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TRANSCRIPT OF MEETING

Borough of Montvale Planning Board Meeting

DATE: February 1, 2022
(Heard via Zoom)

TRANSCRIPT ORDERED BY:

JEROME A. VOGEL, ESQ., (Jeffer, Hopkinson & Vogel,
Attorneys at Law)

APPEARANCES:

- JOHN DEPINTO, Chairman
- FRANK STEFANELLI, Vice Chairman
- ROBERT ZITELLI, Environmental Commission Liaison,
First Alternate
- CHRIS GRUBER, Code Official
- JOHN CULHANE
- THERESA CUDEQUEST
- DIETER KOELLING, Council Liaison
- WILLIAM LINTNER
- DANTE TEAGNO
- JOHN RYAN, Mayor's Designee
- LORRAINE HUTTER, Land Use Administrator
- ANDREW HIPOLIT, Board Engineer
- ROBERT T. REGAN, Board Attorney
- DARLEEN GREEN, Borough Planner
- JAVID HUYSENOV, Second Alternate

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1 APPEARANCES (continued):

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3 JENNIFER BERARDO, ESQ. (Wells Jaworski & Liebman,
4 LLC)

5 LAUREANA ORGAN

6 MATTHEW WEISZ, Applicant

7 ANDY DEL VECCHIO, ESQ., (Beattie Padovano, LLC)
8 Attorney for applicant Metropolitan9 CHARLES OLIVO, Engineer, (Metropolitan Home
10 Development)11 JOSEPH W. VOYTUS, ESQ. (Boggia, Boggia, Betesh &
12 Voytus)
13 Borough Attorney, Borough of Montvale14 JEROME A. VOGEL, ESQ., (Jeffer, Hopkinson & Vogel,
15 Attorneys at Law)
16 Attorney for Gray Capital, LLC

17 STEVEN NAPOLITANO, SNS ARCHITECTS

18 KATHLEEN LUONGO AND JOHN LUONGO

19 MR. AND MRS. MURPHY

20 CHRIS FRANCO

21 GAIL RITSCHER

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1 (meeting commences)

2 MR. DEPINTO: Okay. Lorraine, all the
3 members present?

4 MS. HUTTER: Yes.

5 MR. DEPINTO: Okay. Good evening, everyone.
6 My name is John DePinto. I'm the Chairman of the
7 Montvale Planning Board and I welcome everyone to
8 tonight's meeting. I'm going to ask the Borough Land
9 Use Administrator to read into the record the open
10 public meeting statement. Lorraine, please?

11 MS. HUTTER: Please be advised that due to
12 the state of emergency and public health emergency
13 declared by Governor Phil Murphy, pursuant to Executive
14 Order 103, in an effort to prevent further spread of
15 COVID-19 this Planning Board meeting will be held
16 virtually via Zoom in lieu of an in-person meeting.
17 Notice of this meeting has been advertised in the
18 record and placed on the website. Documents have been
19 posted on the website under the Planning Board Agenda,
20 under Documents.

21 All public will be muted until the Chairman
22 opens it up to the public for questions, only of each
23 applicant's or board professional testimony. The
24 public can address their question to -- through the
25 Chair and he will direct it to the appropriate person.

1 When at the end of the public hearing the Chairman will
2 again open it up for public -- to the public for
3 comments. If you have comment, please hit the raise
4 hand symbol and I will acknowledge you. Please state
5 your name, spell your name, and give your address when
6 asking questions or giving comments. All questions and
7 comments will be directed through the Chair, and he
8 will in turn direct it to the appropriate person.

9 MR. DEPINTO: Okay, thank you. And may I
10 have a roll call please?

11 MS. HUTTER: Mr. Culhane?

12 (brief pause)

13 MS. HUTTER: Mr. Culhane, you have to unmute
14 your --

15 MR. CULHANE: Here.

16 MS. HUTTER: Mr. Gruber?

17 MR. GRUBER: Here.

18 MS. HUTTER: Councilman Koelling?

19 MR. KOELLING: Here.

20 MS. HUTTER: Mr. Lintner?

21 MR. LINTNER: Here.

22 MS. HUTTER: Mr. Ryan?

23 MR. RYAN: Here.

24 MS. HUTTER: Mr. Stefanelli?

25 MR. STEFANELLI: Here.

1 MS. HUTTER: Mr. Teagno?

2 MR. TEAGNO: Here.

3 MS. HUTTER: Mr. Zitelli?

4 MR. ZITELLI: Here.

5 MS. HUTTER: Mr. Huysenov?

6 MR. HUYLENOV: Here.

7 MS. HUTTER: Chairman DePinto?

8 MR. DEPINTO: Here. Miscellaneous matters,
9 starting with board members. Any board members have
10 anything they'd like to bring to our attention this
11 evening? Hearing none, moving on to board
12 professionals. Mr. Regan, do you have anything this
13 evening?

14 MR. REGAN: Not at this time, Mr. Chairman.

15 MR. DEPINTO: Thank you. And, Mr. Hipolit
16 for either engineering or Planning?

17 MR. HIPOLIT: Not at this time, Mr. Chairman.

18 MR. DEPINTO: Okay, thank you. Zoning
19 report, Mr. Gruber?

20 MR. GRUBER: Okay. A few things here, 20
21 Philips Parkway's footings inspections have started on
22 a new complex, and the contractor has been reminded to
23 keep the streets clean -- a lot of dirt coming out of
24 that site.

25 200 Market Square has three tenants. Beattie

1 Padovano, who has a C.C.O. on that, so he's the tenant
2 in there. TaikiUSA, which also have a C.C.O. And,
3 Janney Montgomery, which just had their final
4 inspections and passed for their C.C.O., so they can
5 move in.

6 Toll Brothers has C.O.s for units one, five,
7 seven, and fourteen on Cranbury Lane already, and a
8 C.O. for unit thirteen on Driftway Lane. People are
9 moving in there, too.

10 Many tickets have been issued due to the snow
11 covered sidewalks not being cleared within the twenty-
12 four hours after the storms, mostly in the commercial
13 building areas of town. 100 Philips Parkway, 100
14 Paragon, 17 Philips Parkway, and a few others. We're
15 taking care of that.

16 I would like to suggest to the Board,
17 discussion of storage of snow removal equipment in town
18 and the ordinance that prohibits this. Many tickets
19 have been issued to contractors who have been told by
20 building owners that they can store equipment and
21 materials used for snow removal on their property
22 during the winter months. I feel that we need to
23 discuss something about that.

24 And, one -- it's been brought to my attention
25 that One Paragon Drive has apparently upgraded their

1 existing lights on the property. Engineering has
2 informed me that the lighting may be over the allowed
3 brightness, so we need to discuss that also. That's
4 all I have.

5 MR. DEPINTO: Okay. Mr. Hipolit, are you
6 aware of lighting change done at One Paragon Drive?

7 MR. HIPOLIT: No, I'm not.

8 MR. DEPINTO: And, Chris, you're saying
9 Engineering advised you of it?

10 MR. GRUBER: Yeah, I had talked to -- about
11 this, and he had seen the lighting. And he's pretty
12 sure that it -- it's over the -- the -- the allowed
13 brightness for the property. So, we need to look into
14 that.

15 MR. HIPOLIT: We'll have to -- we'll have to
16 put a meter on it. So, I'll have to send somebody out
17 at night.

18 MR. GRUBER: Yeah, I'm not there at night, so
19 I -- I -- I can't comment on that. You know --

20 MR. HIPOLIT: I can -- you can send somebody
21 out with a meter. It's no problem -- it's not a
22 problem.

23 MR. GRUBER: Something we should look into.

24 MR. DEPINTO: Okay. And with respect to the
25 overnight storage of material and equipment, unless

1 previously approved in an application for site plan
2 approval, obviously it's not approved. However, in a
3 discussion that I had with Chris Gruber today, I
4 believe what we're going to have to look at are some
5 reasonable standards to allow for parking overnight
6 during the winter months for the snow removal purposes
7 in the interest of public safety. Mr. Hipolit, I'm
8 going to ask for you to communicate directly with Chris
9 Gruber to get a report from him as to where these
10 vehicles are being parked. And, I'd like your
11 recommendations with respect to how we should be
12 addressing it. And then the Board will --

13 MR. HIPOLIT: Okay.

14 MR. DEPINTO: And then the Board will deal
15 with it accordingly.

16 MR. HIPOLIT: Okay.

17 MR. DEPINTO: Okay. Thank you very much, Mr.
18 Gruber. Environmental Commission report, Mr. Zitelli?

19 MR. ZITELLI: Yes, Mr. Chairman, I have
20 nothing tonight. The last meeting was the 17th in
21 January, which was just before our last January
22 meeting, so we have no -- had no meetings since our
23 last Planning Board meeting. So, nothing to -- nothing
24 new to report.

25 MR. DEPINTO: Thank you. Site Plan Review

1 Committee report, Mr. Stefanelli?

2 MR. STEFANELLI: Yes. Good evening, Mr.
3 Chairman. We had two applicants this evening. We had
4 Ian Zellner (phonetic) of 33 Upper Saddle River Road in
5 reference to the installation of a basketball court.
6 It seems that it's encroaching on the side yard. It's
7 a de minimum, because it's really a portable -- court.
8 And we've asked him to move it, and that was -- and I
9 think we gave him until May -- end of May to do that.

10 We also had this evening Montvale Development
11 Group, Hekemian, for the DePiero Property, and he's
12 looking at adding another addition building group as
13 part of their third phase. And I think that's going to
14 be coming before us in the next thirty days. That's
15 the end of my report.

16 MR. DEPINTO: Very good, thank you. Board
17 members who received copies of correspondence that were
18 received by the Board Secretary since our last meeting,
19 anyone have any questions or comments with respect to
20 same? Hearing none, let's move on.

21 Members of the public if you have an interest
22 in reviewing any correspondence that the Board is the
23 recipient of, you can contact either -- Erica Davenport
24 of Lorraine Hutter, and they will provide you with
25 electronic copies of same.

1 Minutes of January 18, 2022 have been
2 distributed to all the Board members. Chair will
3 entertain a motion to approve.

4 MR. TEAGNO: So moved.

5 MR. DEPINTO: I'm sorry -- Dante --

6 MR. CULHANE: Second.

7 MR. TEAGNO: Yes.

8 MR. DEPINTO: Seconded by John Culhane.

9 Discussion? Hearing none, roll call vote, please?

10 MS. HUTTER: Mr. Culhane?

11 MR. CULHANE: Yes.

12 MS. HUTTER: Mr. Gruber?

13 MR. GRUBER: Yes.

14 MS. HUTTER: Counsel member Koelling?

15 MR. KOELLING: Yes.

16 MS. HUTTER: Mr. Lintner?

17 MR. LINTNER: Yes.

18 MS. HUTTER: Mr. Ryan?

19 MR. RYAN: Yes.

20 MS. HUTTER: Mr. Stefanelli?

21 MR. STEFANELLI: Abstain.

22 MS. HUTTER: Mr. Teagno? Mr. Teagno, unmute.

23 MR. TEAGNO: Yes.

24 MS. HUTTER: Mr. Zitelli?

25 MR. ZITELLI: Yes.

1 MS. HUTTER: Mr. Huysenov?

2 MR. HUYSENOV: Yes.

3 MR. DEPINTO: Okay, very good.

4 MS. HUTTER: Chairman DePinto?

5 MR. DEPINTO: Yes. We're going to move past
6 discussion. We'll carry that to the end of the meeting
7 for the -- in the interest of time. Let's deal with
8 the use permits, block 3004, lot 2, Northwood
9 Healthcare, LLC, 50 Chestnut Ridge Road, occupied three
10 thousand three hundred and nineteen square feet, and
11 adding an additional three thousand fourteen square
12 feet, totaling six thousand three hundred and thirty-
13 three square feet. Is there anyone here representing
14 the applicant this evening with respect to this matter?

15 (brief pause)

16 MR. DEPINTO: Is there counsel here
17 representing the applicant?

18 MS. HUTTER: Yes, there -- Jenn?

19 MS. BERARDO: Hi. Good evening. Jennifer
20 Berardo of the Firm Wells, Jaworski, and Liebman on
21 behalf of the applicant here this evening. I'm not
22 sure why it's not letting me connect my camera. I
23 would only -- to just restart the Zoom, is possible.

