabric that supports each layer.

12 MR. CULHANE: What I'm saying is, you
13 only have a foot. The footing plus the crushed stone
14 based on the detail I've seen appears to be more than
15 a foot required.

16 THE WITNESS: We could take a look at
17 that and see if there's any modification.

18 MR. CULHANE: The other question I
19 would have, how will the contractor build that
20 without encroaching on the adjacent property? How is
21 he going to maintain the soil?

22 THE WITNESS: Yeah. Understood.

23 They would probably have to build it in
24 stages, if we need a temporary construction easement
25 from the adjacent property owner, we'll seek that.

1 MR. CULHANE: You may need a temporary
2 easement from the adjacent property owner.

3 THE WITNESS: We may.

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

6 CHAIRMAN DePINTO: Thank you.

7 Joe.

8 MR. PUGLISI: A couple of things.

9 I think I heard you say you'll be
10 willing to add trees as opposed to remove trees.

11 THE WITNESS: Sure.

12 The testimony was there are actually
13 since there's large mature trees and proposed trees
14 along that southerly portion, the proposal would be
15 lower plant materials, like shrubs, things like that,
16 that's going to meet the effective height of the
17 parking spaces that we're trying to screen. So the
18 clarification, that's not trees but shrubs or lower
19 materials.

20 MR. PUGLISI: But you could also add
21 another tree perhaps?

22 THE WITNESS: Sure. I'm sure we could
23 find a place to add one more tree, yes.

24 MR. PUGLISI: I appreciate that.

25 The second point, Maurice kind of stole

1 my thunder, I have some concerns about the safety in
2 the parking lot because all the parking spaces are
3 across, away from the building, so when you get out
4 of your car, you have to walk across the lot. So how
5 are you mitigating that?

6 THE WITNESS: Yeah. The way it's done
7 is a painted crosswalk across some of the parking
8 spaces, and, again, you know, the business model is
9 set up to preliminarily cater towards the
10 drive-through customers. So you heard the testimony
11 it's approximately 80 percent. So really we feel
12 that some of the parking spaces actually will be used
13 by the employees and they'll come before the shift or
14 during shift change, when it's not as busy, but any
15 customers that do park on site, they'll utilize the
16 crosswalk and then the sidewalk that's on the raised
17 curb that's in front of the building before they
18 enter.

19 MR. PUGLISI: Mr. Del Vecchio, the
20 environmental commission meets next Monday and I'll
21 make sure that any concerns, I will get it out of
22 them.

23 MR. DEL VECCHIO: I appreciate it.

24 CHAIRMAN DePINTO: Nothing else?

25 MR. PUGLISI: Nothing further, Mr.

1 Chairman.

2 CHAIRMAN DePINTO: Thank you.

3 Anita.

4 MS. BAGDAT: Earlier you had mentioned
5 during your testimony about the lanes. I know that
6 you had said for the inner lane capacity was nine
7 vehicles, and for the outer lane five vehicle
8 capacity, but you didn't say anything about the
9 bypass lane.

10 THE WITNESS: Sure.

11 My testimony that I offer for the
12 bypass lane, we don't typically consider that to
13 service the drive-through. So I noted the length of
14 it is 250 linear feet. So approximately, let's say
15 you were to place cars there, it's approximately 12
16 vehicles, but not that you would take credit for them
17 for the drive-through use, it's intended for
18 customers to bypass in case they need to exit, also
19 for larger design vehicles to circulate the site.

20 MS. BAGDAT: Okay. Thank you.

21 Thank you, Mr. Chairman.

22 CHAIRMAN DePINTO: Thank you.

23 Chris.

24 MR. GRUBER: I just want to know how
25 come there's no samples of Dunkin' Donuts?

1 [LAUGHTER]

2 MR. DEL VECCHIO: Deliveries are at
3 2:00 a.m. We'll knock on your door.

4 MR. GRUBER: I don't have any
5 questions.

6 CHAIRMAN DePINTO: Thank you.
7 William.

8 VICE CHAIRMAN LINTNER: Just two quick
9 things.

10 I know you testified in regards to the
11 turning radius. I just want to make sure on your
12 fire truck radius on C-19, is that a Montvale fire
13 truck, is that a typical fire truck?

