

Regular Meeting of the Montvale
Planning Board

Moderated by John DePinto, Chairman
Tuesday, January 20, 2026
8:37 p.m.

Montvale Planning Board
Municipal Complex
12 DePiero Drive
Montvale, NJ 07645

Reported by: Eric Kim

JOB NO: 7808567

Page 6 1 we heard the commentary from your fire chief at the 2 last hearing. So our engineer met with him and 3 reviewed his comments and concerns, and we also had a 4 follow-up conversation today with him. 5 And we believe that with the exception 6 of figuring out calculations in terms of how to locate 7 the hydrant that the fire chief would like in the rear 8 of the center and pushing the pallets the necessary 9 dimension away from the rear wall of Trader Joe's, 10 that we have addressed the fire chief's concerns in 11 full and will continue to do so. We know that that's 12 a significant life safety issue, and we have no 13 intention of avoiding those issues. 14 So I have a few exhibits that we'll go 15 through tonight, and if there's any questions of me -- 16 I do want to note that, significantly, at the last 17 hearing, you heard from both our engineer and our 18 traffic engineer that we needed a parking variance. 19 We do not need a parking variance. 20 When we were prepping, I thought that 21 the number of seats seemed particularly high because 22 your ordinance calculates parking both on gross floor 23 area for non-food users and then seats for food users. 24 So much to Mary-Pat's chagrin, who has been my 25 paralegal for 28 years, I had her go up to the center	Page 8 1 Darlene pointed that out. We needed 41. Our plan now 2 shows the 41. So I'm going to have our engineer just 3 reconfirm what I just told you, since I can't provide 4 testimony. It's just meant as a summary. 5 I do have a sworn affidavit from 6 Mary-Pat that I'd like to mark into the record so 7 there's no confusion if anyone is looking at the 8 record or wants to make a challenge. So Mr. Regan, I 9 have that affidavit. 10 MR. REGAN: I'm not comfortable 11 receiving that. 12 MS. PRICE: Why? 13 MR. REGAN: I just gave an opinion in 14 terms of people want to present a petition. 15 MS. PRICE: Okay. 16 MR. REGAN: Why is this different -- 17 MS. PRICE: She's my paralegal. It's 18 been signed and sworn. 19 MR. REGAN: That's fine. I know her, 20 and she's a very fine person. But why -- 21 MS. PRICE: Okay. You know what, I'm 22 not going to waste two minutes on it, because I'll 23 have our engineer who has prepared an exhibit, and 24 that exhibit shows all the parking. 25 MR. REGAN: That's good.
Page 7 1 and go in the pizza location and the Hibachi Sushi 2 location, both of whom, I can represent as counsel for 3 Regency, I was advised had significant new leasing 4 updates. 5 The pizzeria has only been in for a 6 month, and Hibachi Sushi gave back half their space. 7 The space that they gave back is now occupied by Moxie 8 Hair Salon. I'm not sure how many people are familiar 9 with that, but it's basically primarily a female hair 10 salon, but -- so what that resulted in was in excess 11 of 100 seats being eliminated. So we need 409 parking 12 spaces and we have 409 parking spaces. So the 13 variance is no longer required, which to me is 14 incredibly significant on this site. 15 And as the board knows, under the 16 Dunkin' Donuts case, it's very significant when you 17 are reviewing a permitted use and issues relevant to 18 what the board jurisdictionally looks at, particularly 19 when there's county roadways involved and state roads 20 and you have a permitted use. We are still under 21 review by Bergen County, and I will keep the borough, 22 obviously, posted on that. 23 We also were able to eliminate the 24 variance for the number of shade trees, which we found 25 to be significant. We were shy nine shade trees.	Page 9 1 MS. PRICE: Two minutes saved. So I'll 2 call -- I'll re-call our system engineer just for the 3 purpose of reconfirming what I just put on the record. 4 MR. DEPINTO: And will your engineer be 5 displaying a board showing the changes? 6 MS. PRICE: Yes. 7 MR. DEPINTO: Okay. So members of the 8 public that have an interest in reviewing or following 9 the engineer, the -- should kind of shift to the other 10 side of the auditorium, because the easel will be up 11 in this corner. 12 MS. PRICE: And Mr. Chairman, I took 13 the liberty of making smaller copies of the board, and 14 your professionals would like them at the same time. 15 MR. DEPINTO: Okay. Yep. 16 MS. PRICE: Okay. 17 MR. DEPINTO: Thank you. Yeah, please. 18 Now, do any of these exhibits have to be marked? 19 MS. PRICE: This is the first step. 20 MR. DEPINTO: You gave -- 21 MS. PRICE: Oh, wait, this is the first 22 step, actually -- and then that's the second. I'm 23 just going to give you -- and these are Frankie's. 24 MR. DEPINTO: Members of the public 25 that are here that have an interest in this

Page 10 1 application, and if you were not present at the last 2 meeting, the procedure that the board follows is the 3 applicant is allowed to present witnesses who testify 4 before the board as to their area of expertise, be it 5 engineering, planning, architecture, whatever it may 6 be. 7 After they've presented on direct their 8 testimony, I will open it up for board members for 9 questions. After they are done with their questions, 10 I will open the meeting to the public where you will 11 have the same opportunity as the board members to ask 12 questions of the professional that just testified. 13 It's not an opportunity to give an opinion, but it's 14 merely an opportunity to ask questions. 15 When we're done with witnesses, I will 16 open the meeting one last time at which you can offer 17 your comments. You can say you love it, you can say 18 you hate it, or anything in between, but that's when 19 you would make that statement. Prior to that, the 20 only thing you can do is what we can do, limit our 21 comments to questions. Thank you. 22 Ms. Price? 23 MS. PRICE: Good? Okay. 24 Rob, could you just restate your name 25 for the record and your professional affiliation?	Page 12 1 with his request for the hydrant in the rear of the 2 center, together with the information that has already 3 been agreed to by your office? 4 MR. AIELLO: Yes. And just to clarify, 5 hydrant in the rear and also hydrants in the front of 6 the property. 7 MS. PRICE: But those in the front, 8 you've already been able to satisfy yourself in terms 9 of those locations. It's the rear hydrant that needs 10 to be further analyzed in terms of calculations is my 11 understanding; correct? 12 MR. AIELLO: Yes. 13 MS. PRICE: Okay. But there's nothing 14 that is -- in your understanding that is going to 15 prevent us from agreeing to this tonight and as a 16 condition of any approval that this board takes? 17 MR. AIELLO: Correct. 18 MS. PRICE: And since all of that would 19 need to be on any drawings -- sounded very South 20 Bergen with that word -- that would need to be 21 something that was confirmed and finalized before any 22 final drawings were approved; correct? 23 MR. AIELLO: That's correct. 24 MS. PRICE: Okay. All right. Let's 25 move on to the shade trees. You have an exhibit for
Page 11 1 MR. REGAN: He's previously been 2 qualified. And we -- 3 MS. PRICE: I know. I just wanted 4 to -- Mr. Regan, I just wanted to state for the 5 record. No. 6 MR. AIELLO: Good evening. Rob Aiello 7 with the firm of JMC Site Development Consultants LLC. 8 UNIDENTIFIED SPEAKER: Thank you. 9 MR. AIELLO: We're the engineers and 10 landscape architects for Regency Centers. 11 MS. PRICE: Mr. Aiello, you just heard 12 my summary update from our last appearance here in 13 December; correct? You were in the room? 14 MR. AIELLO: Yes. 15 MS. PRICE: Let's start with the 16 conversations with the fire chief. You were involved 17 with the meeting and then phone call today with the 18 fire chief? 19 MR. AIELLO: Yes, I was. 20 UNIDENTIFIED SPEAKER: Thank you. 21 MS. PRICE: Was there anything that I 22 represented to the board that was inaccurate? 23 MR. AIELLO: No. 24 MS. PRICE: And is it our client's 25 intention to proceed with satisfying the fire chief	Page 13 1 tonight. It's sheet L-100, last revised 1/19; is that 2 correct? 3 MR. AIELLO: That's correct. 4 MS. PRICE: And that is a sheet that 5 was previously included in your package? 6 MR. AIELLO: It was. 7 MS. PRICE: And you testified to that 8 sheet at the December meeting? 9 MR. AIELLO: I did. 10 MS. PRICE: Okay. Ms. Green, in her 11 report, raised that we were nine trees short. I 12 represented that we were doing 41. But you're really 13 doing 42; correct? 14 MR. AIELLO: That's correct. 15 MS. PRICE: Okay. So in your opinion, 16 we complied with Ms. Green's request, and once she 17 confirms that that is accurate pursuant to the plan, 18 the variance should, in fact, be eliminated; correct? 19 MR. AIELLO: That is correct. 20 MS. PRICE: Similarly with Exhibit -- 21 oh, Mr. Regan -- 22 MR. REGAN: Do you have that marked? 23 MS. PRICE: Yes. 24 MR. REGAN: I think it's A-10. 25 MS. PRICE: I just was coming back to

Page 14 1 that. 2 MR. REGAN: I think A-10? 3 (Exhibit A-10 was marked for 4 identification.) 5 MS. PRICE: A-10. Similarly, with 6 regard to sheet C-100, also revised 1/19, from your 7 office. 8 Mr. Regan, we can have that marked -- 9 MR. REGAN: A-11. 10 MS. PRICE: -- as A-11. 11 (Exhibit A-11 was marked for 12 identification.) 13 MS. PRICE: I am going to ask you to 14 use this plan to reconfirm my representations to the 15 board about the elimination of the parking variance 16 and how both the existing food users and the proposed 17 food user seats were computed to arrive at the 409 18 number. 19 MR. AIELLO: Yes. So the drawing -- 20 Exhibit A-11, the tables on the upper right-hand 21 portion of the drawing were updated based on 22 reaffirmations of the number of seats in each of the 23 existing restaurants, as well as coordination with the 24 proposed number of seats in the pad site uses and 25 their areas made available for public consumption, or	Page 16 1 office; correct? 2 MR. AIELLO: That is correct. 3 MS. PRICE: But that information needs 4 to be reconfirmed prior to adoption of any final 5 resolution; correct? 6 MR. AIELLO: Yes. 7 MS. PRICE: And your client, our 8 client, has no objection to that; correct? 9 MR. AIELLO: Correct. 10 MS. PRICE: So to the best of your 11 professional understanding as a civil engineer in 12 conjunction with this application, there's been an 13 elimination of those two variances, and the other 14 variances that you testified to in the December 15 hearing remain in place? 16 MR. AIELLO: That is correct. 17 MS. PRICE: Okay. I have one other 18 matter that I just need you to reference. In 19 Ms. Green's report on page 14, number 27, she just 20 asked for clarification on the soil calculation. If 21 you recall, when we were here at the last meeting, the 22 issue of a soil application came up. And since that 23 meeting, we did, in fact, file for a soil movement 24 application. 25 So could you please confirm for the
Page 15 1 servicing customers for public consumption. 2 So each of those numbers have been 3 updated, and we have 169 fewer seats. And the sum 4 total of all of the requirements for the individual 5 spaces now total 422 parking spaces. And when you 6 take the credit for the 13 spaces for the EV spaces 7 that we're proposing per the code, the number of 8 required spaces are now 409, and that is what we are 9 proposing. 10 MS. PRICE: And the credit for the EV 11 is something that is allowed by the law; correct? 12 MR. AIELLO: That is correct. 13 MS. PRICE: And you testified to that 14 at the last hearing as well? 15 MR. AIELLO: I did. 16 MS. PRICE: Okay. With regard to the 17 reference on the seats in the three new food users, 18 you referenced that you took into consideration 19 information that was provided by the architect. We 20 recognize that signed and sealed drawing seems to be 21 supplied as part of this application; correct? 22 MR. AIELLO: That's correct. 23 MS. PRICE: For purposes of tonight, 24 we've provided the board, for information purposes and 25 the professionals, drawings that were utilized by your	Page 17 1 record in conjunction with paragraph 27 as to whether 2 the number -- I believe it's 6,110 as referenced in 3 Ms. Green's report -- is accurate for the total soil 4 movement? 5 MR. AIELLO: That is correct. There is 6 a discrepancy between drawing C-250 and our response 7 letter, and the numbers on drawing C-250 are indeed 8 the correct numbers. And they were larger than I had 9 testified to previously based on the submission 10 letter. 11 MS. PRICE: So Ms. Green's report is 12 accurate? 13 MR. AIELLO: That's correct. 14 MS. PRICE: I don't have any further 15 direct from Mr. Aiello. I think that we covered 16 everything else. I'm happy to have him respond -- 17 MR. DEPINTO: We -- 18 MS. PRICE: -- to any questions. 19 MR. DEPINTO: Okay. We have a new 20 technical review letter from Carl. Carl? 21 MR. O'BRIEN: Yes. 22 MR. DEPINTO: Did you prepare a new 23 letter since our last hearing? 24 MR. O'BRIEN: We have a date of 25 January 15th. The majority of the comments --