24 MR. DEPINTO: You're also breaking up.

25 MS. BERARDO: Or -- if I --

1 MR. DEPINTO: Your audio is breaking up, as
2 well.

3 MS. BERARDO: I do apologize for that. If
4 the Board would just give me one moment, I think I will
5 log off and log back on?

6 MR. DEPINTO: Yes, please.

7 MS. BERARDO: Okay. Thank you. I'm sorry
8 about this.

9 (brief pause)

10 MS. HUTTER: Hi, Jenn.

11 MS. BERARDO: -- back one second. Don't
12 worry.

13 MS. ORGAN: Get your microphone out from your
14 speaker.

15 (brief pause)

16 MS. BERARDO: Okay. I should be good now,
17 and I do apologize for that. Good everyone. Again,
18 Jennifer Berardo of the firm Wells, Jaworski, and
19 Liebman on behalf of the applicant, Northwood
20 Healthcare Group.

21 MR. DEPINTO: Okay, thank you. And before
22 you introduce the applicant, Ms. Berardo, any changes
23 or corrections to the application as submitted?

24 MS. BERARDO: None as submitted, thank you.

25 MR. DEPINTO: Okay. And who is with you this

1 evening?

2 MS. BERARDO: I have with me Mr. Matthew
3 Weisz, who is the owner of Northwood Healthcare Group.

4 MR. REGAN: Counsel, I need to swear your
5 client in. Sir, will you raise your right hand?

6 MS. HUTTER: Matt?

7 MR. REGAN: Is he there? I --

8 MS. HUTTER: He's raising his hand. I don't
9 know why.

10 (brief pause)

11 MS. HUTTER: Matt, can you unmute yourself,
12 please?

13 (brief pause)

14 MS. ORGAN: Click in top of the microphone,
15 that little microphone icon.

16 (brief pause)

17 MR. DEPINTO: Okay. Lorraine, do we have a
18 video on the applicant?

19 MS. HUTTER: -- I see his black box here, but
20 he's not unmuting. Jenn, is there a way that you can
21 contact him?

22 MS. BERARDO: Yes, I will do that. One
23 second.

24 (brief pause)

25 MR. DEPINTO: Jenn, I think we're going to

1 move on to the next application, and give you the time
2 to --

3 MS. BERARDO: Well, Mr. Weisz is -- is
4 telling me that it's not allowing him to unmute.

5 MR. DEPINTO: Okay.

6 MS. BERARDO: And, I did have that issue
7 before.

8 MR. DEPINTO: Here's -- okay. Okay,
9 Jennifer, here's what we're going to do. We're going
10 to have Erica reach out for you by phone. Erica?
11 Where's Erica?

12 MS. BERARDO: And, I could always present on
13 behalf of Mr. Weisz if acceptable.

14 MR. DEPINTO: Because the Board -- the Board
15 will have questions of him, and I would rather he be in
16 attendance, quite frankly.

17 MS. BERARDO: Okay.

18 MR. DEPINTO: So, we're going to set it
19 aside. We're going to move on to the next item. And,
20 Erica, could you please communicate with Jennifer
21 Berardo and see if you could work this out? Erica,
22 could you acknowledge that you're hearing what I'm
23 saying?

24 MS. HUTTER: I'm not --

25 MR. DEPINTO: This is starting to get very

1 frustrating.

2 MS. HUTTER: It is.

3 MR. DEPINTO: Okay. We're going to move on
4 to the next application. I'm sorry.

5 MS. HUTTER: Erica, are you there? Can you
6 unmute yourself?

7 MR. KOELLING: Now John is muted, as well.

8 MS. HUTTER: Oh my God.

9 MR. KOELLING: -- having a glitch.

10 MS. HUTTER: We are.

11 MR. DEPINTO: Okay. Let's move on. Block
12 1103 Lot 5 and Block 403 Lot 1, Metropolitan Home
13 Development, 91 Spring Valley Road. It's an
14 application for amended site plan approval. And, I'm
15 going to ask Mr. Del Vecchio if he would introduce
16 himself, as well as introduce his clients. Mr. Del
17 Vecchio?

18 MR. DEL VECCHIO: Thank you. Yes. Good
19 evening, Mr. Chairman. Andy Del Vecchio, member of the
20 firm of Beattie Padovano on behalf of the applicant
21 Metropolitan Home Development at Werimus, LLC. And
22 with me this evening is our project engineer Chuck
23 Olivo.

24 MR. REGAN: Before we start with Mr. Olivo,
25 Lorraine, could I just confirm with you that the

1 notices are in order?

2 MS. HUTTER: Yes.

3 MR. REGAN: Okay. Okay, Mr. Del Vecchio, we
4 can swear Mr. Olivo in.

5 MR. DEPINTO: And, Mr. Regan, can we swear in
6 our board members --

7 MR. REGAN: Yes, we'll swear in --

8 MR. DEPINTO: I'm sorry, our professionals?

9 MR. REGAN: Yes, we'll swear in Ms. Green and
10 Mr. Hipolit simultaneously?

11 C H A R L E S O L I V O, WITNESS, SWORN.

12 A N D Y H I P O L I T, PROFESSIONAL, SWORN.

13 MR. REGAN: Let the record reflect that Mr.
14 Olivo is sworn and -- as is Mr. Hipolit. Ms. Green is
15 not here?

16 MR. HIPOLIT: No, she's not here. I'm
17 attending for her.

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

19 MR. HIPOLIT: She's sick.

20 MR. REGAN: Okay.

21 MR. DEL VECCHIO: Mr. Chairman, by way of
22 quick introductory summary, we're here on an
23 application for amended subdivision approval. This
24 Board previously granted subdivision approval to this
25 applicant for approximately eleven lots. Nothing is

1 changing in terms of the number of homes, the layout,
2 the location of the homes. What had happened is during
3 the tail-end of our resolution compliance process a new
4 survey was ordered for the property. That survey
5 resulted in some discrepancies showing up in the meets
6 and bounds, which are plans that we've resubmitted to
7 correct. Some of the lot sizes get bigger, some of the
8 lot sizes get slightly smaller. None of the variances
9 that were previously granted by this Board get any
10 worse. Most of them get better than what the Board had
11 previously granted, albeit you know the deviations are
12 all very small from what this Board originally
13 approved. But, because of the deviations we thought it
14 best to go on record, formally get the deviations or
15 changes approved, so that the paper record matches the
16 visual or map record that this Board will have on file.
17 And, we can then perfect the subdivision, which will be
18 the next step. That's the reason we're here. Mr.
19 Olivo has now been sworn. He was previously qualified
20 as the project engineer in this matter, and I would ask
21 that the Board accept his qualifications; unless you'd
22 like me to requalify him?

23 MR. REGAN: No, he's previously been here a
24 number of times. He's been qualified in the field of
25 civil engineering. I recommend he be deemed so

1 qualified without any further testimony.

2 MR. DEL VECCHIO: With -- Mr. Regan, with
3 your and the Chair's permission I propose the following
4 markings: A-1, the affidavit of notice; A-2 is the new
5 survey prepared by Stonefield Engineering, consisting
6 of three sheets, last revised December 16, 2021; A-3 is
7 the revised subdivision plans prepared by Stonefield.
8 They consist of thirty-two sheets last revised 1/19/22.
9 And finally is a letter or a table prepared by
10 Stonefield Engineering consisting of five pages, dated
11 1/20/22, which catalogs the differences on a lot by lot
12 basis that were revealed by the survey. Mr. Olivo --

13 MR. OLIVO: Yes.

14 MR. DEL VECCHIO: The Board obviously knows
15 the project. The Board previously has seen and
16 approved this project. I gave them a high level
17 overview, if you would please you know describe for the
18 Board why we're here, what the -- how the discrepancies
19 were uncovered, and where we end up after they are
20 taken into account?

21 MR. OLIVO: Absolutely. Good evening, Mr.
22 Chairman, members of the Board, and Board
23 professionals. Just for the record, Charles Olivo of
24 Stonefield Engineering and Design. As project counsel
25 has mentioned, Mr. Del Vecchio has given a great

1 summary of why we are here. Essentially we are working
2 off a survey that had been prepared in 2017. As part
3 of finalizing subdivision mapping, as well as
4 addressing resolution compliance items prepared by Mr.
5 Hipolit's office, we prepared a new and updated survey
6 dated around the end of last year, December of 2021,
7 and also had our survey team prepare that. And as a
8 result of that, the rear property line that generally
9 runs a back -- the -- across the back of the properties
10 101, 102, 103, and 104, just ever so slightly moved to
11 the west. And as a result of that, increased the total
12 lot area by approximately seventy square feet. So, as
13 Mr. Del Vecchio has mentioned the lot areas themselves
14 have either remained the same or slightly increased.
15 In addition to that along Spring Valley Road there was
16 previously shown an easement that was not included
17 within the total lot area and we have now corrected
18 that discrepancy. So, there are no new variances
19 created as a result of this increase in land mass. In
20 fact a number of the variance previously granted have
21 lessened in their extent as a result of the plans that
22 have been submitted to the Board. We thank very much
23 Mr. Hipolit and his team for reviewing these -- the
24 project and -- and the changes that have been made,
25 which I believe as part of the review letter have

1 stated them to be de minimis, and I would agree with
2 that. So, all of the -- the modifications are rather
3 minimal in nature and the project remains as previously
4 approved.

5 MR. DEL VECCHIO: Thank you, Mr. Olivo. I
6 have no further questions of Mr. Olivo -- make him
7 available to the Board for their questions.

8 MR. DEPINTO: Okay. Thank you. Mr. Olivo,
9 let's go to your technical review, I guess, of A --
10 marked into evidence I believe as A-4.

11 MR. OLIVO: Yes, that is the -- the letter
12 and the corresponding table, Mr. Chairman.

13 MR. DEPINTO: Right. And with respect to
14 that, can you run through the lots and just define the
15 deviation from what was originally approved to what is
16 requested at this point?

17 MR. OLIVO: Yes, and I will state for the
18 record that Ray Tighe from the Tax Assessor's Office
19 has provided us with the -- the lot numbers.
20 Previously we were using letter designations, now we
21 are using numerical designations in accordance with the
22 tax assessor's recommendations. So, you'll note some
23 the -- the changes in nomenclature there.

24 But, Lot 101 there has been a slight increase
25 in lot area on the order of approximately twenty square

1 feet. And the lot width has increased by approximately
2 two feet, and then as a result of that you'll see that
3 the building coverage is generally around the same, and
4 the -- the lot coverage has decreased slightly. Is
5 that type of summary sufficient, Mr. Chairman? Would -
6 - would that be okay?

7 MR. DEPINTO: Yes.

8 MR. OLIVO: Okay.

9 MR. DEPINTO: No, that would be fine. I just
10 want the record to be clear --

11 MR. OLIVO: Great.

12 MR. DEPINTO: With your testimony relative to
13 each of the lots. This -- this is a little bit
14 unusual.

15 MR. OLIVO: Understood.

16 MR. DEPINTO: I believe that if we have a
17 clear record on -- if there are members of the public
18 that have a concern or questions about it, it'll be
19 very clear based on that record.

20 MR. OLIVO: Understood, understood. I'll
21 continue. And I know Mr. Hipolit's office has prepared
22 a similar summary as well, so I think we have all bases
23 covered, but I'll keep going.

24 Lot 102 what we're looking at is --

25 MR. DEPINTO: Please.

1 MR. OLIVO: Again, an increase in lot area of
2 about twenty square feet. And generally speaking a
3 floor area ratio of slight reduction and a lot coverage
4 slight reduction, as well, about a tenth of a decimal
5 point in terms of percentage.

6 Lot 103 we are again with a building coverage
7 that is slightly less, lot area that is thirty-eight
8 square feet more. And our floor area ratio reduced,
9 our lot coverage reduced, as well.

10 Lot 104 we are looking at a lot area increase
11 of approximately thirty-three square feet. Our floor
12 area ratio reduces, our lot coverage also reduces.