14 THE WITNESS: Yes, to the best of my
15 knowledge I looked up the Montvale fire apparatus.
16 The vehicle that we utilized for that turning
17 movement on C-19 is a couple feet larger than it.
18 Also we submitted the plans to the fire chief for
19 further review and make sure he's in agreement with
20 the way we showed it.

21 VICE CHAIRMAN LINTNER: So it's
22 submitted to the fire?

23 THE WITNESS: It has been.

24 (Mr. Culhane exits the hearing room at
25 10:13 p.m.)

1 VICE CHAIRMAN LINTNER: Secondly, the
2 design of the lanes or the design of the aisles, is
3 that your design or is that a Dunkin' preference?
4 How do they develop this?

5 THE WITNESS: In which particular area?

6 VICE CHAIRMAN LINTNER: The three, the
7 drive-through, the mobile, and the bypass, is that a
8 typical layout they have?

9 THE WITNESS: It's a pretty typical
10 layout that they have. I think this site, although
11 it is narrow, is still we wanted to add the bypass
12 lane that has a lot of flexibility and for
13 circulation purposes, but it's a mix of what the site
14 can accommodate as well as the operator understanding
15 their model between the menu board ordering, between
16 the mobile app ordering, and then obviously the
17 bypass, it's a good feature for the site.

18 VICE CHAIRMAN LINTNER: So you took
19 their template and applied it to this location?

20 THE WITNESS: We took their template,
21 applied it to this location, maximized to the queue
22 to anticipate our expected demand. We also ran
23 additional vehicle turning movements through it to
24 make sure all the curb lines is going to accommodate
25 and allow for the design vehicles that we need.

1 VICE CHAIRMAN LINTNER: Thank you.

2 Nothing else, Mr. Chairman.

3 CHAIRMAN DePINTO: Thank you.

4 A question with respect to the proposed
5 setback of the building. Are you meeting the code
6 requirement?

7 THE WITNESS: Yes, we are exceeding it
8 by about six, seven feet.

9 CHAIRMAN DePINTO: Okay. The property
10 is exceptionally deep by comparison to its width. So
11 the concern as to where the parking spaces are in
12 relation to gaining access into the building, was it
13 ever considered on your part to move the proposed
14 structure farther to the east on the property,
15 creating more of a front yard and creating a parking
16 area in front of the proposed structure to eliminate
17 having pedestrians cross the stacking aisles, access
18 aisles, things of that nature?

19 THE WITNESS: Yes, that was considered
20 as part of our design work, and the intention between
21 the selected building location is that if you were to
22 shift the building farther to the east, you start to
23 lose queuing spaces, given the location of the pickup
24 windows. And if you were to shift it every 20 feet,
25 let's say, you lose one additional car stack. And if

1 you shift it to a larger degree, you start to
2 actually reduce the mobile pickup lanes as well. And
3 what you're really only able to get back is a few
4 parking spaces in front of the building. Although it
5 would be convenient for those few customers, they
6 would be entering the site, 90-degree turn, and
7 immediately have to make another 90-degree turn to
8 the left and park in those spaces.

9 Now, obviously those are most
10 convenient so we do feel that consumers would want to
11 utilize those more. However, it is a high turnover
12 use, in that regard where it is a quick in and out of
13 the coffee shop. So we don't want customers to be
14 backing up at the entrance of the site where other
15 vehicles could be trying to turn in. So we don't
16 want vehicles to back up into that drive lane, that
17 only ingress point into our site, potentially causing
18 backup onto the county roadway.

19 CHAIRMAN DePINTO: Okay. I have no
20 other questions at this time for this witness.

21 I will entertain a motion to open the
22 meeting to the public.

23 MR. HUSEYNOV: So moved.

24 VICE CHAIRMAN LINTNER: Second.

25 CHAIRMAN DePINTO: All in favor?

1 (Chorus of ayes.