Page 18 1 MR. DEPINTO: Hold on one second. 2 MR. O'BRIEN: I'm sorry. 3 MR. DEPINTO: Let's mark it into 4 evidence. 5 MR. O'BRIEN: Sure. Thank you. 6 MR. DEPINTO: And then we'll talk about 7 it. 8 MS. PRICE: B2. 9 MR. DEPINTO: B2. And the date, I'm 10 sorry, was -- 11 (Exhibit B2 was marked for 12 identification.) 13 MR. O'BRIEN: It's January 15th. 14 MR. DEPINTO: Okay. 15 MR. O'BRIEN: So just going off of 16 that, the latest submissions that were provided, we 17 reviewed comments at the last hearing. We updated it, 18 a few items here and there. Nothing major on the 19 engineering side to go over, but I'll go over those 20 comments right now. 21 MR. DEPINTO: Please. 22 MR. O'BRIEN: The soil movement 23 application, you've talked about. The transformer 24 with the proposed utility easement, it's an existing 25 easement that's being modified; correct?	Page 20 1 be accompanied with comments and reviews. The one 2 thing that I just want to stress with it, other than 3 the normal stormwater issues, green infrastructure, we 4 want to definitely press on, as well as the 5 maintenance requirements with the maintenance. Not 6 only the maintenance manual. Everything that goes 7 with it. The maintenance costs, the logs, how are 8 they going to be submitted? 9 And Bob, for your use as well, if this 10 application is approved, it's a major development, so 11 it falls under the requirements of the stormwater with 12 the major development, which then means that, as the 13 borough, we have to update our records each year with 14 the state, with the DEP. So as far as your 15 maintenance records go, the borough's going to have to 16 receive your maintenance records every year. 17 What I'd like to recommend is if we can 18 receive it in October, November, of what you've done 19 in the full year for your maintenance, this way we're 20 not chasing you down in December. And then we have to 21 report on it at the beginning of the year with the 22 state. Not only this location, but all locations in 23 town that are private, that are major developments, as 24 well as borough-owned facilities. 25 So I've got some homework to do at the
Page 19 1 MR. AIELLO: Correct. The existing 2 transformer behind the Trader Joe's space conflicts 3 with their rear operation. So we're moving the 4 transformer and relocating the easement accordingly. 5 MR. O'BRIEN: Right. And then so 6 whatever easement you have on there, just make sure 7 it's updated on the deed and everything else. 8 MR. AIELLO: Yes. 9 MR. O'BRIEN: As far as the -- 10 regarding the Bergen County planning review, you made 11 mention at the beginning it is still under review with 12 the county? You haven't received any formal comments? 13 MS. PRICE: No. 14 MR. O'BRIEN: Okay. When you do, if 15 you can just update the board, that would be helpful. 16 MS. PRICE: Sure. 17 MR. O'BRIEN: The ADA ramps, just 18 continuing comments with that. We just want to make 19 sure that they all meet the regulation of the slope 20 requirements. That's something that, if the 21 application is approved and it goes towards 22 construction, we'll deal with it during -- reviews and 23 then also during construction as well. 24 As far as the stormwater items, it was 25 discussed at the beginning that all regulations would	Page 21 1 beginning of the year to submit the DEP. This is one 2 of them. Those are the major issues, Mr. Chairman. 3 MR. DEPINTO: Okay. Thank you. 4 MR. O'BRIEN: Thank you. 5 MR. DEPINTO: Questions from board 6 members now, starting with Anita 7 Anita, do you have any questions? 8 MS. BAGDAT: No, not at this time. 9 MR. DEPINTO: You're okay? 10 MS. BAGDAT: Thank you. 11 MR. DEPINTO: Okay. Dieter? 12 MR. KOELLING: No questions, 13 Mr. Chairman. Thank you. 14 MR. DEPINTO: Thank you. 15 Bill? 16 MR. LINTNER: No additional questions. 17 Thank you. 18 MR. DEPINTO: John? 19 MR. RYAN: One question on the parking. 20 So you said the new number you're working at is 409. 21 Is that the exact number of spaces you're planning 22 for, or are you going to -- you're going to have more 23 spaces than 409? That wasn't clear. 24 MR. AIELLO: They are equal. The 25 number required equals the number provided.

Page 22 1 MR. RYAN: So you have no flexibility 2 if one of the stores switches over to a restaurant and 3 more seats are added. You're going right against your 4 limit. 5 MS. PRICE: Then we would have an 6 application. 7 MR. RYAN: I don't know where you would 8 get the parking spots from. 9 MS. PRICE: We spent a lot of time 10 designing this new parking field and the wayfinding 11 and the north-south access way, so -- 12 MR. DEPINTO: And in the shopping 13 center, we've had this situation before. The property 14 owner recognizes the fact that the use -- or parking 15 with respect to that use, they have the burden of 16 proof of showing how they could accommodate it. 17 MR. RYAN: Yep. 18 MR. DEPINTO: And in this particular 19 case, this is a company that has numerous other 20 locations, and they know, if you're looking to put a 21 high intensity restaurant use with a lot of seating, 22 there's a good likelihood that they would require a 23 variance and good likelihood that they may not get 24 that variance if the parking was exceeded. 25 So it's always a challenge with	Page 24 1 MR. REGAN: No, no. It's fine. I'm 2 just -- 3 MS. PRICE: Yeah. 4 MR. REGAN: And the reason I ask that 5 question is, that's a concern in my mind in terms 6 of -- and I realize you're in compliance with the 409 7 number based on the testimony -- is that Trader Joe's 8 can sometimes be a special case in terms of parking 9 needs. My office is three blocks away from a Trader 10 Joe's. I never go there, but I see how crowded the 11 lot is. And I also see how crowded the Trader Joe's 12 lot is off of 17. And again, that might be a 13 different situation because 17 is so heavily traveled. 14 But I'm just wondering if you have any 15 experience in terms of the parking needs of Trader 16 Joe's, not withstanding that you appear to be in 17 compliance based on the testimony. 18 MS. PRICE: I can find out, Mr. Regan. 19 But what I can say is that we have an obligation to 20 design per the code, and we never would have gotten 21 the interest from these three very significant tenants 22 in the pad buildings if there was any hesitancy on a 23 parking shortage. 24 MR. REGAN: I'm not so much concerned 25 about them.
Page 23 1 shopping centers, but it seems to work itself out, 2 because when a prospective user that has a large 3 parking requirement comes along, if they feel there's 4 not enough parking, they choose not to go there. 5 MR. RYAN: Right. 6 MR. DEPINTO: They'll find another 7 shopping center to go to. I would imagine that's what 8 you're faced with. But anything else on this, John? 9 MR. RYAN: No further questions. 10 MR. DEPINTO: Okay. And Joe? 11 MR. PUGLISI: I have no questions, 12 Mr. Chairman. 13 MR. DEPINTO: And we started with 14 Anita. 15 MS. BAGDAT: Yes. 16 MR. DEPINTO: And Carl, you have 17 nothing else? 18 MR. O'BRIEN: Nothing else. 19 MR. DEPINTO: Bob, you have anything 20 else? 21 MR. REGAN: Yeah, just -- I realize 22 that 409, from the testimony, it's the exact number 23 required. Does the Regency have any centers where 24 Trader Joe's is a tenant? 25 MS. PRICE: I'll have to ask --	Page 25 1 MS. PRICE: No, no, no. No, no, no. 2 They wouldn't have come up to the site. That's my 3 point. Because if there was any parking 4 consideration, they would not have been signing a 5 lease, because they're coming to Montvale because they 6 want to be here and they want to be successful. 7 And you know, the same goes for 8 Regency. And we have a smaller store, which 9 Mr. Aiello testified to. You know, we have a smaller 10 storage area, but that's irrelevant on the size of the 11 grocery store. But Trader Joe's floor area is 12 smaller, and it's a different supermarket type. You 13 know, there's no cooking, there's no fish department, 14 there's no butcher. It's a different animal. 15 MR. REGAN: My question is only based 16 on my personal obligations. 17 MR. DEPINTO: Okay. Darlene, do you 18 have anything to say now, or are we going to wait 19 until we do the planning? 20 MS. GREEN: I just have one engineering 21 question. 22 MR. DEPINTO: Sure, go ahead. 23 MS. PRICE: Mr. Aiello, I think you 24 were going to give us some testimony about the size of 25 the trash enclosure, or at least the letter said you