13 Lot 501 we are looking at a -- a lot area
14 increase, again, and the building coverage, the floor
15 area ratio and lot coverage are decreasing as a result
16 of the lot area increase on that particular portion.

17 Lot 502 we are holding the same lot area for
18 502, so all of your corresponding bulk standards remain
19 the same, as well.

20 Lot 503 we are hold the same lot area for
21 503.

22 Lot 504, difference of three square feet over
23 approximately twenty-six thousand square feet and
24 change. So, some very small reductions in lot coverage
25 and floor area ratio as a result of that.

1 Lot 505 we are holding the same lot area.
2 Lot 506, the same lot area. 507, a slight up tick in
3 lot area at three square feet, so again de minimis
4 changes in building coverage, floor area ratio and the
5 lot coverage. And that would be all of them.

6 MR. DEPINTO: -- very good. And before we
7 open up it to the public, I'm -- first the Board and
8 then the public, I'm going to go to Mr. Hipolit. And,
9 Mr. Hipolit, what are your comments with respect to the
10 changes that are proposed on the plan based upon the
11 change in the survey?

12 MR. HIPOLIT: I think, Mr. Chairman, you
13 probably should mark my January 31st letter?

14 MR. DEPINTO: B-1?

15 MR. HIPOLIT: B-1 would be fine.

16 MR. DEPINTO: Yes.

17 MR. HIPOLIT: So, in -- in -- in B-1 we
18 provided a detailed table of all the changes which Mr.
19 Olivo went over. It gives the details of the actual
20 now -- the new lot number, what was previously
21 approved, what was revised. And we also indicated that
22 there is no intensification of the variances. I mean,
23 Mr. Chairman, Mr. Regan can take that chart that we
24 provided, use that for an amended resolution with the
25 numbers that are in there, and that would just kind of

1 tie together the original approval with the minor
2 changes across. Just noting -- I think Mr. Olivo noted
3 the one lot, which is Lot -- the last one. I'm sorry.
4 The one lot changed we'll more significant in area, but
5 it got bigger, so it lessened the variance, so I -- you
6 know --

7 MR. OLIVO: Oh, yes. 501, sorry I --

8 MR. HIPOLIT: Yes, I'm sorry. Five -- yeah,
9 501.

10 MR. OLIVO: Yeah --

11 MR. HIPOLIT: We don't see any issues. The
12 original intent of the approval is still maintained.
13 There's no intensification of the variances and the
14 site plan -- grading, drainage, and roads all remain
15 the same. I will also add that when you mark it, and
16 Ms. Green's letter the same thing, she had I think
17 possibly one other issue, if you want to cover that.

18 MR. REGAN: -- we can mark that, Ms. Green's
19 letter as B-2. Andy, could you send me your letter? I
20 don't have it.

21 MR. HIPOLIT: I can do that. I'll email it
22 to you. Or, Lorraine, if you're -- if you could email
23 it to him while we're talking? But --

24 MR. DEPINTO: And -- yeah, Lorraine, could
25 you forward me a copy of that letter, as well?

1 MR. HIPOLIT: Ms. Green's letter is dated
2 January 27th.

3 MR. DEPINTO: Correct.

4 MR. REGAN: Right.

5 MR. HIPOLIT: She covers the same items as
6 me, which basically says there's no intensification of
7 the variance. She does indicate, Chuck, that you have
8 some light poles that are closer to the cul-de-sac than
9 they should be. In my opinion you can just make them
10 conforming, you don't need the -- the waiver, or you
11 can request a waiver for it. I don't know what the
12 applicant wants to do in that case.

13 MR. DEPINTO: Mr. Del Vecchio, will your
14 client comply?

15 MR. DEL VECCHIO: We can, Mr. Chairman. But,
16 I would point out that those light poles are in a
17 compliant location and were approved in that location
18 by the Board. Subsequent to our approval there was an
19 ordinance adopted by the community that changed the
20 standard. It's the applicant's position at the time of
21 application rule would have protected the approval of
22 those poles in that location. Now of course, if
23 there's a problem with it from a safety or otherwise
24 purpose, we're happy to entertain moving them. But,
25 they are in an approved location for the original

1 approvals and nothing has changed by way of these
2 survey changes to move those light poles.

3 MR. DEPINTO: Andy, from an engineering point
4 of view -- Andy Hipolit, from an engineering point of
5 view do you have difficulty with the placement of those
6 light poles?

7 MR. HIPOLIT: No, I -- I'm fine with the
8 original location. If the Board wants to just add a
9 waiver to the approval tonight, I'm -- okay with that.

10 MR. DEPINTO: Okay.

11 MR. REGAN: Mr. Chairman, I don't think a
12 waiver would be necessary, since the --

13 MR. DEPINTO: I don't either.

14 MR. REGAN: Ordinance was in effect at the
15 time the application was filed. Then accordingly the
16 original ordinance controls.

17 MR. HIPOLIT: Yeah, I'm fine with.

18 MR. DEPINTO: Is there -- is there anything
19 else in Ms. Green's review letter, Mr. Hipolit?

20 MR. HIPOLIT: No, it's the same -- it's the
21 same stuff that's indicated in my letter. Bob, if you
22 follow the -- the chart in my letter, you'll be fine.
23 It has everything in it.

24 MR. DEPINTO: Okay. Why don't we mark into
25 evidence two other board exhibits? The first one being

1 Montvale Fire Department, and what is this B-4, Bob?

2 MR. REGAN: B-3.

3 MR. DEPINTO: B-3. And Montvale Police
4 Department as B-4. Under B-3 the fire department
5 states it has reviewed the plans submitted on 1/19, had
6 the following -- provide copies of any water flow tests
7 from SUEZ, relocate the new hydrant on Deep Wood to the
8 end of the existing road, beginning of the new road.
9 Three, loop the water main from Deep Wood to the next
10 street off the Spring Valley Road through a right of
11 way. And four, all hydrants have to have reflective
12 lips installed. And, Mr. Del Vecchio, does your client
13 agree to comply with those requirements?

14 MR. DEL VECCHIO: I believe most of those
15 requirements were previously complied with, except for
16 the reflective lips. That may be the new one on the
17 hydrants. And copies of the water flow tests -- we're
18 happy to provide those to you, as well.

19 MR. DEPINTO: Okay, very good. Thank you.
20 And then Montvale Police Department dated 12/27 states
21 after reviewing this application the Montvale Police
22 Department has nothing further to comment on with
23 regards to the --

24 I believe we've marked all documents into
25 evidence. I believe it's time now to open up the

1 meeting to the members of the Board for both questions
2 and comments. And, I believe we're going to start with
3 Mr. Huysenov. Do you --

4 MR. HUYSENOV: I don't have any -- thank you.
5 Thank you, Chairman. I don't have questions. Well,
6 actually I don't have comments. But a question is like
7 we have a -- quite a significant addition in one of the
8 lots. What was the reasons, just the survey change?

9 MR. DEPINTO: Yeah, Mr. Olivo, again, could
10 you define that, please?

11 MR. OLIVO: Yes. Previously that area was
12 shown as an easement of just about thirty-two hundred
13 square feet. Now, an easement is still part of the --
14 the land, the property. It's not a dedication. And as
15 a result of that it should be included in the overall
16 land area, and it wasn't as part of the 2017 survey,
17 and it is now. So, that was just a simple discrepancy
18 that we fixed.

19 MR. HUYSENOV: Okay. All right. Thank you
20 for that clarification.

21 MR. OLIVO: Of course.

22 MR. HUYSENOV: I have no further questions.

23 MR. DEPINTO: Thank you. John Ryan?

24 MR. RYAN: No questions, Mr. Chairman.

25 MR. DEPINTO: Thank you. Bob Zitelli?

1 MR. ZITELLI: No questions, Mr. Chairman.

2 MR. DEPINTO: Thank you. John Culhane?

3 MR. CULHANE: No questions, Mr. Chairman.

4 MR. DEPINTO: Thank you. Mr. Teagno?

5 MR. TEAGNO: I have no questions, Mr.

6 Chairman.

7 MR. DEPINTO: Thank you. Mr. Lintner?

8 MR. LINTNER: No questions, Mr. Chairman.

9 MR. DEPINTO: Thank you. Mr. Stefanelli?

10 MR. STEFANELLI: I have no questions, Mr.

11 Chairman.

12 MR. DEPINTO: Thank you. Mr. Gruber?

13 MR. GRUBER: I have no questions, Mr.

14 Chairman.

15 MR. DEPINTO: Thank you. I think I have all

16 the Board members. And with that said, the Chair will

17 entertain a motion to open the meeting to the public.

18 Anyone care to make that motion?

19 MR. CULHANE: So moved.

20 MR. RYAN: So moved.

21 MR. DEPINTO: All right. Mr. Culhane.

22 Seconded, Mr. Ryan. All in favor --

23 BOARD MEMBERS: I --

24 MR. DEPINTO: I'm sorry, Mr. Koelling, I did

25 not call upon you. Did you have any questions?

1 MR. KOELLING: Thank you, Mr. Chairman, no
2 questions.

3 MR. DEPINTO: Okay. Thank you. And all in
4 favor of opening the meeting to the public?

5 BOARD MEMBERS: Aye.

6 MR. DEPINTO: Anyone opposed? Hearing none,
7 any one from the public wish to be heard? If so,
8 please raise your hand so that the Board Secretary
9 could find you.

10 (brief pause)

11 MR. HIPOLIT: Your Honor, Mr. Lavis -- Art
12 Lavis has a question. He has his physical hand raised.

13 MR. DEPINTO: Okay, very good. Good evening,
14 Mr. Lavis. How are you?

15 MR. LAVIS: Mr. DePinto, I'm fine thanks.
16 How are you?

17 MR. DEPINTO: I am well, thank you.

18 MR. LAVIS: I see you're still standing along
19 here after these many, many decades. I'd admire your
20 endurance.

21 MR. REGAN: Mr. Chairman, I -- I need to
22 swear Art in if he's going to make a statement. Art,
23 would you raise your right hand, please?

24 A R T H U R L A V I S, PUBLIC, SWORN.

25 MR. REGAN: And just for the record, please

1 your name and your address.

2 MR. LAVIS: Arthur Lavis, 20 Hilton Place,
3 Montvale, New Jersey.

4 MR. REGAN: Thank you.

5 MR. DEPINTO: Okay, very good. Thank you.
6 What's up, Art?

7 MR. LAVIS: I just received this letter on
8 January 20th about this subdivision approval -- amended
9 subdivision approval, and I don't ever remember getting
10 a letter on the initial approval -- and it's kind of
11 moot at this point. But, I was kind of out of the loop
12 on exactly what had happened here, and I didn't really
13 follow it. But, I just want to ask, Mr. Chairman,
14 there was a prior approval for six lots on this
15 property, and this is a -- R-40 zone, and I wonder what
16 -- what would the rationale for changing it to allow
17 these seven buildings along Spring Valley Road? I
18 don't see how that's appropriate for an R-40 zone.

19 MR. DEPINTO: All right And, Mr. Regan, I'm
20 going to call upon you to answer that question, cause
21 obviously the decision of the Board was based upon
22 presentations that were made to the Board. But, if you
23 would just explain to Mr. Lavis that --

24 MR. REGAN: Yeah, I'm going to go back and
25 look at the -- at the -- I guess the 2019 resolution.

1 There was also a 2006 approval, previously. The
2 resolution granted a -- a D(4) F.A.R. variance, as well
3 as a D(5) density variance. The Board found that the
4 site --

5 MR. DEL VECCHIO: Five or ten more minutes --

6 MR. REGAN: I'm sorry? The -- the Board
7 determined that the site was -- appropriate for these -
8 - this type of use, which is described as transition --
9 a transition of land area in view of its proximity to
10 both multi-family and commercial office uses to the
11 North and -- and West, that based upon surrounding land
12 uses, single family homes on smaller lots will be
13 particularly suitable for the property. And the Board
14 determined that would advance the general welfare
15 purpose of the MLUL. The Board also found that other -
16 - other objectors of the MLUL would be advanced,
17 including appropriate population densities and a
18 variety of residential uses, as well as a desirable
19 visual environment. Similarly the Board granted C
20 variances based on the -- the same reasoning as
21 applicable to the D variance release.