2 CHAIRMAN DePINTO: Anyone from the
3 public wish to be heard?

4 (No response.)

5 CHAIRMAN DePINTO: No?

6 Motion to close the meeting to the
7 public.

8 VICE CHAIRMAN LINTNER: So moved.

9 MR. HUSEYNOV: Second.

10 CHAIRMAN DePINTO: All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN DePINTO: Mr. Del Vecchio,
13 your next witness is your architect?

14 MR. DEL VECCHIO: Correct.

15 CHAIRMAN DePINTO: How long do you
16 anticipate, because we do have two other matters we
17 have to cover tonight.

18 MR. DEL VECCHIO: I'd say 10 minutes,
19 15 on direct.

20 CHAIRMAN DePINTO: Okay. Why don't we
21 do that and that will be the last expert for the
22 night.

23 MR. REGAN: Raise your right hand.

24 Do you swear or affirm that the
25 testimony you will give in this proceeding shall be

1 the truth, so help you God?

2 THE WITNESS: I do.

3 MR. REGAN: State your full name.

4 THE WITNESS: Roxanna Ziolkowski,
5 R-O-X-A-N-N-A, last name is Z-I-O-L-K-O-W-S-K-I.

6 MR. REGAN: Thank you.

7 **R O X A N N A Z I O L K O W S K I, RA**, having
8 been duly sworn/affirmed, testifies as follows:

9 DIRECT VOIR DIRE EXAMINATION

10 BY MR. DEL VECCHIO:

11 Q. Can you provide the board with your
12 educational and licensing background.

13 A. Sure.

14 I graduated with a bachelor of
15 architecture from New Jersey Institute of Technology.
16 I have a license of architecture that's in good
17 standing. I have presented before over a dozen
18 boards in the State of New Jersey.

19 MR. REGAN: I guess you can be deemed
20 qualified.

21 CHAIRMAN DePINTO: Chair will accept
22 recommendation of counsel.

23 Please continue, Mr. Del Vecchio.

24 DIRECT EXAMINATION

25 BY MR. DEL VECCHIO:

1 Q. Roxanna, can you provide the board with
2 a brief architectural overview of the project?

3 A. Sure.

4 So as previously stated, we have two
5 tenants for the single story building, the Dunkin'
6 Donuts, which is approximately 1,499 square feet,
7 which comes out to be 31 feet by 48 feet, and then
8 the adjacent tenant, which is 1,460 square feet,
9 approximately 27 feet by 55 feet. And there is a
10 utility room of 40 square feet for just building
11 utilities.

12 Overall, the view of the building, we
13 tried to make it cohesive both together with two
14 tenants and with the surrounding area. There are
15 some items that we want to go through as far as
16 massing.

17 So for the height, we have about
18 21 feet for the main parapet. So that goes in the
19 entirety of the building, besides the monolith, which
20 is where the Dunkin' signs are. That is currently at
21 25 feet 3 inches.

22 Q. So let's pause there for a second.

23 A. Yeah.

24 Q. The architectural speak for this
25 layperson at least, the monolith you're talking about

1 is the raised area at the front corner of the
2 proposed building?

3 A. Correct. Yes.

4 Q. And that is an architectural
5 embellishment, it's not structural, it's not
6 functional in any way?

7 A. Correct.

8 Q. And the plans were flagged for being
9 approximately three inches over the 25-foot height
10 for that limited area?

11 A. Correct.

12 Q. You are able to reduce that to comply
13 with the 25-foot height requirement, and we will do
14 that as a condition of any action that this board
15 takes and remove that request for a variance?

16 A. Correct.

17 Q. Okay.

18 A. Otherwise on the massing of the
19 building, where both entrances are, have overhangs
20 and canopies which all are three feet 6 inches deep,
21 and that goes for anywhere where there is a canopy,
22 over the storefronts and at the drive-through
23 windows. I believe that was brought up as an item on
24 the Colliers report.

25 Regarding the storefront glazing is all

1 at 10 feet high to the top of the glazing so it's
2 continuous between the Dunkin' and the adjacent
3 tenant.