Page 26 1 were. 2 MR. AIELLO: That was to be provided by 3 the applicant, but I believe we have additional 4 information. Not necessarily by me. 5 MS. GREEN: Okay. Someone -- 6 MR. AIELLO: In the letter, yes. And 7 we have that. 8 MS. PRICE: I have a plan, Darlene, 9 that will show the details. 10 MS. GREEN: Okay. If someone else is 11 going to testify to that, that's fine. That's all I 12 have. Thank you. 13 MR. DEPINTO: Okay. Before we open the 14 meeting to the public for questions of Mr. Aiello -- 15 and Ms. Price, if you take no exception, I'm going to 16 ask Mr. Del Vecchio to step up and report back -- 17 MS. PRICE: Sure. 18 MR. DEPINTO: -- on something he was 19 looking at. 20 Mr. Delvecchio? 21 MS. PRICE: Let me put this back in. 22 MR. REGAN: Before we get with Mr. -- 23 MS. PRICE: Or I can just hand it to 24 him. 25 MR. REGAN: -- you only marked two	Page 28 1 terms of the time that those spaces are occupied. And 2 if they're -- if the restaurants are -- 3 MR. DEPINTO: We need a question, sir. 4 MR. BERNSTEIN: Oh, yeah. So my 5 question is, is that the correlation that you're using 6 to make these determinations? 7 MR. DEPINTO: Gail, do you want -- 8 MS. PRICE: I think -- let me -- as I 9 said in my summary, the Montvale zoning code utilizes 10 a dual computation method, gross floor area and then 11 seats for food users. It also includes, for the food 12 users, an area that is for offsite consumption, which 13 we have done on the floor plan that has been prepared 14 by our architect and has been emailed to your planner 15 at her request. I forget the paragraph at the moment 16 in her report, but it has been done in full compliance 17 with Montvale code requirement. 18 MR. DEPINTO: Mr. Bernstein? 19 MR. BERNSTEIN: No, the only thing I 20 wanted to know is, do they have experience with these 21 three vendors in terms of the amount of traffic gross 22 that ends up being takeout versus seating and what 23 impact that might have? 24 MR. DEPINTO: Yeah, I don't think 25 that's a question that Mr. Aiello could answer.
Page 27 1 exhibits; right? A-10 and 11? 2 MS. PRICE: Yes. And then we marked -- 3 UNIDENTIFIED SPEAKER: And B2. 4 MR. REGAN: Yeah -- the engineer's -- 5 MS. PRICE: Yep, B2. 6 MR. REGAN: Thank you. 7 MR. DEPINTO: Okay. Thank you. 8 (Off the record.) 9 MR. DEPINTO: Any questions of 10 Mr. Aiello or of any of the board professionals, 11 kindly step forward. 12 State your name and address for the 13 record, sir. 14 MR. BERNSTEIN: Yeah. I'm Peter 15 Bernstein. I live at 308 Four Seasons Lane in 16 Montvale. I live in the Montvale section of Four 17 Seasons at Ridgmont. Hopefully you have read the 18 comments that I provided and I'll talk about later. 19 My specific one on this testimony is, 20 is the correlation on the parking spaces based on 21 seats alone, or is there something else? Because my 22 understanding is that a lot of people do takeout from 23 Shake Shack and from CAVA and from -- I can't remember 24 the name of the other place. But that is going to 25 change the nature of occupancy of those spaces in	Page 29 1 However, representatives of Regency are here that have 2 testified. 3 Do you have any knowledge -- or do you 4 have CAVA and similar type restaurants in other 5 centers that you own or manage? 6 Gail, could you ask your client? 7 MS. PRICE: Yeah. 8 MR. REGAN: This is Mr. Allegretti. He 9 was previously sworn. 10 MS. PRICE: Yes. 11 MR. ALLEGRETTI: Sure. Joe Allegretti, 12 vice president and market officer of the New York/New 13 Jersey region for Regency Centers. We have a 14 nationwide portfolio, as previously stated, of 15 approximately just under 500 shopping centers 16 nationally, most of which are primarily grocery 17 anchored and periphery retail shopping centers. 18 We have over 40 CAVA installations in 19 our portfolio. We have over 30 Shake Shacks in our 20 portfolio. And I believe -- don't hold me to this -- 21 five or six Honeygrow was the third tenant. So yes, 22 we're -- that category is an active category 23 throughout the nation, throughout the United States 24 and metro -- major MSAs. 25 They're of high quality. They're high

Page 30 1 class. They're fantastic operators. They're 2 fantastic -- they do fantastic build-outs. They're 3 very efficient. And we're very confident with putting 4 the puzzle together that we've presented that it meets 5 the requirements of current code. And we're very 6 confident that we've designed a more than adequate 7 design for -- to accommodate their use. Does that 8 answer your question? 9 MR. BERNSTEIN: Almost. One final 10 question to you. 11 MR. ALLEGRETTI: Sure. 12 MR. BERNSTEIN: Is -- do they -- in 13 your other shopping centers, are those restaurants, 14 especially Shake Shack and CAVA, do they have 15 drive-through capability? You're eliminating one of 16 the -- 17 MR. ALLEGRETTI: Sure. I can answer 18 that. So Honeygrow, no. CAVA has experimented 19 with -- so drive-throughs, in my experience, generally 20 are going away in the -- in what we know as 21 drive-through. You know, Wendy's, McDonald's, Taco 22 Bell, Popeyes. A lot of tenants are moving towards a 23 pickup window. 24 So they -- so CAVA has experienced with 25 pickup windows. Shake Shack has as well. It doesn't	Page 32 1 model to meet and exceed the needs and desires of, not 2 only the borough of Montvale, but the greater trade 3 area as well. 4 MR. BERNSTEIN: Thank you. 5 MR. ALLEGRETTI: You're welcome. 6 Thanks for your questions. 7 MS. PRICE: And I just want to note for 8 the record that we intentionally did not even consider 9 a drive-through for this center and only looked at a 10 design for freestanding, very successful restaurants. 11 MR. DEPINTO: Good. Thank you. Anyone 12 else from the public, questions? 13 Good evening. 14 DR. JUST: Good evening, Board. I'm 15 Dr. Anthony Just, and I'm a resident of Woodmont 16 section that's in the back of the shopping center at 3 17 Andrea Court. 18 MS. PRICE: Hi. 19 DR. JUST: Hi, Gail, how are you? 20 MS. PRICE: Good. 21 DR. JUST: I think I know her from a 22 long time ago. My major concern -- my question is the 23 southbound entrance and exit that goes onto Woodmont 24 Drive that comes out of the parking lot, there's very 25 little space between Chestnut Ridge Road and the exit
Page 31 1 really work for either tenant well, because they're -- 2 they're made to order and they're very experiential 3 restaurants. So, you know, you want to see what 4 you're picking, and you might pick ten things, I might 5 pick five things, and -- 6 MR. BERNSTEIN: I've been to both. 7 MR. ALLEGRETTI: Yeah. So I don't 8 represent either brand, any of the three brands -- any 9 of the four brands that we're proposing. I stayed a 10 Holiday Inn one night, so I know a little bit about 11 them, but -- you know, I think they don't have that 12 capability here. They'll never have that capability 13 here. So I think it's a moot point. 14 Yes, in other instances, if they're -- 15 you know, if they're looking -- and I was on the 16 tenant side for a long time, so if I was looking as a 17 tenant and I was seeking a high traffic, high density 18 area like Route 17 or Route 4, it might be a different 19 story where a drive-through or a pickup element might 20 be more applicable. 21 I don't think that's the case here in 22 the borough of Montvale. It just doesn't fit what the 23 borough wants to do. It doesn't fit what other 24 developers have recently installed in Montvale, which 25 are very successful. And we're trying to emulate that	Page 33 1 and entrance of the parking lot. 2 And I'm concerned about the egress of 3 tractor-trailers, whatever else comes -- a traffic 4 light is a -- is a hindrance, really, and it prevents 5 any kind of emergency vehicles. Fire department, they 6 had a concern about that years ago when Tice used to 7 have the farm during the holiday season. I'm there 8 since 1984, so I know that concern. 9 The question is, if they can't get in 10 and out -- that's the only way to get in and out of 11 Woodmont is through that entrance and exit. So what 12 is Regency going to do as far as -- with the county as 13 far as expanding or widening Woodmont or whatever 14 needs to be done, something like Tice Boulevard has 15 done, that we have better access to our community for 16 emergency purposes? 17 MR. DEPINTO: Okay. We happen to have 18 our fire chief here this evening, and I'm going to ask 19 Chief Gibbons if he'd step forward. 20 MR. REGAN: Do you want him sworn? 21 MR. DEPINTO: Yeah. I'm not sure if we 22 swore him in last time. 23 UNIDENTIFIED SPEAKER 1: I don't know. 24 UNIDENTIFIED SPEAKER 2: I believe you 25 did.

Page 34 1 MS. PRICE: Yeah, I think -- 2 MR. REGAN: Yes, he was sworn in. 3 MR. DEPINTO: Chief, were you sworn in 4 at the last hearing? 5 MR. GIBBONS: Yes, I was. I remain 6 under oath. Thank you. 7 MR. DEPINTO: You remain under oath. 8 Chief, with respect to the doctor's comments regarding 9 emergency services going back off of Woodmont -- 10 MR. GIBBONS: There -- I'm not familiar 11 with what he's talking about. That development is 12 basically all Woodcliff Lake, so it doesn't fall under 13 me. If there -- right now, there are cars parked on 14 at least one side of Woodmont, if not two. I'm not 15 100 percent sure. I don't think there's an access 16 problem up there, getting fire apparatus in there. I 17 don't see a problem, but I can't speak for the 18 Woodcliff Lake fire department. 19 MR. DEPINTO: Right. Is there -- 20 Woodcliff Lake, I'm sure you're familiar with the type 21 of equipment they have by comparison to the type of 22 equipment Montvale has. Is it similar type of 23 equipment? 24 MR. GIBBONS: Yes, it's similar 25 equipment.	Page 36 1 the only way to make an extra road is to make the road 2 wider itself. Maybe the county can do that, whatever 3 needs to be done, because that road is very, very 4 narrow. I -- 5 MR. DEPINTO: Okay. We have two 6 engineers here, one for the borough, one for the 7 applicant. 8 Mr. O'Brien, with regard to the 9 doctor's concerns that he set forth, what's your 10 opinion? 11 MR. O'BRIEN: Well, county is 12 responsible for everything; right? So it's already -- 13 they already had their issue submitted to the county. 14 DR. JUST: Well, that's -- half that 15 road is Woodcliff Lake and half is Montvale; correct? 16 When it comes off Chestnut Ridge Road, it's not 17 county. It's borough owned. So my concern is whether 18 the borough's got to get together and make it wider, 19 like -- kind of like where Tice Boulevard is, where 20 you have that egress on the other side. 21 Make the road where you have a couple 22 different lanes to come out of there, because if 23 there's a tractor-trailer coming out -- and it happens 24 now, before Trader Joe's. It blocks the whole road. 25 You can't get through. So there isn't -- and a
Page 35 1 MR. DEPINTO: Okay. And if it were an 2 emergency call where you had to respond with your 3 equipment, you have no concern about getting back 4 there? 5 MR. GIBBONS: No, we would able to get 6 in there. I mean, that road is fairly wide. I don't 7 know how wide it is, but I think even if you had cars 8 parked on both sides, you'd be able to get through to 9 the middle of it. 10 DR. JUST: That's not really my 11 question, though. My question is, when people come 12 out of that parking lot, and there's always a line of 13 cars, if there's so many more people are going to be 14 in that parking lot and that's the only way to get to 15 that traffic light, it's going to back up. 16 You know, people kind of back -- go 17 across a road, and then the other people trying to get 18 down from Woodmont Drive that are in the residential 19 area. It's only going to converge. And it's like, 20 "Okay, you go, then I go, you go." If there's a 21 tractor-trailer across and an emergency vehicle needs 22 to go through, there's no way for them to access 23 Woodmont residents at all. 24 There's no other way. I'm sorry, 25 there's only one road. There's no road -- any -- and	Page 37 1 light -- 2 MR. DEPINTO: Let me ask the board's 3 secretary. 4 Have we received -- we provide 5 Woodcliff Lake with copies of everything. Have you 6 received anything back from Woodcliff Lake -- from 7 Woodcliff Lake engineer or governing body? We have 8 not heard back from them, but they were provided with 9 copies of the plans and the opportunity to reach out 10 for us. But we have not heard anything. 11 Gail, do you have anything? 12 MS. PRICE: The only thing I do want to 13 say is that the benefit of having the driveway that 14 we're showing on Chestnut Ridge Road is that that's 15 going to allow for -- and this was testified -- I'm 16 not sure if you were here at the last hearing? Okay. 17 Our engineer and our traffic engineer both spent time 18 on this at the last hearing. 19 But that's going to allow for the 20 utilization of that driveway for the Trader Joe's 21 tractor-trailers, because it -- which wasn't allowed 22 for the Fresh Market the way it was laid out. So -- 23 but the way that it's been redesigned, now that 24 driveway is going to allow for the tractor-trailers to 25 come up and around. And our traffic engineer had also