22 Art, I could just refer you to -- it's a
23 thirty-eight page resolution, without belaboring it any
24 more.

25 MR. LAVIS: You -- you explained it very

1 well. And I -- I don't agree, but I -- I understand
2 it. And that's a moot point at this point. Okay. I
3 just want to ask are there any affordable units, Mr.
4 Chairman, in that -- of the seven? No.

5 MR. DEPINTO: No.

6 MR. LAVIS: Okay, I'm finish. I think it's a
7 -- done deal and just a minor change. So, good night,
8 gentleman.

9 MR. DEPINTO: Thank you.

10 MR. REGAN: Take care, Art.

11 MR. DEPINTO: Okay. Anyone else from the
12 public wish to be heard? Lorraine?

13 MS. HUTTER: I'm looking. I'm not seeing
14 anyone.

15 MR. DEPINTO: Okay. With that said, the
16 Chair will entertain a motion to close the meeting to
17 the public.

18 MR. CULHANE: So moved.

19 MR. STEFANELLI: Second.

20 MR. PINTO: Mr. Culhane. Second, Mr.
21 Stefanelli. Discussion? Hearing none; roll call,
22 please?

23 MS. HUTTER: You want to make an
24 introduction?

25 MR. DEPINTO: No, just close the meeting.

1 MS. HUTTER: Okay.

2 MR. DEPINTO: And then we're going -- going
3 to go into deliberation.

4 MS. HUTTER: Okay. You want a roll call for
5 the closing of the meeting?

6 MR. DEPINTO: Yeah, I do.

7 MS. HUTTER: Mr. Culhane?

8 MR. CULHANE: Yes.

9 MS. HUTTER: Mr. Gruber?

10 MR. GRUBER: Yes.

11 MS. HUTTER: Council member Koelling?

12 MR. KOELLING: Yes.

13 MS. HUTTER: Mr. LINTNER?

14 MR. LINTNER: Yes.

15 MS. HUTTER: Mr. Ryan?

16 MR. RYAN: Yes.

17 MS. HUTTER: Mr. Stefanelli?

18 MR. STEFANELLI: Yes.

19 MS. HUTTER: Mr. Teagno?

20 MR. TEAGNO: Yes.

21 MS. HUTTER: Mr. Zitelli?

22 MR. ZITELLI: Yes.

23 MS. HUTTER: Chairman DePinto?

24 MR. DEPINTO: Yes. Mr. Del Vecchio, do you
25 have any other witnesses you wish to present this

1 evening?

2 MR. DEL VECCHIO: No, Mr. Chairman, Mr. Olivo
3 was our sole witness.

4 MR. DEPINTO: Okay, thank you. And in
5 summation before the Board deliberates, Mr. Del
6 Vecchio?

7 MR. DEL VECCHIO: I think Mr. Lavis captured
8 the essence of the application. We are talking about a
9 de minimis change to correctly reflect the lot areas
10 based upon the correct survey. Nothing else changes.
11 If anything, the variances all get better, so we --
12 we'd ask for your favorable vote this evening.

13 MR. DEPINTO: Okay. Thank you very much.
14 And I'm going to call upon Board members for comments,
15 opinion, starting with Mr. Huysenov.

16 MR. HUYSENOV: I don't have any comments, Mr.
17 Chairman.

18 MR. DEPINTO: Thank you. Mr. Ryan?

19 MR. RYAN: No comments, Mr. Chairman.

20 MR. DEPINTO: Thank you. Mr. Zitelli?

21 MR. ZITELLI: No comments, Mr. Chairman.

22 MR. DEPINTO: Thank you. Mr. Culhane?

23 MR. CULHANE: No comments, Mr. Chairman.

24 MR. DEPINTO: Thank you. Mr. Teagno?

25 MR. TEAGNO: I have no comments.

1 MR. DEPINTO: Thank you. Mr. Koelling?

2 MR. KOELLING: -- thank you.

3 MR. DEPINTO: Mr. Lintner?

4 MR. LINTNER: No comments, Mr. Chairman.

5 MR. DEPINTO: Thank you. Mr. Stefanelli?

6 MR. STEFANELLI: I have no comments, Mr.

7 Chairman.

8 MR. DEPINTO: Thank you. Mr. Gruber?

9 MR. GRUBER: I have no comments, Mr.

10 Chairman.

11 MR. DEPINTO: And I think that's everyone.

12 And -- and I don't have any comments either. Okay.

13 Mr. Regan, do you have what you need in order to

14 prepare our resolution?

15 MR. REGAN: I do, Mr. Chairman.

16 MR. DEPINTO: And, Mr. Hipolit, any closing

17 comments or statements on your part?

18 MR. HIPOLIT: No, Mr. -- No, Mr. Chairman.

19 MR. DEPINTO: With that said, the Chair will

20 entertain a motion to request of the board attorney to

21 prepare a resolution of approval setting forth the

22 terms and conditions as set forth on the record and

23 included on the plans and exhibits that have been

24 presented to the Board. Anyone care to make a motion

25 to that effect?

1 MR. CULHANE: So moved.

2 MR. STEFANELLI: Seconded.

3 MR. DEPINTO: Mr. Culhane -- seconded Mr.

4 Stefanelli. Roll call on that, Lorraine.

5 MS. HUTTER: Mr. Culhane?

6 MR. CULHANE: Yes.

7 MS. HUTTER: Mr. Gruber?

8 MR. GRUBER: Yes.

9 MS. HUTTER: Council member Koelling?

10 MR. KOELLING: Yes.

11 MS. HUTTER: Mr. Lintner?

12 MR. LINTNER: Yes.

13 MS. HUTTER: Mr. Ryan?

14 MR. RYAN: Yes.

15 MS. HUTTER: Mr. Stefanelli?

16 MR. STEFANELLI: Yes.

17 MS. HUTTER: Mr. Teagno?

18 MR. TEAGNO: Yes.

19 MS. HUTTER: Mr. Zitelli?

20 MR. ZITELLI: Yes.

21 MS. HUTTER: Chairman DePinto?

22 MR. DEPINTO: Yes. Okay. Thank you and good
23 evening, everyone.

24 MR. DEL VECCHIO: Thank you and good evening.

25 MR. DEPINTO: Okay. Let's go back to --

1 MS. HUTTER: The use permit?

2 MR. DEPINTO: Northwood Healthcare. Ms.
3 Berardo?

4 MS. BERARDO: Yes. Good evening, Mr.
5 Chairman.

6 MR. DEPINTO: Is your -- is your client here?

7 MS. BERARDO: I believe so.

8 MR. WEISZ: Yes, I am. I apologize to the
9 Board.

10 MR. DEPINTO: Okay.

11 MR. REGAN: Mr. Chairman, I think I should
12 swear Ms. Berardo's client in. I know I tried to
13 previously, but I don't think it worked. Sir, would
14 you raise your right hand?

15 M A T T H E W W E I S Z, APPLICANT, SWORN.

16 MR. REGAN: For the record, state your full
17 name and spell your last name, please.

18 MR. WEISZ: Matt Weisz, W-E-I-S-Z.

19 MR. REGAN: Thank you.

20 MR. DEPINTO: Okay, thank you. Ms. Berardo,
21 any changes or corrections to the use permit
22 application as submitted?

23 MS. BERARDO: No changes as submitted, thank
24 you.

25 MR. DEPINTO: Okay, thank you. We're going

1 to read it into the record and then open it up to Board
2 members for question.

3 The Board is in receipt of a Use Permit
4 application submitted in the name of Northwood
5 Healthcare Group, LLC of 50 Chestnut Ridge Road.
6 Jennifer Berardo, Attorney at Law, from Wells,
7 Jaworski, Liebman is representing the applicant this
8 evening. The owner of the property is Montvale
9 Estates, LLC out of Monsey, New York. The property is
10 known as Block 3004 Lot 2, also known as 50 Chestnut
11 Ridge Road. It is in the OR-2 Zone of the Borough.
12 The building is approximately a hundred and four
13 thousand feet. The premises within the building to be
14 occupied six thousand three hundred and thirty-three
15 square feet. The application indicates that the
16 applicant currently occupies three thousand three
17 hundred and nineteen square feet.

18 The date the applicant intends to occupy the
19 premises -- the application indicates as soon as
20 possible. Nature of present use of premises,
21 application indicates office/administrative. Prior
22 business to occupy subject premises, current tenant of
23 suite 107. Intended use of premises, Northwood
24 Healthcare Management, LLC provides financial services
25 for skilled nursing facilities and related office and

1 administrative functions would be performed at the
2 premises. Number of offices contained on premises,
3 eight. Proposed alterations, application reads see
4 attached build-out plan prepared by Jeffrey Barton,
5 A.I.A. Dated 1/25. Proposed days and hours of
6 operation, Monday through Friday, nine to five. Number
7 of employees to occupy the premises, twenty-five.
8 Parking spaces required for their use, twenty-five.
9 Parking spaces required for visitor, two to three.
10 Parking spaces provided for in lease is n/a, parking in
11 common. Parking spaces to be physically marked, none.
12 Total number of parking spaces on site, three hundred
13 and sixty-six. Parking in common with other tenants.
14 Will an outdoor sign be required? The application
15 states, no. And under additional information the
16 applicant has provided us with the zip codes of
17 employees intended to occupy the subject space.

18 The application bears two signatures, and I'm
19 going to ask Counsel if she can identify -- her client
20 identify the signatures on the application.

21 MS. BERARDO: Yes, Mr. Weisz, can you please
22 identify the signatures on the application? The first
23 being your own as the proposed tenant, and the second
24 being the owner of the building.

25 MR. WEISZ: Yes.

1 MR. DEPINTO: Very good, thank you. Attached
2 to the application is a copy of the Montvale Police
3 Department report, second is a membership form with the
4 Montvale Chamber of Commerce. And the one I have is
5 blank, do we have a completed one, Erica or Lorraine?

6 MS. HUTTER: No.

7 MS. DAVENPORT: No.

8 MR. DEPINTO: All right. Okay. And then
9 finally, the referenced floor plan, which is entitled
10 50 Chestnut Ridge Road, Northwood Healthcare management
11 expansion. Okay. Now, Ms. Berardo, with respect to
12 the intended use, could you please ask your client, A
13 to give us an overview of the nature of the business of
14 Northwood, number one? And secondly what use would be
15 of the new space to be occupied? Secondly, is the new
16 space contiguous to the old space? And number three,
17 does the floor plan show -- include both the old and
18 new space?

19 MS. BERARDO: Okay. Mr. Weisz, can you
20 please describe a little bit about Northwood Healthcare
21 Group and what services you provide?

22 MR. WEISZ: Yeah, so we are -- we own and
23 operate skilled nursing facilities and assisted living
24 facilities across the country. And, we do all the back
25 office administrative work out of this office in

1 Montvale. We recently grew and are growing, we just
2 acquired ten more communities in the last two months,
3 so we need more space for more employees.

4 MR. DEPINTO: Okay.

5 MR. WEISZ: The offices just were -- they're
6 expanding the existing office. It's going to be all
7 one big office. That's it.