4 As far as materials, I do have samples
5 today. I know that was requested. So we have a
6 charcoal brick veneer which both goes -- you want me
7 to take them out?

8 Q. Yes.

9 The colorblind person is going to pass
10 out colors. Bear with me.

11 A. So the first one is a brick veneer. So
12 that one is on the bottom portion of the Dunkin' side
13 and then it goes up vertically on the adjacent tenant
14 side. So it is the same on both.

15 There is a Hardie Plank siding and
16 there's two tones you'll see where the adjacent
17 tenant is a darker tone. There is a darker tone and
18 then on the Dunkin' side, it's the standard Dunkin'
19 chestnut -- sorry, it's more of a -- there's a
20 chestnut color and then there's a little lighter, a
21 little more natural for the Dunkin' sign, and that's
22 pretty standard for the Dunkin'. So that's kind of
23 the only way that we were incorporating the Dunkin'
24 style, the typical Dunkin' colors beyond the signage.

25 The typical Dunkin' awnings are orange,

1 but we have brought in the black into the space just
2 to be compliant with the rest of the area. And then
3 there are some Trespa panels that are those light
4 gray and a darker gray or a medium tone gray, and
5 that goes beyond -- yup. And then you'll see they
6 are a little flatter, so this will have like a wood
7 tone with the colors and the materials. So that will
8 be over the Dunkin' side. You'll see there's a
9 lighter panel, and then on the book of the building,
10 it will spread across.

11 So all these materials are
12 complementary to each other and complementary to the
13 area.

14 Regarding the signage, we did touch on
15 that with the previous.

16 Q. Before we hit the signage, just a
17 couple of questions.

18 A. Uh-huh.

19 Q. Is this one of the Dunkin' Donuts
20 prototypes for their store looks?

21 A. No.

22 Q. This was a custom design?

23 A. Correct.

24 Q. That was developed by the owner and
25 your office?

1 A. Correct.

2 Q. And the intent of the custom design was
3 to be more compatible, if you will, with the proposed
4 location for the store?

5 A. Correct, so it matches the color scheme
6 of the surrounding area. The only item that we
7 brought in was the natural tone and the pink and
8 white bands which is below the Dunkin' sign, that's
9 the only area that we brought in from a typical
10 Dunkin' design.

11 Q. If you could just help me now
12 illustrate on the drawings, the brick is --

13 A. Yes.

14 Q. -- the lower area, essentially a water
15 table or bottom of the building?

16 A. Correct.

17 Q. The wood tones are this flat area
18 between the Dunkin' and the second tenant?

19 A. Uh-huh.

20 Q. And that wood tone is also in the --
21 you called it something before, I forget what you
22 called it before?

23 A. The monolith.

24 Q. The monolith.

25 A. Yes.

1 Q. Sorry.

2 And then the gray tones of the Hardie
3 Plank siding is band over the top and are surrounding
4 the glass in the building?

5 A. Yes.

6 Q. And then all the awnings that are shown
7 here are in black?

8 A. Correct.

9 Q. There are some wall pack lighting.
10 Those are also black?

11 A. Those will also be black, yes.

12 Q. And you were about to venture into
13 signage.

14 A. You can leave that up.

15 Q. We have two signs proposed here?

16 A. Correct.

17 Q. They would otherwise comply with the
18 B-1 zone requirements for signage in terms of width
19 and height?

20 A. Correct.

21 Q. But because we have a second store
22 proposed, we're technically being a shopping center
23 in the eyes of the Borough of Montvale ordinance?

24 A. Yes.

25 Q. And as a shopping center, we would

1 actually be allowed not 30 percent for the width of
2 the wall but 90 percent, correct?

3 A. Yes.

4 Q. But the letters can only be 16 inches?

5 A. Correct.

6 Q. Architecturally, do you have an opinion
7 as to whether or not what is shown is a better fit
8 architecturally versus what could be proposed in
9 terms of an elongated sign but squatter?