Page 38 1 testified about the numbers on Woodmont, with the 2 traffic counts, nonetheless. And his traffic report 3 is in the record with all those numbers. 4 And what I can say is we did receive a 5 letter from the Woodcliff Lake attorney who said that 6 it was Woodcliff Lake's request that there be no left 7 out of the Woodmont Drive, which I don't understand, 8 because if there was no left out of the Woodmont 9 Drive, all the traffic would go up into the 10 residential district, which you certainly don't want. 11 MR. REGAN: But there's a light there. 12 DR. JUST: Maybe they meant no left 13 turn. No left turn coming out of the parking -- 14 MS. PRICE: No, no left out -- yeah, no 15 left out of the parking lot onto Woodmont Drive. They 16 wanted that left restricted, which makes no sense 17 because all of the traffic would go up into your 18 neighborhood and then have to turn around and come 19 back down to the light. But that's what -- 20 DR. JUST: I'm just concerned about a 21 tractor-trailer coming out and blocking the area at 22 the time, which -- 'cause if the tractor-trailers -- 23 MS. PRICE: I understand. 24 DR. JUST: If the tractor-trailers are 25 going to come through and go around the whole parking	Page 40 1 which is part of Montvale, and Woodcliff Lake shares 2 it up until the first residential house, I believe, 3 from Chestnut Ridge. That's why I think it's 4 important -- 5 MS. PRICE: The light itself is county. 6 DR. JUST: The light is county itself. 7 Right. But the road is narrow, and it does block off 8 now. So with tractor-trailers coming in -- if they 9 were going through out the other way, probably have no 10 problem with it 'cause the cars could easily back up 11 or get out of the way. But a tractor-trailer comes 12 across -- 13 MR. DEPINTO: I think it's a good 14 point. 15 DR. JUST: Okay. 16 MR. DEPINTO: And I think when we do 17 communicate with the county -- 18 DR. JUST: Okay. 19 MR. DEPINTO: -- we will -- 20 DR. JUST: That's all I -- 21 MR. DEPINTO: -- keep them advised of 22 that and get their opinion and their input back. And 23 we thank you for bringing it to our attention. 24 DR. JUST: Okay. Thank you. 25 MR. DEPINTO: Okay. Anyone else from
Page 39 1 lot and come out by Saint Joe's exit, over there by 2 that exit -- 3 MS. PRICE: On the -- 4 DR. JUST: -- that's a different story. 5 Then I'd say, okay, that's not a problem. They're not 6 going to have tractor-trailers. Maybe they can have 7 something up that says "No trailers allowed to make a 8 left-hand turn." How hard is that? That'll stop the 9 bottleneck from developing, 'cause those trailers are 10 big. They block this section now. 11 And if you have an emergency vehicle 12 trying to get through, guess what? They're not 13 getting through for at least -- who knows how long 14 it's going to take for that trailer to move. 15 MS. PRICE: I can say this much, that 16 the county is reviewing any impact at the light and 17 along the entire corridor of the frontage on Chestnut 18 Ridge Road. That's their jurisdiction, and both the 19 traffic division of the county and their engineering 20 and planning, they have separate reviews. 21 DR. JUST: So it's a combination 22 between the county road, which is Chestnut Ridge 23 Road -- 24 MS. PRICE: Correct. 25 DR. JUST: -- and the Borough Road,	Page 41 1 the public? 2 MS. PRICE: Okay. Nice to see you. 3 MR. DEPINTO: Anyone wish to be heard 4 from the public, questions of Mr. Aiello or the board? 5 No? The chair will entertain a motion, close the 6 meeting to the public. 7 MR. LINTNER: So moved. 8 MR. KOELLING: Second. 9 MR. DEPINTO: Dieter, seconded. Bill. 10 All in favor? 11 MULTIPLE SPEAKERS: Aye. 12 MR. DEPINTO: Okay. 13 MS. PRICE: Okay. So I'm going to call 14 our last witness, our professional planner. 15 MR. DEPINTO: Let's take a five-minute 16 break before we do that. 17 MS. PRICE: Okay. She was all lined up 18 from her trip from Japan. Just kidding. 19 (Off the record.) 20 MR. DEPINTO: Ms. Price, your next 21 witness, please. 22 UNIDENTIFIED SPEAKER: Was a long 23 break. Long break. 24 MS. PRICE: Okay. Mr. Chairman, I'd 25 like to call Ms. Gregory, our professional planner.

Page 42 1 MR. REGAN: Will you raise your right 2 hand please? 3 WHEREUPON, 4 KATHRYN GREGORY, 5 called as a witness and having been first duly sworn 6 to tell the truth, the whole truth, and nothing but 7 the truth, was examined and testified as follows: 8 MR. REGAN: And for the record, state 9 your full name and spell your last name, please. 10 MS. GREGORY: Kathryn Gregory, 11 G-R-E-G-O-R-Y. Business address is 96 Linwood Plaza 12 #350 in Fort Lee, New Jersey. 13 MR. REGAN: She's previously been 14 qualified as a planner, Mr. Chairman. I think she can 15 be qualified without any additional testimony. 16 MR. DEPINTO: Chair will accept 17 recommendation to counsel. Please continue. 18 MS. PRICE: Okay. Ms. Gregory, you 19 were here in December? 20 MS. GREGORY: Yes, I was. 21 MS. PRICE: Okay. And you've been here 22 this evening for the testimony and questions so far; 23 correct? 24 MS. GREGORY: Yes. 25 MS. PRICE: Okay. And we have certain	Page 44 1 Law. 2 We need a number of C variances 3 associated with this application. I know that you're 4 all familiar with the two types. The C-1 is in cases 5 of hardship, and that can have to do with an 6 exceptional situation that uniquely affects a specific 7 piece of property or lawfully existing structures 8 thereon. And also the C-2 where the purpose of zoning 9 are advanced and the benefits outweigh the detriments. 10 I would venture to say that all the 11 variances together are absolutely a C-2, although some 12 of them can be contributed to a C-1, because we do 13 have an existing building and existing site. But 14 throughout my testimony, what I'm going to advocate to 15 you is that we are making several site improvements 16 with the advent of this application. 17 The first variance we need is the 18 sidewalk setback from the building. Sidewalks where 19 constructed along the building shall be located not 20 less than 5 feet from the building unless landscaping 21 beds of a minimum depth of 5 feet are located 50 22 percent along the length of the building to which the 23 sidewalk is adjacent. 24 It was pointed out by your planner that 25 we have landscape beds that are provided along the
Page 43 1 variance relief that remains despite the elimination 2 of the two variances? 3 MS. GREGORY: That is correct. 4 MS. PRICE: Okay. And in connection 5 with our obligation to the Municipal Land Use Law, we 6 need to demonstrate positive and negative criteria; 7 correct? 8 MS. GREGORY: Yes. 9 MS. PRICE: Okay. And are you prepared 10 this evening to testify in connection with the 11 obligations of an applicant pursuant to the MLUL in 12 that regard? 13 MS. GREGORY: Yes. 14 MS. PRICE: Okay. I'm going to ask you 15 just to take it in narrative and detail the variances 16 that are left; okay? 17 MS. GREGORY: Okay. Certainly. So 18 just by way of the record, I did review all of the 19 plans that have been submitted to the board this 20 evening, including prior submittals, exhibits, et 21 cetera, et cetera. Obviously, I've also done a site 22 visit, I've reviewed your master plan and your zoning 23 ordinance, and I've come to some planning conclusions 24 with regard to the variances associated with this 25 application in the context of the Municipal Land Use	Page 45 1 north and the east sides of the modified grocery 2 building. As you probably remember through the 3 testimony that we've modified that, we're actually 4 taking part of the building down. 5 So along those sides, we're going to 6 have 16 percent landscape beds. We're also going to 7 have 30 -- I'm sorry? 8 MR. REGAN: Sixteen percent? 9 MS. PRICE: Yes. 10 MS. GREGORY: Sixteen percent, yes. 11 Sorry. And we're also going to have landscape beds 12 along the north side of the new pad site that we're 13 calling it, and that's about 32 percent. So we do not 14 meet the 50 percent requirement. 15 The existing site conditions don't 16 really lead -- sorry, they kind of prohibit us meeting 17 that 50 percent requirement because we do have an 18 existing site. But since there are no landscape beds 19 now, we are actually improving the existing condition 20 regarding this variance. 21 As was noted earlier, we got rid of the 22 parking area shade tree variance, and also the number 23 of parking spaces. However, we still need a variance 24 for parking screening, as all parking areas shall be 25 well screened to a minimum height of 4 feet, and the

Page 46 1 use of appropriate plantings of sufficient height and 2 density so as to obscure the view of such parking 3 areas from all streets and adjacent properties. 4 We have an existing condition that's 5 not proposed to change. There's a lot of shrubbery 6 that aligns the road, and we're basically filling that 7 in where we're talking about -- we're eliminating one 8 of the curb cuts along Chestnut Ridge Road, and we're 9 going to infill it with the same type of landscaping 10 that's there today, which is not going to be a full 4 11 feet in height, but it is existing -- an existing 12 condition which would create a consistent streetscape. 13 We also need a variance for front yard 14 parking. Front yard parking is not permitted within 15 10 feet of the front property line. Again, that's an 16 existing condition that's not proposed to change. 17 However, we're technically reducing it by one spot, 18 and that has, again, to do with the fact that we're 19 closing one of the driveways that's on Chestnut Ridge 20 Road. 21 And when we do that, we are providing 22 two spaces there, but we are actually reducing three 23 on Woodmont. So it's actually a reduction in that 24 variance by one space. So again, that would be an 25 improvement to the existing condition.	Page 48 1 We are proposing two signs for each of 2 the three new restaurant retail pad sites. We have 3 one in the front and one in the rear. But this is a 4 little atypical, because I think that the ordinance 5 regarding signs in the B-1 district, which was written 6 in 1997, so that's a few years ago, probably didn't 7 anticipate a separate building in the front. 8 So therefore, what we really need is a 9 sign on the front to identify it, obviously, from the 10 street and then from the backs, because when you enter 11 into the parking lot -- if you are entering, let's 12 say, from Woodmont, then you're going to have to find 13 out where that place is. And so we really do need the 14 signage on the rear. So that -- really the wayfinding 15 necessitates having the signs on the front and the 16 rear. 17 We also need that variance for sign 18 wall height. We cannot have a sign that exceeds 16 19 inches in this instance. And all the proposed signs 20 range from 2 feet to 3 feet on the pad site. They're 21 3 feet in the front, 2 feet in the back. The Trader 22 Joe's sign is 3 feet. 23 But what I would say is that when you 24 take a look at the exhibit that has the signs, really, 25 the signs -- they're not overpowering. They don't
Page 47 1 We also need a variance for the 2 off-street loading area screening. Off-street loading 3 areas are required to be screened to a height of 8 4 feet by the use of appropriate landscaping, again, so 5 to as obscure the view from all adjacent streets and 6 properties. And Darlene, in her report, asserts that 7 there is no screening to shield the loading area from 8 Woodmont Drive. And that would be from the pad 9 building. 10 And while there's no direct screening 11 there, what I would like to say is that that 12 particular loading area is about 270 feet from 13 Woodmont Drive. And we do have exterior perimeter 14 landscaping and as well as interior landscaping in the 15 parking lot which would help to actually shield that 16 loading area from the street and adjacent properties. 17 So I believe that we meet the intent of the ordinance 18 with the balance of the site. 19 And then we need a few sign variances, 20 which I know has been discussed earlier in our 21 testimony. We need a variance for the number of 22 signs, sign wall height, and sign wall design. And 23 regarding the number of signs, we're only allowed to 24 have one sign for each business, which is not to 25 exceed 90 percent of the width of the business unit.	Page 49 1 take up 90 percent of the width of -- of whatever 2 portion of each particular building that the use is 3 located in. And really, they're attractive, and they 4 fit on the building. 5 It's not sign litter. It's absolutely 6 not sign litter. So I think that they're -- they have 7 a rational relationship to each of the facades. And I 8 think that, you know, our applicant took great care to 9 make sure that they did do that. Also, with that 10 said, we also need a variance for the sign wall 11 design. All such signs in any one shopping plaza must 12 be of uniform size, style, design, and color. 13 I'm going to go back to -- I think this 14 is a little bit of an antiquated design requirement. 15 Again, the ordinance was written in 1997, and none of 16 the existing signs in the existing shopping center are 17 the same. They're not all green background with white 18 letters. They all have their own colors and logos. 19 And we are limiting the number of colors that are on 20 each of the facades. 21 And luckily for us, when you take a 22 look at that, they all -- none of them conflict with 23 each other. We don't have an orange sign and a red 24 sign. We have black and gold and black and white. 25 And so I think that we meet the intent of what I think