8 MS. BERARDO: So, the new office space is
9 directly adjacent to the current space that you are
10 occupying?

11 MR. WEISZ: Correct. Yes, it was vacant,
12 thankfully, since we moved in, so were able to just
13 open a wall.

14 MS. BERARDO: And the intended use is just to
15 continue general office business?

16 MR. WEISZ: Correct.

17 MR. DEPINTO: Okay, very good. Thank you.

18 Questions from Board members starting with Mr. Ryan?

19 MR. RYAN: No questions, Mr. Chairman.

20 MR. DEPINTO: Okay, thank you. Mr. Zitelli?

21 MR. ZITELLI: No questions, Mr. Chairman.

22 MR. DEPINTO: Thank you. Mr. Culhane?

23 MR. CULHANE: Just one, Mr. Chairman. Did
24 they provide zip codes for the employees?

25 MR. DEPINTO: They did.

1 MS. BERARDO: Yes.

2 MR. WEISZ: Yes, we did.

3 MR. DEPINTO: --

4 MS. BERARDO: They're provided both on the
5 application, as well as an exhibit to the application.

6 MR. CULHANE: No quest -- no other questions,
7 Mr. Chairman.

8 MR. DEPINTO: Thank you. Mr. Teagno?

9 MR. TEAGNO: No questions, Mr. Chairman.

10 MR. DEPINTO: Thank you. Mr. Koelling?

11 MR. KOELLING: No questions, Mr. Chairman.

12 Thank you.

13 MR. DEPINTO: Thank you. Mr. Lintner?

14 MR. LINTNER: No questions, Mr. Chairman.

15 MR. DEPINTO: Thank you. Mr. Stefanelli?

16 MR. STEFANELLI: Yes, I have. The hours of
17 operation -- because you mentioned that you're across
18 the country now, so --

19 MR. WEISZ: We're -- we're in four states.

20 They're all Eastern Standard Time, so --

21 MR. STEFANELLI: Okay.

22 MR. WEISZ: But, either way we're -- we're
23 nine to five.

24 MR. STEFANELLI: Okay. So, you're just
25 handling the paperwork from those facilities?

1 MR. WEISZ: Correct.

2 MR. STEFANELLI: -- no further questions.

3 Thank you.

4 MR. DEPINTO: Thank you. Mr. Gruber?

5 MR. GRUBER: Just a couple questions. One,
6 you're going to need a C.C.O. from the building
7 department, and you're also going to need building
8 permits to do -- fit out there with modifications. So,
9 you'll have to come down to the building department and
10 file for that stuff. That's all I have, Mr. Chairman.

11 MR. DEPINTO: Okay. Thank you. And, I think
12 I've called on all Board members. Lorraine --

13 MS. HUTTER: I think you missed --

14 MR. DEPINTO: Did I miss anyone?

15 MS. HUTTER: Mr. Huysenov?

16 MR. HUYSENOV: You missed me, but I don't
17 have any questions.

18 MR. DEPINTO: Oh, I'm sorry, Mr. --

19 MR. HUYSENOV: No questions.

20 MR. DEPINTO: I need a bigger screen model or
21 something. Okay, fine. Ms. Berardo, anything in
22 closing?

23 MS. BERARDO: I just -- I do apologize for
24 the technical difficulties in the beginning and for
25 your time this evening, and would simply request a

1 favorable vote this evening to allow Mr. Weisz to
2 occupy the additional space in the building.

3 MR. DEPINTO: Okay, very good. Thank you.
4 Chair will entertain a motion to approve.

5 MR. RYAN: So moved.

6 MR. TEAGNO: So moved.

7 MR. DEPINTO: Mr. Ryan; seconded Mr. Teagno.
8 Discussion? Hearing none, roll call vote, please?

9 MS. HUTTER: Mr. Culhane?

10 MR. CULHANE: Yes.

11 MS. HUTTER: Mr. Gruber?

12 MR. GRUBER: Yes.

13 MS. HUTTER: Council member Koelling?

14 Counsel member Koelling? You're -- Mr. Lintner?

15 MR. LINTNER: Yes.

16 MS. HUTTER: Mr. Ryan?

17 MR. RYAN: Yes.

18 MS. HUTTER: Mr. Stefanelli?

19 MR. STEFANELLI: Yes.

20 MS. HUTTER: Mr. Teagno?

21 MR. TEAGNO: Yes.

22 MS. HUTTER: Mr. Zitelli?

23 MR. ZITELLI: Yes.

24 MS. HUTTER: Chairman DePinto?

25 MR. DEPINTO: Yes. Okay. Thank you and good

1 luck to you.

2 MR. WEISZ: Thank you very much.

3 MS. BERARDO: Thank you very much. Have a
4 good evening.

5 MR. DEPINTO: Okay, let's move on. We have
6 Montvale Family Apartments, LLC, 159-161 Summit Avenue.
7 It's an application for major soil movement. And this
8 is a joint project between Montvale Family Apartments
9 and the Borough of Montvale. And it will be presented
10 this evening by Joe Voytus, who is the Borough
11 Attorney. Good evening, Joe.

12 MR. VOYTUS: Thank you, Mr. Chairman. Good
13 evening. Joseph Voytus of the Boggia, Boggia, Betesh
14 and Voytus on behalf of the Borough. The Borough is
15 making this application as the owner of these two lots.
16 Right now Montvale Family Apartments will eventually be
17 bringing this project to fruition. They -- I believe
18 previously obtained site plan approval from this Board,
19 and we're just making a major soil movement application
20 on their behalf to help expedite the process.

21 MR. DEPINTO: Okay, thank you. And, Mr.
22 Voytus, you've submitted the appropriate application.
23 That application has been reviewed by Mr. Hipolit. Is
24 that correct, Mr. Hipolit?

25 MR. HIPOLIT: That is correct.

1 MR. DEPINTO: And, Mr. Voytus, you do have
2 the design engineer present this evening?

3 MR. VOYTUS: That's correct. I have Adam
4 Westenberger here.

5 MR. DEPINTO: And, Mr. Westenberger -- Mr.
6 Bob, do we have to swear him in?

7 MR. REGAN: Yes. Sir, would you raise your
8 right hand, please?

9 A D A M W E S T E N B E R G E R, WITNESS, SWORN.

10 MR. REGAN: I -- I needed to get, Mr.
11 Hipolit, too. Andy, do you --

12 A N D Y H I P O L I T, WITNESS, SWORN.

13 MR. REGAN: Okay. Thank you. Mr. Voytus,
14 are we marking anything before we start?

15 MR. VOYTUS: I believe we would just have the
16 affidavit of notice as A-1, and then the final site
17 plan last revised January 7, 2022 as A-2. The only
18 relevant plan for purposes of this application is the
19 grading plan sheet number five, but we can mark the
20 entire thing in if you'd like.

21 MR. REGAN: That's sheet five is the grading
22 plan?

23 MR. VOYTUS: Correct.

24 MR. REGAN: Okay.

25 MR. DEPINTO: Okay, very good. Thank you.

1 Now -- for the benefit of the Board members of the
2 members of the public that are in attendance this
3 evening, Mr. Westenberger, could you give an overview
4 of the study that was done to prepare the application
5 for a major soil movement permit. And then we'll go to
6 Mr. Hipolit for his confirmation of your statement.

7 MR. REGAN: Mr. Chairman, I apologize, but I
8 don't think Mr. Westenberger was here on the original
9 application. Joe, could you quickly qualify him as --
10 civil engineering?

11 MR. VOYTUS: Sure. Mr. Westenberger, could
12 you give your -- your educational history and
13 occupational history for the Board?

14 MR. WESTENBERGER: Sure, thank you. Thanks
15 everybody. Good evening. My name is Adam
16 Westenberger. I'm a project manager at Dynamic
17 Engineering Consultants. I received a Bachelor's of
18 Science in Civil Engineering from the New Jersey
19 Institute of Technology and I'm a licensed professional
20 engineer in good standing in the State of New Jersey.

21 MR. REGAN: Mr. -- Westenberger, you've
22 previously been qualified in the field of civil
23 engineering before land use boards in New Jersey?

24 MR. WESTENBERGER: Yes. Correct, sir.

25 MR. REGAN: On how many occasions,

1 approximately?

2 MR. WESTENBERGER: About a dozen I would say.

3 MR. REGAN: Okay. Mr. Chairman, I think he
4 can be deemed qualified. I recommend no further
5 testimony.

6 MR. DEPINTO: The Chair will accept
7 recommendation of Counsel. Please, continue.

8 MR. WESTENBERGER: Thank you. Good evening.
9 So as Mr. Voytus noted, this application is in
10 conjunction with the final site plan approval that was
11 previously granted by this Board. And the purpose of
12 this application is for soil -- a major soil movement
13 in conjunction with that site plan. So, this is for
14 approval of the soil movement associated with leveling
15 and grading the site, associated with excavation of the
16 detention pond, and construction of berms that are
17 being used to buffer the property.

18 To quantify that soil movement we -- we
19 approximate that a total of eight thousand three
20 hundred and eight-two cubic feet of soil will be moved
21 on the property.

22 UNIDENTIFIED MALE: I think you mean cubic
23 yards.

24 UNIDENTIFIED MALE: -- cubic yards.

25 MR. WESTENBERGER: Thank you, everybody.

1 You're correct, cubic yards. I prefer cubic feet, I
2 don't know why the standard is yards, it just
3 complicates things. Eight thousand three hundred and
4 eighty-two cubic yards, for the record, will be moved
5 on the site. And to clarify, none of that is being --
6 no soil is being imported and no soil is being exported
7 from the site. That is contained entirely within the
8 site that's being relocated from say the basin areas
9 being excavated to those proposed berms. And so
10 everything will be contained on the site.

11 That's the -- the primary goal of the -- of
12 the soil movement, is just for the -- to allow for the
13 construction of the approved site plan. The applicant
14 intends to comply with all ordinance requirements
15 regarding things such as noise associated with
16 construction. They'll follow the mandated hours in the
17 ordinance of when work is permitted and such.

18 And the only outstanding comment that the
19 professionals requested testimony on was the naming of
20 the contractor. At this time the project has not gone
21 out to bid, and as such there is not a contractor hired
22 to perform the soil movement. However, that -- that
23 when they're hired the Borough will be made aware of
24 who that is and they'll be an experienced and qualified
25 contractor in the State of New Jersey.

1 Mr. Voytus, unless you have any questions or
2 clarifications --

3 MR. VOYTUS: That's --

4 MR. WESTENBERGER: I believe that's it.

5 MR. DEPINTO: Thank you. Mr. Voytus?

6 MR. VOYTUS: I -- I don't have any other
7 questions for Mr. Westenberger.

8 MR. DEPINTO: Thank you. Why don't we mark
9 into evidence the technical review of Colliers, Andy
10 Hipolit. And I guess Andy --

11 MR. REGAN: January 6th is Andy's --

12 MR. DEPINTO: January 6th.

13 MR. REGAN: Mark that B-1.

14 MR. HIPOLIT: January 6th, yes.

15 MR. DEPINTO: We'll mark as B-1. And you
16 know why don't we mark all of the Colliers review
17 letters? We have --

18 MR. REGAN: -- is B-2.

19 MR. DEPINTO: B-2, and that's January 5.

20 MR. REGAN: It is -- well, there's one
21 January 25th, which I assume supercedes the January 5
22 one.

23 MR. DEPINTO: Is that true, Andy?

24 MR. HIPOLIT: Yes.

25 MR. DEPINTO: Okay.

1 MR. REGAN: So, let's just mark the one.

2 MR. DEPINTO: So, we'll mark the one as B-5
3 (sic). And then you have a landscape review dated --
4 landscape and lighting review dated January 11.

5 MR. :

6 MR. DEPINTO: Which we'll mark as B-6, Bob?

7 MR. REGAN: That would be B-3; wouldn't it?

8 MS. DAVENPORT: Yeah, that's B-3.

9 MR. DEPINTO: Oh, I'm sorry.

10 MR. REGAN: What's the date of that one?

11 MR. DEPINTO: Eleven -- January 11.

12 MR. HIPOLIT: January 11.

13 MR. REGAN: Thanks.

14 MR. DEPINTO: Okay. Andy, could you give us
15 a brief review of your technical reviews? And do you
16 concur with the testimony that you've heard from the
17 engineer this evening?

18 MR. HIPOLIT: I do. So, the soil moving --
19 in my January 6th letter on the soil moving, the actual
20 amount total soil to move is eight thousand three
21 hundred and eighty-two cubic yards. We take no
22 exception to it. We obviously agree with the applicant
23 that once they have the contractor they need to give --
24 give that name of that contractor to the Borough. And
25 then prior to doing soil moving activities, they need

1 to set up their soil erosion -- control on site.

2 MR. DEPINTO: Okay, very good. And how about
3 the planning review?

4 MR. HIPOLIT: I have to get to it. Hold on.

5 (brief pause)

6 MR. HIPOLIT: -- find it now. I'm sorry. I
7 -- generally as far as Ms. Green's planning review, she
8 takes no exception. It's really a soil moving
9 application, so she doesn't have any issues with it.

10 MR. DEPINTO: And finally, Mr. DeBlasio's
11 (phonetic) review letter?

12 MR. HIPOLIT: Mr. DeBlasio's review letter
13 just indicates that the lighting and landscaping that
14 was revised as part of the original application is all
15 in compliance now and he takes no exception also at
16 this point.