10 A. Sure.

11 So the scale of the Dunkin' sign can't
12 be stretched. So even if it went to the 16-inch, the
13 entire sign would shrink, and I don't think that
14 would be -- I wouldn't agree with the look of that,
15 because we would have to shrink down the height of
16 the monolith as well, and then it would just look
17 like too much of an elongated building and it
18 wouldn't have the presence on Chestnut Ridge Road.

19 Q. So from an architectural standpoint,
20 you believe complying with the non-shopping center
21 standard is a better approach?

22 A. Correct. Yes.

23 Q. At this point the applicant is not
24 really taking any position on the sign for the
25 proposed second tenant, other than to show where a

1 wall-mounted sign could be constructed, correct?

2 A. Correct.

3 Q. All of the traffic control signs, the
4 entrance, the exit signs, they are all unbranded,
5 they just have traffic directional information on
6 them?

7 A. Yes, that's how we would like to
8 proceed.

9 Q. Can you speak to the monument sign?

10 A. On the previous testimony, he described
11 the heights and the widths of those. So right now,
12 we are proposing to have both tenants on that
13 monolith sign -- excuse me -- on that pylon sign.
14 But it would be up to the applicant to agree if he
15 wants to proceed that way.

16 Q. And the message that is displayed on
17 that Dunkin' sign or that monument sign?

18 A. So that monument sign has the Dunkin'
19 sign, which also has a Dunkin' drive-through because
20 the main sign on the building does not have that, so
21 it does direct anyone driving by that there is a
22 drive-through because otherwise they would not know.

23 And then the second sign below would be
24 the adjacent tenant.

25 MR. DEL VECCHIO: I have no further

1 questions. I make her available to the board for any
2 questions you may have.

3 CHAIRMAN DePINTO: Thank you.

4 I guess I'm starting.

5 Sherwin, do you have questions?

6 MR. TSAI: I do not.

7 CHAIRMAN DePINTO: Thank you.

8 Joe.

9 MR. PUGLISI: I have no questions.

10 CHAIRMAN DePINTO: Thank you.

11 Anita.

12 MS. BAGDAT: No questions.

13 CHAIRMAN DePINTO: Thank you.

14 Chris.

15 MR. GRUBER: The air conditioning units
16 and all the mechanicals, are they going to be hidden
17 from site?

18 THE WITNESS: Yes, it would be a
19 parapet. The parapet's about four feet tall but
20 we'll comply and cover. Someone from the street
21 shouldn't be able to see it from that angle.

22 MR. GRUBER: Okay. That's all.

23 CHAIRMAN DePINTO: Bill.

24 VICE CHAIRMAN LINTNER: No questions,
25 Mr. Chairman.

1 MR. HUSEYNOV: No questions.

2 CHAIRMAN DePINTO: Carl, do you have
3 anything?

4 MR. O'BRIEN: Not for architectural.

5 CHAIRMAN DePINTO: Darlene?

6 MS. GREEN: Yes. Thank you, Mr.
7 Chairman.

8 So one of the items I asked in my
9 review letter was that we did not have the average
10 ground elevation line drawn on the architectural
11 plans. And I understand that the applicant is
12 willing to reduce the monolith, but we need
13 verification that the building complies with our
14 definition of building height. So I'm unable to
15 verify just by shaving three inches off that they
16 really do meet that 25 feet height requirement. So I
17 would ask that we get revised plans to actually
18 verify that as opposed to being a condition of any
19 board approval.

20 The other item architectural-wise, I'm
21 not sure, do you happen to know what the temperature
22 value of the lighting will be for the freestanding
23 sign, the wall signs, and the order canopy?

24 THE WITNESS: Not offhand, but we can
25 get that and provide it for you.

1 MS. GREEN: So I'm going to assume
2 you're going to comply with the ordinance --

3 THE WITNESS: Yes.

4 MS. GREEN: -- of 3500 Kelvins or less?

5 THE WITNESS: Yes.

6 MS. GREEN: Thank you.

7 I'm sorry, I don't think I was
8 following along closely enough when Mr. Chan was
9 talking about the monument sign.

10 Do you know what the overall height of
11 that is, because the plans say that is to be
12 determined?

13 THE WITNESS: I can look to confirm.

14 MS. GREEN: Sure.

15 MR. CHAN: That should be on the
16 signage detail.

17 MS. GREEN: So the plans say that
18 overall sign height, including the base, is to be
19 determined.

20 THE WITNESS: Yeah, the overall on the
21 plan says to be determined. And I think that
22 depended on the base that we have.