Page 50 1 the sign wall design was trying to do. 2 But just as well -- I don't know if 3 you've ever been in some of those shopping centers 4 that do have signs that are all the same color. 5 Sometimes it is kind of hard to go find the particular 6 use that you want to go to because the signs are all 7 the same, so you do need a little differential. But 8 obviously, I still think that the signs are 9 attractive. 10 In terms of promotion of the purposes 11 of Municipal Land Use Law, I believe we most certainly 12 do promote purpose A, which talks about promotion of 13 the public health, safety, morals, and general 14 welfare. I do say that because we are improving site 15 circulation, which would go to this. We are also 16 reducing lot coverage. 17 And that also goes to purpose C, which 18 talks about providing light, air, and open space. I 19 believe that proposed variances are not going to 20 interfere with any adequate light, air, and open 21 space. A few of them are existing. And we're also 22 increasing the landscaping on the site, which I also 23 think is another important part of this application. 24 In terms of the negative criteria, I 25 don't believe there's any substantial detriment to the	Page 52 1 But when you go back through your 2 master plans, under general recommendations, one of 3 the general recommendations was to revitalize retail 4 areas outside of the downtown. And with that said, 5 the update in the 2016 reexamination specifically 6 talked about this site. 7 It said, in September of 2010, Fresh 8 Market was approved to locate in the northern section 9 of the Chestnut Ridge Shopping Center. And so it goes 10 on to talk about improvements in landscaping, et 11 cetera, et cetera. So in concert with this goal, I 12 believe that the applicant is obviously revitalizing 13 the shopping center to promote one of the goals of the 14 master plan. 15 So in conclusion, I think that the 16 benefits of this application substantially outweigh 17 any detriments. As I spoke about before, we have 18 improved site circulation. We eliminated angled 19 parking. We have an interior access driveway at the 20 entry exit along Woodmont versus the entry into a 21 parking bay, if you recall. 22 Now we have an actual travel lane that 23 goes through the site where the entrance is, versus 24 driving into a parking bay and then having to make a 25 right or a left immediately, which is definitely not a
Page 51 1 public good by the granting of the variances. As I 2 stated, a lot of these -- there are a lot of existing 3 nonconforming conditions on site, and we are making 4 some of them actually better. 5 I talked about the safety. Also, we 6 are reducing the lot coverage. The lot coverage is 7 going from 73.17 percent to 70.87 percent. When do 8 you ever hear of that in an application? Usually it's 9 the other way around. So that absolutely is a benefit 10 to this application. 11 I don't believe there's any substantial 12 impairment to the intent and purpose of your zone plan 13 and zoning ordinance. Montvale likes to write master 14 plans. The last actual master plan was back in '08, 15 and there were re-exams in 2010, 2014, 2016, 2017, and 16 2024. So the 2014 re-examination really focused on 17 accommodating senior and special needs affordable 18 housing. 19 And the 2016 reexamination recommended 20 changes to zoning codes regarding churches, temples, 21 houses of worship, and public and private schools. 22 And then basically the other last few were really 23 focused, as we well know, on the OR [ph] districts and 24 all the changes that have been happening on each side 25 of the parkway.	Page 53 1 more preferred condition. 2 So with that said, we also have more 3 clearly defined driving and walking paths throughout 4 the site. We are introducing EV charging stations, 5 which goes to sustainability. We are introducing 6 wayfinding signs. We are eliminating that shade tree 7 variance. There is a reduction in the gross floor 8 area. There is a reduction in the lot coverage, as I 9 mentioned earlier. 10 There's increased landscaping. And 11 your planner also did note in her report that we 12 eliminated the variance for landscaped islands. 13 Originally, we only had 1.68 percent, and we're 14 increasing that to 5.81 percent, where 5 percent is 15 required. And we also have improved lighting on the 16 site. 17 So overall, we've really modernized the 18 shopping center, which results in a better aesthetic 19 and also improved safety on the site. So I do believe 20 that we meet both the positive and the negative 21 criteria for the granting of the bulk variances 22 associated with this application. 23 MS. PRICE: I don't have anything. I 24 don't have anything of Ms. Gregory. 25 MR. DEPINTO: Okay. Thank you. Why

Page 54 1 don't we mark into evidence the latest technical 2 review letter received from Colliers, Darlene Green. 3 MR. REGAN: B3. 4 MR. DEPINTO: I believe that's dated 5 January 13th. 6 MR. REGAN: Yes. 7 MS. GREEN: Yes. 8 MR. DEPINTO: And we're going to mark 9 that as B3. 10 (Exhibit B3 was marked for 11 identification.) 12 MS. PRICE: I don't think I have that. 13 January -- is it in the -- 14 MR. DEPINTO: And Darlene, before I 15 open it up to board members for questions, could you 16 summarize your review letter of that date? 17 MS. GREEN: Yes, sir. 18 MR. DEPINTO: And if there are any 19 issues that you have that you believe were not 20 addressed by either the planner or the engineer. 21 Thank you. 22 MS. GREEN: Yes. I concur with 23 Ms. Gregory on the list of the variances. I also want 24 to commend them for eliminating two of the variances, 25 especially the parking. We will double check the	Page 56 1 MR. REGAN: I'll make it a condition. 2 MS. PRICE: Absolutely. 3 MS. GREEN: Right. Well, I know the 4 architectural plans were slightly modified for the 5 roof line because before, you needed a variance for 6 height. So I just want to make sure, even though you 7 made those modifications in height -- 8 MS. PRICE: Not a problem. 9 MS. GREEN: -- and adjusted the 10 parapet, we're still not -- 11 MS. PRICE: Not a problem. 12 MS. GREEN: Perfect, thank you. The 13 other item is about signage. So there is a 14 discrepancy between sheets 4 and 6, and this goes to 15 the variance. So on sheet 6, it says the CAVA sign is 16 3 feet, 1 inch tall. On sheet 4, it says it's 3 feet 17 tall. 18 MS. PRICE: -- I already talked -- 19 making them all three, because I didn't know why it 20 was three-one. 21 MS. GREEN: Okay, good. So then the 22 board's granting relief for all 3-foot tall variances. 23 And then -- oh, the dimensions of the trash enclosure. 24 MS. PRICE: Oh, I have that. Can I get 25 that -- find that and get that right now?
Page 55 1 exhibit that they submitted tonight to make sure that 2 the parking does actually match with the code. And 3 I'll do that in time for Mr. Regan to write his 4 resolution. 5 As far as the comments in my letter, 6 there are a handful of discrepancies with regard to 7 lighting and landscaping. I know Ms. Price said at 8 the beginning that there was nothing in our letters 9 they couldn't comply with. Bob typically makes our 10 letters of condition of approval, so that can be taken 11 care of during resolution compliance. 12 One thing that I wanted to confirm, I 13 know neither witness touched on it tonight, but I 14 wanted to confirm that the mechanical equipment on the 15 new pad building will not be visible from Chestnut 16 Ridge Road or Woodmont Road? 17 MR. REGAN: Go ahead. 18 MS. PRICE: I think we -- 19 MR. REGAN: Yeah, we testified to that 20 last time. 21 MS. PRICE: Yeah, I think we -- I think 22 we said that; right? 23 MR. REGAN: Yeah. 24 MS. PRICE: Yeah. I think -- Darlene, 25 I think we put that on. But if we didn't --	Page 57 1 MS. GREEN: Yes. I have a plan for 2 you. 3 MS. PRICE: Can I submit that? 4 MS. GREEN: That's fine. 5 MS. PRICE: Okay. I have a plan, but I 6 want to do it as a signed and sealed plan. 7 MS. GREEN: That -- I am perfectly fine 8 with that. So those are all the outstanding items I 9 have. 10 MR. DEPINTO: Okay, very good. Thank 11 you. 12 Board members -- and I guess start 13 with Dieter. Dieter, questions -- Ms. Gregory or 14 Darlene? You're good? 15 MR. KOELLING: Yeah, no questions right 16 now. Thank you. 17 MR. DEPINTO: Okay. Thank you. 18 Bill? 19 MR. LINTNER: I just would like to get 20 an opinion from Ms. Gregory on height of the signs. I 21 understand the Trader Joe's sign being 3 feet tall. 22 It's certainly a great distance away from the entrance 23 on Chestnut Ridge Road. But I'm questioning your 24 opinions, or I'm asking for your opinion, on the need 25 for 3-foot-tall signs on the pad buildings facing

Page 58 1 Chestnut Ridge Road, because they're essentially very, 2 very close to the road. And we don't have any other 3 3-foot signs at all on that piece of property. 4 Also, as a little side note, you sort 5 of made fun of all our signs in the shopping center, 6 but we spent months trying to come up with those 7 signs. That was a herculean effort getting the master 8 plan -- 9 MR. REGAN: The master plan, the master 10 plan signage -- 11 MS. GREGORY: You're talking about 12 having them all be the same color and the same size? 13 MR. LINTNER: No, we -- there's 14 actually -- for this shopping center, we actually came 15 up with a plan for each facility. It was really, 16 really detailed. As a matter of fact, the Moxie sign 17 failed. The new Moxie sign was not in compliance with 18 what our master plan was. It was too tall. 19 But back to my question is, I'm just 20 wondering why -- in your opinion, why the need for 21 3-foot-tall signs that close to Chestnut Ridge Road? 22 MS. GREGORY: Okay. So we're allowed 23 to have a 16-inch sign in height. 24 MR. LINTNER: Yes. 25 MS. GREGORY: But we can be 90 percent	Page 60 1 don't think that they would even fit within the 2 context of the building, 'cause you're also talking 3 about a balance, like, architecturally -- 4 architecturally, aesthetically. 5 So, like, I -- as a planner, I do 6 understand we have to write zoning ordinances, but 7 they don't fit -- every -- not every building at every 8 site fits into every single regulation, and that's why 9 we can ask for variances. 10 MR. LINTNER: Sure. 11 MS. GREGORY: So I mean -- so I'm 12 saying that these are -- these are attractive. These 13 are not garish. If these were to be smaller and 14 longer, like, what would be the purpose of that, 15 'cause they're allowed to be up to 90 percent. 16 And like I said, I don't think that the 17 ordinance anticipated a pad building like this. It 18 anticipated what's there today, which were these small 19 little stores that weren't very wide, that you would 20 only -- and the facade is only so high, so you can 21 only have 16-inch, you know, letters. 22 So I think that, because of what we're 23 proposing, I think it makes sense from an aesthetic 24 standpoint, because you don't want it to look like 25 it's this weird miniature sign, and why is it even
Page 59 1 of the facade, and 90 percent of the facade -- 90 2 percent of the facade. And when you have four 3 letters -- CAVA -- if you have them at 16 inches and 4 they -- the entire facade would just look silly. It's 5 just -- that's really just not big enough for this 6 particular site. 7 And I understand what you're saying, 8 like, "Oh, it's closer to the street." But in my 9 opinion, there's also a rational relationship. When 10 you take a look at -- for example, what you're talking 11 about on the -- I know that this is small for you guys 12 to see, but I think you know what I'm talking about 13 here. 14 So we have the existing Fresh Market. 15 Here's the proposed Trader Joe's, and you have both 16 signs. You can see that this surface area is a lot 17 smaller. So I think that you guys wrote the ordinance 18 for this, but not for what we're proposing, which is 19 this, because we have so much more height from the -- 20 basically the top of the windows to here where people 21 walk, right, than you do in the existing shopping 22 center. 23 So I can understand the limitation, 24 because again, there's a rational relationship. And 25 so here, if these signs were to get much smaller, I	Page 61 1 there at that point? 'Cause you have to kind of fill 2 up the facade to a certain degree. 3 MR. LINTNER: You're saying it's 4 aesthetically pleasing. It's not required for 5 visual -- 6 MS. GREGORY: Yes. And I think -- and 7 like I said, I think there's a balance, because we can 8 be up to 90 percent of the width. And I think the 9 reason that that's written in there is because the 10 anticipation was you would have these smaller little 11 stores that wouldn't be very wide. So you could have 12 the sign be up to 90 percent, because then maybe it 13 wouldn't fit. 14 But we're not even getting close to 15 that in any of these. So again, it's this balance 16 from the length to the height. And honestly, you 17 know, when you look at this facade, 3 feet doesn't 18 look like it's too big, in my opinion, anyway. So -- 19 MR. LINTNER: Well, for CAVA. But when 20 you look at Shake Shack, it becomes a lot of letters 21 in Shake Shack. But I appreciate your opinion, and I 22 understand exactly what you're saying. 23 Nothing further, Mr. Chairman. 24 MR. DEPINTO: Thank you. 25 Joe?