17 MR. DEPINTO: Okay. Can we mark into -- I
18 have two other Borough exhibits, which I'd like to mark
19 into evidence. And then I'll open it up to the Board
20 members for questions. The next exhibit is Montvale
21 Fire Department, dated January 24. Bob, how do you
22 want to mark that?

23 MR. REGAN: I guess B-4. I need a copy of
24 that, as well.

25 MR. DEPINTO: Okay. Did you --

1 MR. REGAN: I have Police -- I have January
2 26, but I don't have the fire.

3 MR. DEPINTO: Okay. For the Fire Department
4 it states Montvale Fire Department Planning Review
5 Committee has reviewed the plans dated January 7, 22
6 and have no additional comments.

7 MR. REGAN: John, what's the date of the Fire
8 Department report.

9 MR. DEPINTO: 1/24.

10 MR. REGAN: Thank you.

11 MS. HUTTER: What are we marking that, Bob?

12 MR. REGAN: B-4

13 MR. DEPINTO: B-4. And then we have the
14 Montvale Police Department dated December 27.

15 MR. REGAN: Was -- I have one dated January
16 26th from the police.

17 MR. DEPINTO: I don't have -- I don't have
18 that.

19 MS. HUTTER: Me neither.

20 MR. CULHANE: I think the Police Department
21 sent out an email with a revised letter.

22 MR. DEPINTO: Okay, I don't have that. Bob,
23 is that the one you're referring to?

24 MR. REGAN: Yeah, the only one I have is the
25 January 26th.

1 MR. DEPINTO: Okay. Could -- could you mark
2 that and read it into the record, Bob?

3 MR. REGAN: That would be B-5.

4 (brief pause)

5 MR. REGAN: It's dated January 26. Ms. --
6 Mrs. Hutter, after reviewing this application the
7 Montvale Police Department has no issue with the soil
8 movement proposal. We would like to have the ability
9 to enforce Title 39 on the sites. It's signed by
10 Captain McDowell.

11 MR. DEPINTO: Okay, very good. Mr. Voytus,
12 do you have anything else you wish to present this
13 evening or any other witnesses?

14 MR. VOYTUS: Not at this time, Mr. Chairman.

15 MR. DEPINTO: Thank you. And I'm going to
16 open it up to Board members for questions. And I guess
17 I'm starting with Mr. Zitelli. Any questions of either
18 the design engineer or Mr. Hipolit?

19 MR. ZITELLI: No, Mr. Chairman.

20 MR. DEPINTO: Okay. Thank you. Mr. Culhane?

21 MR. CULHANE: Just one question. What was
22 the revision date for sheet five again?

23 MR. REGAN: January 7th.

24 MR. VOYTUS: January 7th.

25 MR. CULHANE: Okay, no other questions.

1 Thank you.

2 MR. DEPINTO: Thank you. Mr. Teagno?

3 MR. TEAGNO: No questions, Mr. Chairman.

4 MR. DEPINTO: Thank you. Mr. Koelling?

5 MR. KOELLING: No questions, Mr. Chairman.

6 Thank you.

7 MR. DEPINTO: Thank you. Mr. Lintner?

8 MR. LINTNER: Thank you, Mr. Chairman. I

9 have no questions.

10 MR. DEPINTO: Thank you. Mr. Stefanelli?

11 MR. STEFANELLI: Yes, Mr. Chairman, I have no

12 questions. It's all been said.

13 MR. DEPINTO: Thank you. Mr. Gruber?

14 MR. GRUBER: I have no questions, Mr.

15 Chairman.

16 MR. DEPINTO: Thank you. And I do not have

17 any questions. With that said, the Chair will

18 entertain a motion to open the meeting to the public.

19 MR. CULHANE: -- motion.

20 MR. LINTNER: So moved.

21 MR. DEPINTO: Mr. Culhane, seconded Mr.

22 Lintner. All in favor?

23 BOARD MEMBERS: Aye.

24 MR. DEPINTO: Members of the public who are

25 in attendance this evening, if you'd like to ask a

1 question or have a comment with respect to this
2 application please indicate your desire to talk by
3 raising your hand, and the secretary will try to find
4 you. Okay. Anyone from the public wish to be heard?

5 (brief pause)

6 MR. DEPINTO: Lorraine, do you recognize
7 anyone?

8 MS. HUTTER: I'm not seeing anybody raising
9 their hand through a reaction or --

10 (brief pause)

11 MR. REGAN: We have -- there's at least one
12 hand up.

13 MS. HUTTER: A -- Ms. Organ, are you raising
14 your hand? Yes?

15 MS. ORGAN: Yes.

16 MS. HUTTER: Ms. Organ.

17 MR. REGAN: Mr. Chairman, I'm going to swear
18 in Ms. Organ. Would you raise your right hand, please?

19 L A U R E A N A O R G A N, WITNESS, SWORN.

20 MR. REGAN: And for the record state your
21 full name, spell your last name, and give us your
22 address.

23 MS. ORGAN: Thank you. My name is Laureana
24 Organ, I'm a resident of Montvale at 157 Summit Avenue.
25 The question in the removal of soil is since I'm the

1 next door neighbor to -- attached to the -- to this
2 property what the method they're going to use that will
3 maybe kind of be careful that our house will not be
4 full of dust?

5 MR. DEPINTO: Well, I'm going to ask Mr.
6 Hipolit. Mr. Hipolit, with respect to moving this
7 quantity, what impact should that have on the
8 environment, and more particularly with respect to the
9 Mrs. Organ's home?

10 MR. HIPOLIT: So, they have soil on site that
11 they have to move. It's all staying on site. As I had
12 said, it's required for them to institute or install
13 their soil erosion and sediment control devices before
14 they start, which is their silt tents, the tracking pad
15 and anything else associated with that. If it in fact
16 is very dry, let's assume they do it in the middle of
17 August when it's very dry, soil conservation standards
18 require them to wet the soil before moving it, so that
19 helps keep the dust down. If by some chance it's dry,
20 they don't wet it, and there's dust -- stop soil moving
21 activities immediately and then make them do that. So,
22 it's -- you know it falls under the soil conservation
23 regulations from Bergen County and they would have to
24 adhere to those.

25 MS. ORGAN: --

1 MR. DEPINTO: Okay. Ms. Organ, anything
2 else?

3 MS. ORGAN: I assume that this environment,
4 like you say, is -- soil being secured that doesn't
5 have any contamination being removed?

6 MR. DEPINTO: And again, Mr. Hipolit, could
7 you answer that question please?

8 MR. HIPOLIT: Actually Mr. Westenberger would
9 have to answer that question. They did the soil
10 testing on site.

11 MR. DEPINTO: Mr. Westenberger, could you
12 answer the question, please?

13 MR. WESTENBERGER: Sure. We could -- we are
14 -- our applicant hired a licensed environmental
15 professional to conduct phase one testing on the
16 property and that did not result in any contaminants
17 with the soil. So, every -- everything that was tested
18 did not -- return any results that would suggest
19 contamination, and as such we don't believe there's
20 anything present.

21 MS. ORGAN: They didn't need pesticides test,
22 because you know it was a farm?

23 MR. WESTENBERGER: Yes, correct. Yes, that
24 was all part of the -- the phase one environmental
25 report that was completed.

1 MS. ORGAN: No further questions.

2 MR. DEPINTO: Okay. Thank you. Anyone else
3 wish to be heard?

4 (brief pause)

5 MS. HUTTER: There's no one else raising
6 their hand, Mr. Chairman.

7 MR. DEPINTO: Okay. Thank you. Chair will
8 entertain a motion to close the meeting to the public.

9 MR. CULHANE: So moved.

10 MR. TEAGNO: So moved.

11 MR. DEPINTO: Mr. Culhane, seconded Mr.
12 Teagno. All in favor?

13 BOARD MEMBERS: Aye.

14 MR. DEPINTO: Okay, very good. Board members
15 in general, anyone else have any questions? Mr.
16 Voytus, anything in closing?

17 MR. VOYTUS: No, Mr. Chairman. Just thank
18 you for your consideration this evening, and I would
19 you know request that you act favorably upon this
20 application.

21 MR. DEPINTO: Okay. Thank you. The chair
22 will entertain a motion to request the Board attorney
23 to prepare a resolution of approval for the Board to
24 act on at our next regularly scheduled meeting. Anyone
25 care to make a motion to that.

1 MR. HUYSENOV: --

2 MR. DEPINTO: I'm sorry, Mr. Huysenov. Is
3 there a second?

4 MR. STEFANELLI: --

5 MR. DEPINTO: Discussion? Hearing none, roll
6 call vote, please?

7 MS. HUTTER: Mr. Culhane?

8 MR. CULHANE: Yes.

9 MS. HUTTER: Mr. Gruber?

10 MR. GRUBER: Yes.

11 MS. HUTTER: Council member Koelling?

12 MR. KOELLING: Yes.

13 MS. HUTTER: Mr. Lintner?

14 MR. LINTNER: Yes.

15 MS. HUTTER: Mr. Ryan?

16 MR. RYAN: Yes.

17 MS. HUTTER: Mr. Stefanelli? Mr. --

18 MR. STEFANELLI: Yes.

19 MS. HUTTER: Mr. Teagno?

20 MR. TEAGNO: Yes.

21 MS. HUTTER: Mr. Zitelli?

22 MR. ZITELLI: Yes.

23 MS. HUTTER: Mr. Huysenov?

24 MR. HUYSENOV: Yes.

25 MS. HUTTER: Chairman DePinto?

1 MR. DEPINTO: Yes. Okay. Thank you,
2 gentlemen. Have a good evening.

3 MR. VOYTUS: Thank you. You, too.

4 MR. WESTENBERGER: Thank you, Mr. Chairman.
5 Thank you, members of the Board.

6 MR. VOYTUS: Have a good evening.

7 MR. DEPINTO: Okay. Let's move on. The
8 final matter on the agenda for this evening is Gray
9 Capital, however we're going to take a five minute
10 break. And when we return we'll deal with an
11 application for a new public hearing on Block 1102 Lot
12 3, Gray Capital, LLC, 100 Summit Avenue. It's an
13 application for preliminary and final site plan
14 approval.

15 (break in hearing)

16 MR. DEPINTO: Okay. Lorraine, are all the
17 Board members back?

18 MS. HUTTER: Waiting on Dieter Koelling,
19 Chris Gruber.

20 MR. DEPINTO: Okay.

21 MS. HUTTER: Chris Gruber.

22 (brief pause)

23 MS. HUTTER: Just waiting on Chris Gruber.

24 (pause)

25 (phone ringing)

1 UNIDENTIFIED MALE: Hi. What's going on?

2 (brief pause)

3 MS. HUTTER: Not answering.

4 MR. DEPINTO: Then let's start the meeting
5 without him.

6 MS. HUTTER: Okay.

7 MR. DEPINTO: Okay. As I had stated on the
8 record previously this is a new public hearing on Block
9 1102 Lot 3, Gray Capital, LLC, 100 Summit Avenue. It's
10 an application for preliminary and final site plan
11 approval. And, Board members are here with the
12 exception of Mr. Gruber, and Mr. Gruber will have to
13 catch up with us.

14 MR. REGAN: Mr. Chairman, could I ask --

15 MR. DEPINTO: -- sure.

16 MR. REGAN: Ms. Lorraine, if -- are the
17 notice documents in order, so the Board has
18 jurisdiction to proceed?

19 MS. HUTTER: Yes.

20 MR. REGAN: Okay. Thank you.

21 MR. DEPINTO: Okay. Thank you. And, let's
22 start with Counsel for the applicant, please identify
23 himself for the record.

24 MR. VOGEL: Good evening, Mr. Chairman.

25 Thank you. Jerome Vogel, Jeffer, Hopkinson, and Vogel,

1 attorney for the applicant.