23 So the Dunkin' sign is at 35, and the
24 adjacent tenant is at 36, and usually that base is
25 about 24 inches.

1 MS. GREEN: So I guess when you guys
2 return for the next hearing, if we could get
3 clarification?

4 THE WITNESS: Sure.

5 MS. GREEN: Once again, if you need a
6 variance I want to make sure you request it now and
7 not after the fact.

8 THE WITNESS: Okay.

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

11 CHAIRMAN DePINTO: Okay. Thank you.

12 Okay. Gentlemen, a motion to open the
13 meeting to the public.

14 VICE CHAIRMAN LINTNER: So move.

15 MR. TSAI: Second.

16 CHAIRMAN DePINTO: All in favor?

17 (Chorus of ayes.)

18 CHAIRMAN DePINTO: Anyone from the
19 public wishing to be heard?

20 (No response.)

21 CHAIRMAN DePINTO: No?

22 Chairman will entertain a motion to
23 close the meeting to the public.

24 VICE CHAIRMAN LINTNER: So moved.

25 MR. TSAI: Second.

1 CHAIRMAN DePINTO: All in favor?

2 (Chorus of ayes.)

3 CHAIRMAN DePINTO: I'm sorry, Maurice,
4 did you have any questions of the architect.

5 MR. RACHED: No questions, Mr.
6 Chairman.

7 CHAIRMAN DePINTO: Thank you. Okay.

8 With that said, Mr. Del Vecchio, we
9 have a few other items we have to take care of. I
10 noted you had made a request to have a special
11 hearing, and unfortunately we were unable to comply
12 with that request because of both member and
13 professional schedules. However, Jeanne is going to
14 work the agenda where at this point you should be the
15 only application on the agenda for -- what date is
16 that -- the 17th. So we can't comply with the
17 request for a special, but as it turns out, you
18 pretty much will be the only thing on the agenda for
19 that meeting.

20 MR. DEL VECCHIO: Understood.

21 Mr. Chairman, I would like to mark,
22 with your permission the samples that we submitted.
23 I would propose, unless Mr. Regan wants to mark them
24 individually --

25 MR. REGAN: A-15.

1 MR. DEL VECCHIO: Group them as A-15.

2 MR. REGAN: Material samples?

3 MR. DEL VECCHIO: Yes.

4 And if the board wants me to leave
5 them, otherwise I'll take them back.

6 CHAIRMAN DePINTO: Why don't you leave
7 them out there, and Jeanne will put them away later.

8 MR. REGAN: How many are there?

9 MR. DEL VECCHIO: There's five pieces.
10 (Five material samples are marked as
11 Exhibit A-15 in Evidence.)

12 MR. DEL VECCHIO: So the matter will be
13 carried?

14 CHAIRMAN DePINTO: Yes, the matter will
15 be carried to our next regularly scheduled meeting.
16 No further notice will be required or provided to the
17 public. Anyone who has an interest in confirming
18 whether or not they'll be heard on that date, they're
19 welcome to call the board secretary.

20 MR. REGAN: That's February 17th at
21 7:30.

22 MR. DEL VECCHIO: Thank you.

23 CHAIRMAN DePINTO: Thank you. Have a
24 good evening.

25 (Time noted: 10:34 p.m.)

C E R T I F I C A T I O N

I, KIM O. FURBACHER, License No. XIO1042, a Certified Court Reporter, Registered Diplomate Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with Regulation 13:43-5.9 of the New Jersey Administrative Code.



KIM O. FURBACHER, CRCR, CCR, RDR
License #XIO1042, and Notary Public
of New Jersey

My Commission Expires:
7/11/2029

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