Page 62 1 MR. RYAN: No questions, Mr. Chairman. 2 MR. DEPINTO: Thank you. 3 Joe? 4 MR. PUGLISI: I have no questions, 5 Mr. Chairman. 6 MR. DEPINTO: Thank you. 7 Anita? 8 MS. BAGDAT: No, Mr. Chairman. Thank 9 you. 10 MR. DEPINTO: And Dieter? 11 MR. KOELLING: No, we started with me. 12 MR. DEPINTO: I'm sorry. 13 Okay. Chair will entertain a motion to 14 open the meeting to the public. 15 MR. KOELLING: So moved. 16 MR. DEPINTO: Dieter. 17 MR. RYAN: Second. 18 MS. FONDARCO: Second. 19 MR. DEPINTO: John. All in favor? 20 MULTIPLE SPEAKERS: Aye. 21 MR. DEPINTO: Okay. Anyone from the 22 public have any questions with respect to planning 23 either of Ms. Gregory or Ms. Green or the board? No? 24 Chair will entertain a motion to close the meeting to 25 the public. John, Dieter.	Page 64 1 Yes? And again, just state your name 2 for the record. Did we swear you in? 3 MR. BERNSTEIN: No, you didn't swear me 4 in. Be my guest. 5 WHEREUPON, 6 PETER BERNSTEIN, 7 called as a witness and having been first duly sworn 8 to tell the truth, the whole truth, and nothing but 9 the truth, was examined and testified as follows: 10 MR. DEPINTO: Just give us your name. 11 MR. BERNSTEIN: My name is Peter 12 Bernstein. I live at 308 Four Seasons Lane in the 13 Montvale section of Four Seasons at Ridgemont, which, 14 on the map over here, is right here. I hope that 15 everybody who is here tonight had a chance to read the 16 submission that I sent to the board and that was also 17 received by the applicant that stated my concerns and 18 some recommendations. 19 Let me start with a couple of caveats. 20 The first one is I'm not an attorney. I'm not an 21 engineer. I'm not a traffic engineer. I'm not a -- I 22 have no expertise in most of these areas, except I do 23 have 45 years of living in the county and having dealt 24 with a lot of similar situations in front of other 25 governing bodies, including the county, the State
Page 63 1 MS. FONDARCO: Second. 2 MR. DEPINTO: All in favor? 3 MULTIPLE SPEAKERS: Aye. 4 MR. DEPINTO: Ms. Price? 5 MS. PRICE: Mr. Chairman and members of 6 the board, other than a brief summation, I'm done with 7 our application other than hearing from members of the 8 public. 9 MR. DEPINTO: Okay. And with that 10 said, chair will entertain a motion to open the 11 meeting to the public. 12 MR. KOELLING: So moved. 13 MR. LINTNER: Second. 14 MR. DEPINTO: Dieter. Second, Bill. 15 All in favor? 16 MULTIPLE SPEAKERS: Aye. 17 MR. DEPINTO: Members of the public, as 18 I had indicated earlier, this is your opportunity to 19 ask whatever questions you want to any of the 20 witnesses that have been presented to the board, 21 questions of any of the professionals that are 22 employed by the board, or the board. And this is also 23 your opportunity to say what your opinion may be of 24 the proposed development. With that said, anyone wish 25 to be recognized?	Page 65 1 Department of Transportation. 2 And just so the board knows, the reason 3 there are blue signs on the Garden State Parkway 4 indicating that, oh, my God, Valley Hospital has 5 relocated, is from six months of me badgering the New 6 Jersey Turnpike Authority. And there are now blue 7 signs in both directions in front of the exits to get 8 to the Valley Hospital. 9 It is my hope that what I sent you 10 should be read into the record, since I am here, and 11 that I would like to just briefly make a couple of 12 observations and not have to read the seven pages I 13 sent you. 14 MR. DEPINTO: Please, please do. 15 MR. BERNSTEIN: So if -- with your 16 permission -- 17 MR. DEPINTO: Absolutely, please do. 18 MR. BERNSTEIN: And with the last 19 caveat that I was operating without the benefit of the 20 updates from counsel, including the variances and 21 everything else, my big concern as somebody who has 22 lived here is traffic and safety. I am an ex-business 23 man on pro-growth. I think revitalization of a 24 60-year-old shopping center -- as a taxpayer, I'm 25 delighted. I like the choice of people that want to

Page 66 1 move in there. 2 But as somebody who has to navigate 3 this particular intersection and Chestnut Ridge Road 4 corridor in general, the one thing that I do see, and 5 especially this is going to become an issue as 6 redevelopment continues the pace, and especially when 7 KPMG, which abuts our property, gets sold, is that 8 we're -- I'd like to think that the county working 9 with Woodcliff with the other jurisdictions, you guys 10 and the planning authority over in Woodcliff Lake, 11 take into consideration what you're doing, right, and 12 do it on the basis of best information available. 13 I'm sorry the police chief for our 14 jurisdiction isn't here tonight. I do know from 15 previous history, walking various dogs that I've 16 owned, and also being out, walking up and down the 17 street, that I can't remember a day that went by where 18 there wasn't somebody that -- the police chief of 19 Montvale hadn't pulled somebody over for speeding 20 through the traffic light at Saint Joe's and speeding 21 down Chestnut Ridge Road. It's just a fact. 22 I also know anecdotally of the number 23 of accidents that have happened, because all of us who 24 live here know that from the Saint Joe's KPMG traffic 25 light to the driveway, which will be the sole driveway	Page 68 1 And it's just -- and the Woodmont 2 Ridge -- Woodmont residents will tell you, they have 3 to wait for us to make a left-hand turn before they 4 can, and that signal is way too short. But I finally 5 convinced the county that, oh, by the way, the people 6 with mobility devices don't have enough time to cross 7 the street. Fact. It was a fact. And they finally 8 agreed, and they changed the signaling according to 9 their standard; right? 10 So I challenge everybody here, come to 11 visit us, come to our clubhouse, meet our board 12 members, and then try and make a turn out -- make a 13 left-hand turn south to go to Tice's Corner. Several 14 minutes. Just -- that's reality. 15 The decision by Woodcliff Lake to allow 16 the Goddard Preschool to go in only a couple hundred 17 feet from that traffic light without mandating a 18 driveway that went from Goddard, where Goddard is, 19 either through or just behind the commercial building 20 that is on Woodmont so that when people are dropping 21 off or picking up kids aren't going to get slammed by 22 somebody racing through that light -- it, to me, is an 23 act of insanity. 24 The fact that I have not heard in 25 talking to the elected representatives of Woodcliff
Page 67 1 on the new shopping center -- I don't know how you 2 slow down going 50 miles an hour if there's a delivery 3 truck coming out of there to make a left-hand turn 4 onto Chestnut Ridge Road. I just don't know how that 5 accident is avoided. That's number one. 6 So I don't know whether it's a traffic 7 light that needs to be needed at that driveway. 8 That's a county issue. I think a lot of these things 9 are county issues. And I realize you're the -- you're 10 the responsible party for looking at the applicant's 11 application as it pertains specifically to Montvale. 12 But I think that it's just a bigger 13 issue, and I think the Woodmont Road -- is even 14 greater, having spent -- it's either five or six 15 months, about three years ago. We have -- I live in a 16 55-plus active adult community. I have -- the 17 president of the HOA is here along with one of the 18 other board members. 19 And we have a number of people who are 20 mobility disabled and have devices for doing things 21 like shopping at Fresh Market, which was a favorite 22 activity of a lot of the residents. It took me almost 23 five or six months to convince the county to come and 24 change the signaling on that traffic light, which is 25 still ridiculously long to begin with.	Page 69 1 Lake that left-hand turns are going to be prohibited 2 from -- coming from County Road up to make a left-hand 3 turn into the Goddard Preschool is an accident waiting 4 to happen, and a congestion problem as well. 5 So along with everything I wrote about 6 my speculation -- and it's speculation. It's not 7 based on anything. But I would have hoped that 8 applicant would have looked at the Trader Joe's that 9 are here in the county, because Fresh Market is not 10 frequented because it is not a food destination. 11 Trader Joe's is a cult, and it should 12 be treated as such. And I think that all of us who 13 live here know, whether it's -- the Route 17 one has 14 another occupant in the parking facility where they 15 are. I don't know how much traffic that generates, 16 but you can never get into Trader Joe's. The one in 17 Westwood is similar. It is impossible to get in 18 there. 19 So I applaud the developer in wanting 20 to help us as taxpayers to revitalize the situation 21 over in the shopping center. I think that the 22 regrading is a fantastic idea, to your concern at the 23 last meeting about shopping carts going down the hill, 24 and the thing with the changing the traffic flow down 25 here is a must.