2 MR. DEPINTO: Thank you.

3 MR. VOGEL: With the -- with the Chairman's
4 permission, I'd like to make a brief introductory
5 statement?

6 MR. DEPINTO: Please do.

7 MR. VOGEL: Thank you. As the Chairman
8 indicated this is Lot 3 in Block 1102. It has -- it is
9 -- has frontage on both Summit and Spring Valley Road.
10 It's in the R0-3 zone, office research. It's a bit
11 over fourteen and a half acres. It has seven hundred
12 and fifty-seven feet of frontage on Summit and three
13 thousand nine hundred and eighty-five on Spring Valley
14 Road. This was the property previously occupied by
15 Western Union. It has essentially two buildings joined
16 by a second story walkover.

17 The proposal is to demolish the portion of
18 the property on the eastern side of the building and to
19 create a healthcare facility that will have a hundred
20 and eighty one bedroom units, sixty for short term
21 care, sixty for long term care, and sixty for memory
22 care. The property includes all of those amenities one
23 might expect of a modern healthcare facility, including
24 those venues that are various and needed for the
25 sustenance of the -- the residence, including the

1 eating venues, physical therapy, a salon, various other
2 support groups all geared towards providing the latest
3 benefits to people who would reside within such a
4 healthcare facility.

5 That is basically the application. It is a
6 conversion of the existing site previously occupied, as
7 I indicated, by Western Union. And I would propose,
8 Mr. Chairman, that we mark the plans that have been
9 submitted as Applicant's exhibit number one.

10 MR. REGAN: Mr. Vogel, are those the SNS type
11 plan drawings with a revision date of 12/17/21 --

12 MR. VOGEL: Mr. Regan, -- me for the record
13 say it. The plans are entitled 100 Summit Avenue
14 Proposed Healthcare Center. Prepared by Steven
15 Napolitano, P.E., of SNS Architects and Engineers,
16 dated September 21, 2020, revised through December 17,
17 2021, Consisting of fifteen sheets, noting that sheets
18 L100 through 103 were prepared by Albert M. Denrich,
19 ASLA of Dreamland Believer (phonetic), dated June 25,
20 2021, revised through December 17, 2021.

21 MR. DEPINTO: Okay. Thank you. And, Mr.
22 Vogel, will Mr. Napolitano be your first witness this
23 evening?

24 MR. VOGEL: Yes, I think he -- he shall.

25 MR. DEPINTO: And, Mr. Regan?

1 MR. REGAN: Yes, we'll swear him.

2 UNIDENTIFIED FEMALE: Ava, shower.

3 MR. REGAN: We'll swear in Mr. Napolitano.

4 UNIDENTIFIED FEMALE: Ava, shower. I gave you
5 five minutes, that's it.

6 MR. REGAN: We're also going to swear in Mr.
7 Hipolit. Gentlemen would you raise your right hands,
8 please?

9 S T E V E N N A P O L I T A N O, WITNESS, SWORN.

10 A N D Y H I P O L I T, ENGINEER, SWORN.

11 MR. REGAN: Let the record reflect that the
12 Applicant's engineer Mr. Napolitano has been sworn
13 along with the Borough Engineer, Mr. Hipolit.

14 MR. VOGEL: Mr. Napolitano, have you
15 previously testified before this Board?

16 MR. NAPOLITANO: Yes, I have.

17 MR. REGAN: Mr. Chairman, Mr. Napolitano is
18 well known to this Board. He's previously been
19 qualified before this Board on numerous applications.
20 I'd recommend he be deemed so qualified without any
21 further testimony.

22 MR. DEPINTO: Okay. I'll accept
23 recommendation of Counsel. Please, continue.

24 MR. VOGEL: Thank you, Mr. Chairman. Mr.
25 Napolitano, at the request of the applicant did you

1 undertake to prepare the site plan, which is the
2 subject of this application?

3 MR. NAPOLITANO: Yes.

4 MR. VOGEL: And, would you describe to the
5 Board the property with which you were confronted and
6 the actions that you undertook to devise the site plan?

7 MR. NAPOLITANO: Sure, sure. The property as
8 you well summarized, Mr. Vogel, is -- is Block 1102 Lot
9 3, also known as 100 Summit Avenue. There's an -- a
10 property that is approximately 14.66 acres. It
11 contains approximately a hundred nineteen thousand
12 square foot, two-story office build -- (video feed is
13 breaking up) --

14 MS. HUTTER: Steve, you're going in and out.

15 MR. DEPINTO: Yeah, Steve, we're having a --

16 MR. NAPOLITANO: With four and eleven parking
17 spaces --

18 MS. HUTTER: Steve.

19 MR. VOGEL: Steve.

20 MR. NAPOLITANO: Yes, I'm here. I'm here.

21 MR. VOGEL: Your fading in and out.

22 MR. NAPOLITANO: I'll -- I'll do the best I
23 can, and if something happens I think I'll, like the
24 other person, log out and log in. Can you hear me now?

25 MS. HUTTER: Yes.

1 UNIDENTIFIED MALE: Yes, it's better.

2 MR. NAPOLITANO: Okay. Okay. The property
3 is -- I'll start again. The property is Block 1102 Lot
4 3, also known as 100 Summit Avenue. It's located on
5 the corner of Summit Avenue and Spring Valley Road. It
6 has -- it fronts of both -- both roads. The property
7 is approximately 14.6 acres, contains a existing two-
8 story office building of approximately a hundred and
9 nineteen thousand square feet. It also have four
10 hundred and eleven on grade car parking spaces.

11 Would you like me to share the screen to at a
12 least pull up the existing condition plan as -- as part
13 of A-1?

14 MR. DEPINTO: Yes, please.

15 MR. VOGEL: Please.

16 MR. NAPOLITANO: All right. Who's doing
17 that? Did I do that? Can you see my screen? No.

18 MS. HUTTER: No, not yet.

19 MR. NAPOLITANO: Yep, I got it. I got it.
20 Share screen. There we go. So, this is drawing --
21 excuse me. This is drawing Y-1, as Mr. Vogel pointed
22 out, last revised December 17th, 2021. Issued F, as in
23 Frank, for Borough of Montvale Planning Board filing
24 and approval.

25 This plan depicts the existing conditions.

1 There's an existing two-story office building,
2 approximately a hundred and nineteen thousand square
3 feet, on grade parking to the east and to the south of
4 the building, approximately four hundred and eleven
5 parking spaces on site. It has an ingress egress drive
6 off of Spring Valley Road, as well as Summit Avenue.
7 If I remember correctly the property was developed
8 sometime in the 1980s and the office building has been
9 there ever since.

10 I have been retained by our client, Gray
11 Capital, to provide the civil engineering services in
12 connection with the proposed nursing home addition, if
13 you will, to the existing building. And I could go
14 through those, as well. Jerry, is that okay?

15 MR. VOGEL: Yeah, please do.

16 MR. NAPOLITANO: Yes. So, this -- this
17 drawing is drawing Y-2, last dated December 17th, 2021,
18 the same set of drawings that were described earlier.
19 I'm not going to bring up -- I'm not going to be
20 bringing up any drawings that have not been submitted
21 already, meaning you have -- you'll -- you'll have
22 received all the drawings that I'll be bringing up.

23 This is the existing two-story office
24 building to remain. The existing office building,
25 which is -- they're basically one office building

1 connected by a -- a core, would be removed and replaced
2 with a three-story nursing home facility that would
3 contain I believe it's 180 beds, sixty on each floor.
4 Of course the project architect will -- will get into
5 that I guess in a little bit more detail. Most of the
6 property is going to remain untouched. Most of the
7 work, if not all of the work, is proposed in and around
8 the existing building. The existing parking lots to
9 the east, the existing parking lot to the south is
10 proposed to remain. And the existing parking lot to
11 the west, small parking lot is to -- is proposed to
12 remain as existing.

13 There is a -- a -- a main entrance that is
14 located on the south side of the -- of the existing
15 building. That would be a drop off area with a
16 porte-cochère with a drive aisle that's being proposed,
17 you see it in shade, with a few -- handicapped parking
18 spaces. By the way, the handicapped parking spaces
19 that are shown throughout out the site are adequate as
20 it relates to the minimum amount parking -- handicapped
21 parking spaces for the quantity that is on the site.
22 One of the comments from the Board Professionals asked
23 us to break that down, and of course we'll do that in
24 the next submission.

25 There will be an ambulance drop off on the

1 east -- on the northeastern end of the -- of the new
2 facility. Another -- few other main points, there's a
3 landscaped patio area and a seating area for the
4 residents that occur on the east -- excuse me, on the
5 north side of the building. There will be a ramp
6 leading you from the first floor of the existing office
7 building, which -- which will take you to -- up and to
8 the existing drive aisle and to the existing parking
9 spaces that exist on the north side. There exists
10 today a series of stairs and ramps, mostly stairs that
11 occupy this area. We're making it handicap accessible
12 by providing a -- a handicapped ramp.

13 There will be a few retaining walls. We
14 heard the site plan review committee meeting that we
15 had a few months ago. We had some retaining walls that
16 were a little higher, we revised those to a maximum of
17 four feet high and we stepped some retaining walls.
18 The retaining walls will not be seen from Summit Avenue
19 or any other place. The top of the retaining wall is
20 approximately -- a little bit lower than the existing
21 drive aisle. The height of the retaining wall would be
22 seen from the south side. So, anybody on Summit Avenue
23 or anybody on Spring Valley Road would not see these
24 retaining walls.

25 We intend to utilize the existing dumpster

1 area for refuse, the existing loading area for loading
2 of materials, and FedEx, and other -- other deliveries
3 that they have from time to time. And I believe our
4 project architect will -- will talk about that a little
5 bit, but I don't believe there are too many trucks that
6 are going to be delivering on a daily basis other than
7 your FedEx and UPS trucks.

8 The existing impervious -- excuse me, the
9 proposed impervious coverage for this development will
10 be less than the existing impervious coverage, so
11 that's a very good thing. There will be also more roof
12 than before, which is clean water. And there's less
13 vehicular driveways and drive aisles proposed than
14 there are existing.

15 We submitted a storm water management report,
16 moving over to drawing Y-3. Drawing Y-3 last revised
17 December 17th, 2021. By virtue of the existing
18 building being razed, R-A-Z-E-D, a new building coming
19 in, there's some existing utilities lines that would
20 have to traverse around the building, and we've shown
21 them here in storm water lines. They're simply
22 relocated, we're -- we're not adding any additional
23 storm flow to these lines, and thus we're actually
24 reducing it. And there's an existing detention basin
25 in the rear of the property. The existing detention

1 basin serves -- served this building since -- middle of
2 the 1980s. This project is going to -- is proposing
3 less impervious coverage. We provided storm water
4 management calculations and a storm water maintenance
5 plan that describes that the existing detention basis
6 is adequate with no modifications being proposed to it
7 based on the proposed development.

8 There are a few shaded areas that you see.
9 I'm moving my -- my hand on the mouse, if you will.
10 Those shaded areas depict areas of fifteen percent
11 slope or greater that are on the property that will be
12 disturbed. There's approximately six thousand square
13 feet of land that's fifteen percent or greater that
14 would be disturbed as a -- as a result of the -- of
15 this application by virtue of grading for the most
16 part, and a couple of retaining walls.