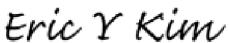
Page 70 1 I do wonder about the landscaping. As 2 somebody who lives in a place where we're overrun with 3 deer that tend to eat the bottom of the bark off the 4 trees, I hope they're smart enough on the plantings to 5 understand that we do live in an area that's got 6 coyotes, that has foxes, that has woodchucks, that has 7 all kinds of varmints that like to eat things. That 8 ought to be taken into consideration. 9 And I'm here to answer your questions 10 about my concerns as having been somebody who 11 experiences this intersection in this shopping center 12 every day in real life. And I know my cohorts in 13 crime can speak for -- as representatives of the 14 community. I'm just telling you, as somebody who has 15 lived here a long time -- I live over the place where 16 I used to take my kids to go roller skating when I 17 lived in Ramsey. So I know this area really well. 18 I've watched the ebbs and flows of 19 retailing operations in this place, and all of the 20 commercial people that we've lost. So I don't want to 21 discourage anybody from being here. In fact, I want 22 to encourage them. So anyway, if you would like to 23 direct questions to me, I'm more than happy to answer. 24 MR. DEPINTO: We appreciate the fact 25 that you participated in this meeting and you shared	Page 72 1 MR. BERNSTEIN: Right. And then COVID 2 hit, you know. 3 MR. DEPINTO: It went to hell in a hand 4 basket. And over the years -- and I knew both Lapidus 5 and Krell extremely well and had very spirited 6 discussions with them trying to get them -- or 7 encourage them to invest in their property. And in 8 fact, if they would, it would benefit them. It would 9 benefit the community. 10 It's taken many, many years to reach 11 this point. And it wasn't because Lapidus & Krell 12 were willing to cooperate with us. So a new owner 13 comes along, and a new owner says: "Okay, now it's 14 2026. It's -- no longer can we find a grand union to 15 anchor that shopping center which went out of business 16 umpteen years ago. No longer can we find a nice 17 German deli that had a phenomenal business there. 18 They're gone. Times have changed." 19 So we look at this and we say, yeah, 20 there are challenges, and maybe Trader Joe isn't your 21 favorite choice, but apparently it's something that 22 people do like. Maybe, you know, the salad-making of 23 a CAVA or places like that -- maybe that's not where 24 you or I would go, but that's what the market is 25 today.
Page 71 1 with us your local knowledge of the traffic, movement 2 of vehicles, pedestrians, things of that nature. All 3 of that is of great concern to this board as well. 4 I too have lived in the area for a very 5 long period of time. And as most of the board members 6 that are here tonight could attest to is -- I not only 7 remember the skating rink that we brought our children 8 to, but I also remember the shopping center that was 9 across the street, which was very vibrant, high rents, 10 active retail locations that did extremely well with 11 Lapidus & Krell owning the property. 12 MR. BERNSTEIN: I miss the Goldberg's 13 across the street, you know. 14 MR. DEPINTO: Yeah. And the problem 15 came in -- when times changed, Lapidus & Krell decided 16 they didn't want to reinvest in their property, and 17 the property went downhill from that point of view. 18 We did things. We amended our zoning ordinances to 19 provide encouragement to Lapidus & Krell to redevelop 20 that shopping center, giving other alternatives as 21 well. And nothing was done. 22 And over the years, it just kept 23 falling into a state of disrepair. That's about the 24 worst thing that could happen to a residential 25 property owner living across the street.	Page 73 1 We not only look to protect our 2 community, but protect your investment in this 3 community. You bought a very nice home where you 4 live. 5 MR. BERNSTEIN: I did. 6 MR. DEPINTO: We know. We sat on the 7 board and granted that approval. And that was done in 8 a joint meeting of the Woodcliff Lake and the Montvale 9 Planning Board. And we did it as one board. And we 10 did that in three meetings or two meetings? 11 MR. REGAN: Three. Yeah, it was at the 12 Tice Center. 13 MR. DEPINTO: Yeah. 14 MR. BERNSTEIN: Yeah. 15 MR. DEPINTO: Three meetings. And 16 we're very proud of that -- development. We thought 17 it really came out well for what we did. And that's 18 how I think we feel about this. We were happy to see 19 that a new developer or a new owner came along, 20 brought in the professionals that obviously know what 21 they're talking about. They testified before the 22 board and said, "It's going to work," and they put 23 their licenses on the line when they make those 24 statements. And we rely upon that. 25 I think if the board decides to move

Page 74 1 forward with this, it's not going to be a negative 2 impact on our community or your neighborhood. I think 3 it's important. I think -- and I'll share with you, 4 I'm very concerned what's going to happen with the 5 KPMG property. The potential for development on that 6 property is mind boggling. 7 MR. BERNSTEIN: Yeah. 8 MR. DEPINTO: And the impact that it 9 could have. And we're going to launch that carefully. 10 But we've got to balance it all out. I think all in 11 all, your concerns are very valid. But I think if the 12 board chooses to approve it, we'd be making the right 13 decision. It's the right use at the right time. 14 MR. BERNSTEIN: So let me -- 15 MR. DEPINTO: Let me just say one more 16 thing. 17 MR. BERNSTEIN: Sure. Sure. 18 MR. DEPINTO: As Ms. Price had 19 indicated, she has appeared before this board for 20 many, many years. And there's only one restaurant 21 establishment in Montvale with a drive-through 22 facility, and that's down on Kinderkamack Road. The 23 Taco Bell. 24 MR. BERNSTEIN: Right. 25 MR. DEPINTO: We only let one in, and I	Page 76 1 MR. REGAN: I see it, John, on a week 2 night, like Tuesday or Wednesday when I'm going -- 3 coming from the meeting late. There's cars. I can't 4 believe -- 5 MR. DEPINTO: He said the drive-through 6 backed up. And that goes completely around the 7 perimeter of that property. It backed up to kind 8 Kinderkamack Road. 9 MR. BERNSTEIN: I've got a better 10 example for you. As a former Ramsey resident of 25 11 years, the Chick-fil-A -- 12 MR. DEPINTO: Oh, yeah. 13 MR. BERNSTEIN: -- is a frigging 14 disaster. I'll be kind. 15 MR. DEPINTO: So the one thing that we 16 were hoping we'd never, ever see again is a restaurant 17 with a drive-through. 18 MR. BERNSTEIN: Uh-oh. 19 MR. DEPINTO: And whenever one came 20 along and tried to sneak in the door, we were able to 21 keep them away. So we cut out that whole segment of 22 the market. Here we have new restaurants not looking 23 for a drive-through. And I think through the efforts 24 of Ms. Price, through the efforts of the planning 25 board, we're trying to keep it the way it should be.
Page 75 1 don't know why, if we were all drunk that night. I 2 don't remember exactly. It was a lot of years ago. 3 MR. BERNSTEIN: No comment. 4 MR. DEPINTO: One of my sons -- 5 MR. REGAN: I don't think it was this 6 board. That was the zoning board. 7 MR. DEPINTO: No -- 8 MR. LINTNER: No, no, no, no. 9 MR. DEPINTO: Bill and I will fight -- 10 MR. LINTNER: I'll take -- but you have 11 Taco Bell. 12 MR. REGAN: I don't think I was here, 13 though. 14 MR. DEPINTO: No. That predated you. 15 MR. REGAN: And I've been here since 16 '93. That's older. 17 MR. DEPINTO: It's old. But at any 18 rate, one of my sons told me the other day that he was 19 at my home, and he was watching a ball game, and he 20 fell asleep, and he woke up really late. He lives in 21 Ridgewood. And he missed dinner. And when he was 22 leaving town, he decided, "Maybe I'll run by Taco Bell 23 and pick up something," 'cause he missed dinner. He 24 said the stack for getting to the drive-up at Taco 25 Bell -- and I think this was Friday night.	Page 77 1 We'll stay in communication with the 2 county, because most of what you're concerned about, 3 it's the county's jurisdiction. 4 MR. BERNSTEIN: It is. 5 MR. DEPINTO: But they work well with 6 us. And you have my word that we will communicate 7 with them and stay on time. 8 MR. BERNSTEIN: Okay, 'cause my 9 concern -- and I didn't come out of my deathbed, but I 10 have been out -- was that the -- from a resident's 11 point of view, the intergovernmental operation 12 concerning the corridor. 13 So I've tried to get the county to 14 change -- to allow a left-hand turn from Summit Road 15 onto Chestnut Ridge during -- because during rush 16 hour, you can't make that turn, right, without 17 waiting. And I was told, "Oh, it costs over a million 18 dollars to refix the signal." And I'm like, "To put 19 in a simple left-hand turn thing? How can this be?" 20 Right? So that was a non-starter. 21 But all the way down to the development 22 of the edge of where BMW is, we are looking at -- 23 between Party City and the Hilton and anything else 24 that -- and KPMG and everything else, we're looking at 25 a massive congestion issue that creates a public

Page 78 1 safety hazard. And it is possible at this moment in 2 time -- I just didn't want you guys to summarily vote 3 everything in and just think, "Oh, my God, it's 4 somebody else's problem." 5 MR. DEPINTO: Right. No, we don't look 6 at it that way. 7 MR. BERNSTEIN: So my reason -- now I'm 8 losing my voice. So my reason for showing up was to 9 make sure that you -- as -- the process needs to go 10 forward enough so that you don't give final approval 11 until the county weighs in about -- so what are we 12 going to do? 13 MR. DEPINTO: Any approval that the 14 board may grant to this applicant is conditioned. One 15 of the primary conditions is county approval. It's 16 their road. It's their jurisdiction. They're going 17 to wait to hear back from us with respect to what 18 we're willing to allow conditionally. The conditions 19 are what their requirements will be. They do a pretty 20 good job at it. 21 MR. BERNSTEIN: Yeah, they're good. 22 MR. DEPINTO: And if you've dealt with 23 the county, you've dealt with Eric Timsak. He knows 24 Montvale as well as you do, as well as we do. And 25 we're going to rely heavily upon you. But we thank	Page 80 1 Four Seasons at Ridgmont. I wanted to thank this 2 board for giving us the great property we had. I 3 didn't realize that you went back that far, 'cause I 4 went back with you. My kids skated also at that 5 skating establishment. And as Peter said, I'm 6 probably living over one of it -- one of where my kids 7 were too. 8 But I thank you for the property. 9 We're very proud of the property. We enjoy the 10 property. And the only thing is, is I think -- I 11 think we already know the answer, 'cause I think 12 you've given us the answer tonight. We're 13 concerned -- you know, Trader Joe's, you've got to 14 fight your way to get in there. I don't know what it 15 is they're sell -- whatever they're selling must be 16 great, 'cause my wife couldn't pass for without 17 saying, "Stop, I have to go in." All right. 18 So it is a cult. Maybe that's the best 19 way of describing it. And if I said anything negative 20 to more or less discourage you guys from approving it, 21 I'd have a revolution in the community where I'm 22 living. I mean, they're looking forward so excitedly 23 to this Trader Joe's, Trader Joe's. So the only thing 24 is the traffic and the safety issue. That's really 25 it.
Page 79 1 you for your concern. We thank you for coming in. We 2 thank you for staying late. And I hope I answered -- 3 MR. BERNSTEIN: Last time was late. 4 This one's early by comparison. Anyway, I would like 5 my cohorts in crime to come up, so -- 6 MR. DEPINTO: Okay. Sounds good. 7 MR. BERNSTEIN: Thank you. 8 MR. DEPINTO: Okay. Anyone else wish 9 to be heard? We're good? Sure. 10 WHEREUPON, 11 SAL CANARIATO, 12 called as a witness and having been first duly sworn 13 to tell the truth, the whole truth, and nothing but 14 the truth, was examined and testified as follows: 15 MR. REGAN: Can you give us your full 16 name, spell your last name, and your address, please. 17 MR. CANARIATO: Sal Canariato. You 18 want me to spell the last name? 19 MR. REGAN: It would probably help our 20 secretary. 21 MR. CANARIATO: C-A-N-A-R-I-A-T-O. 22 MR. REGAN: Thank you. 23 MR. CANARIATO: And as Peter has -- 24 stated, I just wanted to reinforce a little of what he 25 said. I am the board president of the community at	Page 81 1 So -- and I think you answered that. 2 The county has that responsibility, working with the 3 Montvale Planning Board, and we have confidence that 4 you know all the factors. You know what you have to 5 consider. And you already heard our concerns, our 6 strong concerns. So thank you, and good luck with 7 that. We look forward to it. 8 MR. DEPINTO: And I'm going to ask a 9 favor of you. 10 MR. CANARIATO: Yes, John. 11 MR. DEPINTO: Share it with the people 12 that live in your neighborhood. When the KPMG 13 application comes in, we're going to need your input. 14 MR. CANARIATO: Okay. 15 MR. DEPINTO: You'll get notices of 16 public hearings, and we would encourage you to 17 encourage your residents in your neighborhood to come 18 to those hearings. Your input will be really, really 19 appreciated and helpful to us. So bear that in mind 20 when you get -- 21 MR. CANARIATO: I will definitely bear 22 that in mind. I promise you we'll do everything we 23 can. If we've got to hit them over the head and put a 24 gunnysack over them, we'll get them here. But we'll 25 take care of it. We'll work on it.

Page 82 1 MR. DEPINTO: It'll be a challenge. 2 MR. CANARIATO: Well, we're up for it. 3 MR. DEPINTO: Good. Thank you. 4 MR. CANARIATO: Thanks a lot, again, 5 guys. Thank you. 6 MR. DEPINTO: Have a good evening. 7 Anyone else wish to be heard? 8 MR. BERNSTEIN: I have one more. And 9 this is process, and I think -- and it has nothing to 10 do with this application. 11 MR. DEPINTO: Okay. 12 MR. BERNSTEIN: I was not notified as a 13 resident of where I live of this application. I 14 don't -- my unit is not 200 feet from the property, 15 from the applicant's property, but my community is. I 16 don't know and I haven't spoken to these guys about 17 this, whether -- what the proper process is for 18 notification. 19 And my concern, and I've spoken to the 20 mayor about this, is that when KPMG does come up, 21 'cause it will sooner rather than later is my 22 suspicion, and I have my own thoughts about what ought 23 to go in there and what shouldn't, but -- that's not 24 for tonight. But I want to know what the 25 notification -- who gets notified?	Page 84 1 to work with you because of our proximity to KPMG. 2 MR. DEPINTO: We will welcome your 3 participation. 4 MR. BERNSTEIN: Okay. Thank you. 5 MR. DEPINTO: Thank you. 6 Anyone else? We're good. Chair will 7 entertain a motion closing to the public. John. 8 MR. KOELLING: Second. 9 MR. DEPINTO: Seconded, Dieter. All in 10 favor? 11 MULTIPLE SPEAKERS: Aye. 12 MR. DEPINTO: And now is the time for 13 deliberation. The police report -- 14 MR. REGAN: We marked that already. 15 MR. DEPINTO: Did we mark it? 16 MR. REGAN: That was B1. 17 MR. DEPINTO: Is that the fire 18 department? 19 MR. REGAN: You might be right. 20 MR. DEPINTO: I've got fire department 21 as B1. 22 MR. REGAN: Yeah, I think you're right. 23 MR. DEPINTO: Okay. Let's mark it into 24 evidence. Ms. Price -- 25 MR. REGAN: That's the police
Page 83 1 MR. REGAN: People within 200 feet. 2 MR. BERNSTEIN: So -- 3 MR. REGAN: On property -- 200 feet. 4 And any association having property within 200 feet 5 of -- 6 MR. BERNSTEIN: So in the first 7 instance, it would not be to me. It would be to the 8 board. 9 MR. REGAN: If the association owns 10 property within 200 feet, they would get those. 11 MR. BERNSTEIN: Did we get notification 12 of this? I mean, I was on the board for two years, a 13 couple years ago. And Bob and Sal have been on for a 14 couple years. So we didn't -- so in the time period 15 of this application -- 16 MS. PRICE: We just started it. 17 MR. BERNSTEIN: -- we didn't get 18 notified. 19 MS. PRICE: We just started. 20 MR. BERNSTEIN: You just started? 21 MS. PRICE: Yes. It hasn't been 22 pending for a couple of years. 23 MR. BERNSTEIN: Okay. So anyway, I 24 just want to make sure that is proper notification, 25 and I know I, for one, and the board would be thrilled	Page 85 1 department report. 2 MR. DEPINTO: -- do you have a copy of 3 the police department report? 4 MS. PRICE: I do. 5 MR. DEPINTO: We did not mark it into 6 evidence -- 7 MS. PRICE: No. 8 MR. DEPINTO: -- which we should, and 9 we're going to mark it as Board Exhibit B4. B4. 10 (Exhibit B4 was marked for 11 identification.) 12 MS. PRICE: B4. 13 MR. DEPINTO: And again, let's go back 14 to deliberation. We'll start with you. Bill, you've 15 heard the full application. What are your comments? 16 MR. LINTNER: Thank you, Mr. Chairman. 17 Reiterating a little bit what you said, this certainly 18 is an older shopping center, and we've been look to 19 upgrade this for many, many years now. We've watched 20 it deteriorate over the years with stop gap repairs, 21 and tenants coming and going in it. 22 I think the applicant's done a real 23 good job. They've got a quality tenant as an anchor, 24 and also the pad restaurant seem to be all quality 25 tenants -- name tenants also. The applicant's done a

Page 86 1 very good job working with us. There was a couple of 2 variances requests that they were able to eliminate, 3 including height, parking, the shade trees. 4 There's a number of existing 5 nonconforming uses there, and one of them is lot 6 coverage, which they were actually able to reduce. 7 And the rest of the variances that they're looking for 8 are all minor in nature. Sidewalks, we seem to get 9 them all the time at shopping centers. We don't have 10 that 5-foot space available. 11 Front yard parking, which always is an 12 issue with shopping centers. And then there's a bunch 13 of sign variances. But as was discussed, a lot of 14 these sign variances are a result of a separate 15 building and not an extension of the existing 16 building. 17 I think they've improved the 18 circulation in this facility. They've opened up the 19 north end to allow vehicle travel to get to the rear 20 of the building. As I mentioned, lot coverage before. 21 I think it's a good application. I said to myself 22 before, if I was starting from scratch, what would I 23 do? I think they've done very much what I would do 24 with this facility. 25 I like the idea of the pad building. I	Page 88 1 and that's really something we have to deal with when 2 the next project comes and the next project. I don't 3 think it should impact our decision on this particular 4 project. And as such, I'm supportive as proposed. 5 MR. DEPINTO: Okay. Thank you. 6 Joe? 7 MR. PUGLISI: So like some others have 8 expressed, Mr. Chairman, if I said anything bad about 9 Trader Joe's coming, my wife would never talk to me 10 again. So having said that, I do think that the work 11 that was done, the compromises that have been met, the 12 accommodations that have been met, are all really 13 good. I like what's coming out of this development. 14 I share the concern about traffic. You 15 know, I walk on Chestnut Ridge Road fairly regularly, 16 though it's early in the morning. I can see where 17 later in the day it could become a problem. And as 18 you expressed, you know, working with the county, 19 maybe we can mitigate that. But overall, I'm very 20 much in favor. I think it's a wonderful plan, and I 21 look forward to grand opening. 22 MR. DEPINTO: Thank you. 23 Anita? 24 MS. BAGDAT: I agree with what everyone 25 has said and definitely welcome the new businesses.
Page 87 1 like -- the front of parking lots are always 2 underutilized. This gives an opportunity to provide 3 some quality stores or quality restaurants in there. 4 I am certainly in favor of this as presented. 5 I would say, in the future, with the 6 KPMG property, perhaps if we combine a driveway with 7 this entranceway, maybe it becomes a location for a 8 traffic signal. But that's -- you know, that's 9 somewhere in the future. So I am fine with voting in 10 favor of this application as it stands right now. 11 MR. DEPINTO: Okay. Thank you. 12 John? 13 MR. RYAN: Yeah, I would echo much of 14 what Bill said. This is a needed upgrade for the 15 shopping center. It's a good economic asset. And 16 it's not going to turn into housing. It's going to 17 stay as a retail use. So I think that's all positive 18 for the residents. I think the variances they've 19 asked for are reasonable, as noted. Some of them have 20 gone away, which is great. 21 I do have a little bit of concern about 22 the parking, but they're meeting code, so, you know, 23 that's what we have to work with. And the traffic is 24 a concern, particularly with the growth that might be 25 coming. But as we've noted, that's a county issue,	Page 89 1 And I think my concern, just like everybody else, is 2 the traffic and the safety of our residents and people 3 from outside. So I support. 4 MR. DEPINTO: Good. Thank you. 5 Dieter? 6 MR. KOELLING: It's always great to go 7 last. Everybody said everything already, and I'm not 8 going to rehash it. But I agree with the traffic 9 concerns. I think the applicant has satisfied the 10 conditions of this board, and I'm going to be in favor 11 of it. I think we definitely need a revitalization of 12 this property. 13 It's been mostly the same my entire 14 life. I mean, I remember the antique store, I 15 remember the roller rink. I skated there myself. 16 And, yeah, I think these changes are needed, and we 17 will stay on top of the traffic issues as best we can 18 and work with the county and do what this board does. 19 So thank you. Thank you. 20 MR. DEPINTO: Okay. Okay. And I've 21 already given my opinion with respect to the 22 application. I want to thank the applicant for 23 cooperating with the borough and meeting all of the 24 requirements that we've set forth. We're confident 25 that, if we do move forward with this, that we will be

Page 90 1 making a decision that we'll all be proud of. 2 Many of us have served on this board 3 for many, many years, and we have our signature on a 4 lot of the properties, and we're very proud of 5 Montvale and what it is, and we hope to keep it that 6 way. And I think what you're proposing to do in our 7 community is consistent with our goals and objectives, 8 and we look forward to working with you and prospering 9 together. 10 With that said, the chair will 11 entertain a motion to request the board attorney to 12 prepare a resolution of approval, setting forth the 13 conditions as stated on the record. And -- care to 14 make a motion? 15 MR. LINTNER: So moved. 16 MR. DEPINTO: Bill. 17 MR. PUGLISI: Second. 18 MR. DEPINTO: Joe. Discussion on it? 19 We're good? Roll call board, please. 20 MS. FONDARCO: Counsel member Koelling? 21 MR. KOELLING: Yes. 22 MS. FONDARCO: Mr. Lintner? 23 MR. LINTNER: Yes. 24 MS. FONDARCO: Mr. Ryan? 25 MR. RYAN: Yes.	Page 92 1 CERTIFICATE 2 I, ERIC KIM, the officer before whom the 3 foregoing proceedings were taken, do hereby certify 4 that any witness(es) in the foregoing proceedings, 5 prior to testifying, were duly sworn; that the 6 proceedings were recorded by me and thereafter reduced 7 to typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings are a 9 true and accurate record to the best of my knowledge, 10 skills, and ability; that I am neither counsel for, 11 related to, nor employed by any of the parties to the 12 action in which this was taken; and, further, that I 13 am not a relative or employee of any counsel or 14 attorney employed by the parties hereto, nor 15 financially or otherwise interested in the outcome of 16 this action.  17 ERIC KIM 18 Notary Public in and for the 19 State of New Jersey 20 21 22 23 24 25
Page 91 1 MS. FONDARCO: Mr. Puglisi? 2 MR. PUGLISI: Yes. 3 MS. FONDARCO: Ms. Bagdat? 4 MS. BAGDAT: Yes. 5 MS. FONDARCO: Chairman DePinto? 6 MR. DEPINTO: Yes. Thank you. 7 MS. PRICE: Thank you. 8 (Whereupon, at 10:47 p.m., the 9 proceeding was concluded.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 93 1 CERTIFICATE OF TRANSCRIBER 2 I, AMANDA WELLS, do hereby certify that this 3 transcript was prepared from the digital audio 4 recording of the foregoing proceeding, that said 5 transcript is a true and accurate record of the 6 proceedings to the best of my knowledge, skills, and 7 ability; that I am neither counsel for, related to, 8 nor employed by any of the parties to the action in 9 which this was taken; and, further, that I am not a 10 relative or employee of any counsel or attorney 11 employed by the parties hereto, nor financially or 12 otherwise interested in the outcome of this action. 13 14  15 AMANDA WELLS 16 17 18 19 20 21 22 23 24 25

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