17 Mr. -- Mr. Vogel had submitted a request for
18 an exemption from the environmental impact statement.
19 I'd like to expand on that, if I may? Per Chapter 400-
20 132 exemptions, I'd like to just go through the few
21 exemptions, actual twelve -- twelve points. And I'd
22 just like to go through and ask if the waiver can be
23 approved. The first one is letter A, the soil will be
24 stabilized by soil erosion and sediment control
25 measures, which have been indicated on the plans, so

1 any soil will be stabilized. Soil erosion and sediment
2 control plans have been submitted to the Bergen County
3 Soil Conservation District. We've since received
4 approval from the Bergen County Soil Conservation
5 District as a result of submitting the application to
6 them in concert with submitting it to Bergen County,
7 who we have not heard from yet, as well as this Board
8 here. There is no increase in impervious coverage.
9 There will be no detrimental effect on downstream storm
10 water management. In fact this application will
11 produce less storm water offsite than currently exists
12 today. There will be effect on any springs on the
13 property, if any. There's no potential effect on any
14 animals or any other significant plant species. The
15 only areas of -- of slopes that are disturbed are
16 immediately around the building. Other critical slopes
17 that are around the property, such as at the rear of
18 the property, along areas where there's wetlands and
19 wetlands buffers, which I'll talk about in a moment, we
20 are not disturbing those at all. Just around -- and
21 those areas have been disturbed before, and they're
22 going to be -- proposed to be disturbed now as part of
23 the development. We don't believe there's any rock
24 removal associated with this -- with this application.
25 We have approximately -- and I'll get to the soil

1 movement, but as part of the waiver, which we're hoping
2 to -- to get approved, there's a soil movement of
3 approximately -- a total movement of six thousand and
4 sixty-five cubic yards, of which five thousand six
5 hundred and one cubic yards is to be exported from the
6 site. So, there will be more cut than fill, so some
7 soil will be exported from the site. At this time we
8 do not have a contractor on board, as typical at this
9 stage. However, the applicant will agree to provide
10 the Borough and the Borough Police Department and the
11 Borough Engineer at that time with the application for
12 soil movement naming -- naming the contractor, his
13 routes, et cetera. --

14 MR. REGAN: Mr. Napolitano, how many cubic
15 yards --

16 MR. NAPOLITANO: Yes.

17 MR. REGAN: Are going to be exported? I
18 missed -- I missed that number.

19 MR. NAPOLITANO: Five thousand six hundred
20 and one.

21 MR. REGAN: Thank you.

22 MR. NAPOLITANO: So, total cut, five thousand
23 eight hundred and thirty-three. Total fill, two
24 hundred and thirty-two. These are in cubic yards.
25 Total movement, added those together, six zero six

1 five, again cubic yards, but the net would be a five
2 thousand six hundred and one cubic yard export. Okay.

3 We don't believe that this development will
4 produce any noise pollution, letter I of 400-132
5 exemptions of the E.I.S. We don't believe there's any
6 -- there will be no increase of industrial waste -- or
7 industrial waste disposal. And we don't believe there
8 are too many -- there -- there -- we do not believe
9 there are any peculiarities to this site that could
10 prohibit any -- any kind of development of this nursing
11 home facility in its location.

12 As I mentioned I'd like to discuss the -- the
13 wetlands. The -- most of the wetlands -- the wetlands
14 have been delineated. An application for a letter of
15 interpretation has been submitted to the D.E.P. The
16 D.E.P. has since submitted a letter of interpretation
17 to the applicant based on the wetlands that have been
18 delineated in the field. The wetlands are located on
19 the southern end of the property. The wetlands have a
20 fifty foot buffer, none of which is being proposed to
21 be disturbed. There is a three hundred foot C-1 buffer
22 from Bear Brook. The Bear Brook we're all familiar
23 with in Montvale. Again, no disturbances proposed
24 within the C-1 buffer either. Again, just to repeat,
25 we did receive a letter of interpretation from the

1 D.E.P. I -- I believe Counsel Vogel has -- might have
2 -- has submitted that. If not, we have the
3 documentation, we can furnish that as well.

4 We've also provided a site lighting plan.
5 We've received numerous comments both from planning,
6 engineering, as well Mr. DeBlasio. And we are
7 proposing a -- a typical light fixture shown here. The
8 spec is noted on the drawing. We could certainly
9 provide if -- if -- if asked for a color -- a brochure
10 of what the light fixture looks like, but it's -- not
11 quite shoe box, but it's in that family. We're
12 proposing to replace all the light fixtures with a
13 maximum I believe it's thirty-five hundred K-B, which -
14 - which -- Kelvin rather, which the -- which -- which
15 is required by the Borough of Montvale. And we, again,
16 have received some comments on that, and -- and we will
17 address those comments as we go through the
18 application, in the ensuing -- in the ensuing days.

19 And, last but not least we have a Soil
20 Erosion Sediment Control Plan, again submitted to the
21 Bergen County Soil Conservation District. We're
22 showing some location of tracking pads, some general
23 locations that the contractor might be able to use,
24 some stockpile locations, a limited disturbance. And,
25 again, the limited disturbances -- I'm going to go with

1 my mouse around the building, and that would be the
2 proposed limit of the disturbance for this project.
3 Again, there is no proposed disturbance in the southern
4 -- southern parking lot to the -- and to the south, the
5 eastern parking lot and to the east, and only a few
6 parking spaces up at the top here are going to be re-
7 striped to add a couple of handicapped spaces to the
8 north.

9 So, I think I have gone through. And I want
10 to thank the Board, the Board Professionals, everybody
11 who is here, for the opportunity to provide a --
12 background information on the proposed site
13 development.

14 MR. DEPINTO: Thank you.

15 MR. VOGEL: All right. Mr. Napolitano, did
16 you receive the January 31, 2022 review letter prepared
17 by Mr. Hipolit?

18 MR. NAPOLITANO: Yes.

19 MR. VOGEL: And, have you had a chance to
20 review that letter and have responses to the issues
21 that he raised?

22 MR. NAPOLITANO: Yes.

23 MR. DEPINTO: And, Mr. Vogel, before --
24 before you ask Mr. Napolitano to address that, first
25 I'd like to mark that into evidence as a Board exhibit.

1 MR. VOGEL: Yes, Mr. Chairman, if you would?
2 That is a letter from Colliers Engineering and Design
3 dated January 31, 2022.

4 MR. DEPINTO: And, I do not believe I have a
5 copy of that letter, Lorraine.

6 MS. HUTTER: It was on the top of your
7 packet. It was a late -- let me -- I'll send it to
8 you.

9 MR. NAPOLITANO: Excuse me. Mr. Vogel, is
10 that A-2?

11 MR. VOGEL: That is A-2. A -- A -- A-1 were
12 the plans, this is A-2.

13 MR. REGAN: Wouldn't that be a Board exhibit?

14 MS. HUTTER: It's a Board exhibit.

15 MR. HIPOLIT: That would be -- that would be
16 B-2.

17 MR. REGAN: B-1?

18 MR. HIPOLIT: B-1, yeah sorry.

19 MR. NAPOLITANO: B-1?

20 MR. HIPOLIT: Yeah, B-1.

21 MR. REGAN: Mr. Chairman, this -- I've --
22 I've read Mr. Hipolit's report and as -- as he usually
23 is, is very comprehensive and detailed. There's a
24 tremendous amount of material in here.

25 MR. HIPOLIT: Thank you, Mr. Regan. And Mr.

1 DePinto doesn't have it, but I think the first thing
2 the Board needs to do is deem the application complete.
3 Because, as far as we're concerned its conditional
4 completeness, because there's a lot of waivers being
5 asked for.

6 MS. HUTTER: All right. One second.

7 MR. DEPINTO: And, again, I don't even have a
8 copy of that in front of me.

9 MS. HUTTER: Okay. Hold on.

10 MR. DEPINTO: But --

11 MR. HIPOLIT: I can get it to him. Want me
12 to email it to him?

13 MR. DEPINTO: Mr. Hipolit, with respect --
14 okay, you're seeking the approval of the Board to
15 conditionally accept the application as being complete,
16 those conditions being the waivers -- acceptance of the
17 waivers that they're seeking?

18 MR. HIPOLIT: Correct.

19 MR. DEPINTO: And -- Bob, can we mark it into
20 evidence. I understand it's --

21 MR. REGAN: Yes, it's B-1, Mr. Chairman.

22 MS. HUTTER: --

23 MR. REGAN: And the waivers begin on page
24 three.

25 MR. HIPOLIT: Okay. I'm send -- sending it

1 to you right now, John.

2 MR. DEPINTO: I just --

3 MS. HUTTER: I sent it to him.

4 MR. HIPOLIT: Oh, you --

5 MR. DEPINTO: I just received it. Did the
6 Board members have this?

7 UNIDENTIFIED MALE: No.

8 MS. HUTTER: No?

9 MR. LINTNER: We do not.

10 MS. HUTTER: Hold on.

11 MR. STEFANELLI: I have -- I have a copy.

12 MS. HUTTER: It was sent --

13 MR. DEPINTO: Dated January 31.

14 (brief pause)

15 MS. DEPINTO: Who has not received a copy of
16 that review letter? Mr. Culhane, Bob, you don't have
17 it?

18 MS. DAVENPORT: It -- it would all be
19 electronic, because we just received it yesterday. So,
20 no one would have a hard copy in their packets.

21 UNIDENTIFIED MALE: Who's that talking?

22 MR. ZITELLI: All right. Let me go through
23 my email then.

24 (brief pause)

25 MR. DEPINTO: Okay. How about the other

1 Board members?

2 MS. HUTTER: Frank, you have it?

3 MR. STEFANELLI: Yes, I have it.

4 MS. HUTTER: Dante, you have it?

5 MR. TEAGNO: Yes, I believe I do.

6 MS. HUTTER: Dieter, you have it?

7 MR. KOELLING: I'm currently searching my
8 email for it. --

9 MS. HUTTER: Okay. It was -- it would have
10 been yesterday. Bill, you have it?

11 MR. LINTNER: Yes, I have it.

12 MS. HUTTER: Chris Gruber?

13 MR. GRUBER: Yes.

14 MS. HUTTER: So, I think it's just Mr.
15 Zitelli.

16 MR. ZITELLI: I have it.

17 MS. HUTTER: Okay. And, Mr. Culhane.

18 MR. DEPINTO: Okay. So, Bob, why don't we
19 mark it into evidence?

20 MS. HUTTER: Is this B-2?

21 MR. REGAN: -- B -- B-1.

22 MS. HUTTER: B-1.

23 MR. HIPOLIT: B-1.

24 MR. DEPINTO: And what did we mark the plan
25 as?

1 MR. REGAN: The plans were A-1.

2 MR. DEPINTO: Okay. This will be marked as
3 B-1. And, before we discuss anything on that review
4 letter I'm going to poll Board members to see if they
5 have any questions of the testimony they've heard thus
6 far from Mr. Napolitano. And I guess I'm starting with
7 Mr. Zitelli?

8 MR. ZITELLI: All right. Yeah, my -- my
9 first question has to do with the soil movement and the
10 export. So, if we're going -- there's going to be
11 fifty-six hundred cubic yard exported, roughly how many
12 truck loads is that? And do you guys -- just give me
13 an idea how many truck loads that would be.

14 MR. DEPINTO: Mr. Napolitano, could you
15 answer that?

16 MR. NAPOLITANO: Ha ha. A --

17 MR. HIPOLIT: I could -- I could jump in.
18 It's Andy Hipolit.

19 MR. NAPOLITANO: Yeah -- yes, if you wouldn't
20 mind.

21 MR. HIPOLIT: That would be depending on --
22 on how the soil packs in the truck.

23 MR. ZITELLI: Uh huh.

24 MR. HIPOLIT: You would have anywhere from
25 four hundred to four hundred and fifty trucks.

1 MR. NAPOLITANO: Okay. I'm -- I'm doing the
2 numbers now, and --

3 MR. ZITELLI: That's -- that's all right. So
4 --

5 MR. NAPOLITANO: Yeah, yeah, that's about
6 right. Thank you, Mr. Hipolit. Thank you.

7 MR. ZITELLI: What -- so like what period of
8 time would that take place? Is that like over you know
9 -- over the course of several months, or are you going
10 to be doing that like within the course of like two
11 weeks or something?

12 MR. HIPOLIT: It would be -- it would
13 probably be within the course -- realistically, it --
14 it would probably take three to six months.

15 MR. ZITELLI: Okay. All right. So --

16 MR. HIPOLIT: Unless they really hit it
17 really, really hard -- probably in a two month period
18 or three months, or three months. Probably three
19 months is about the quickest they could do it.

20 MR. ZITELLI: All right. Just -- just so you
21 guys know, I've got sort of a -- a very vested interest
22 in this, as I live more or less across the street from
23 it. Although, I'm -- I'm outside of whatever the two
24 hundred foot range is there. So -- but, you know I'm --
25 -- I'm very familiar with the site. I think -- I won't

1 say any more. Thank you. Onto you --

2 MR. DEPINTO: Okay.

3 MR. ZITELLI: Mr. Chairman. Thanks.

4 MR. DEPINTO: Thank you. Mr. Culhane,
5 questions of Mr. Napolitano?

6 MR. CULHANE: Yeah, the number of parking
7 being provided is substantially below what would be
8 required by ordinance. Could you give a brief
9 explanation why?

10 MR. NAPOLITANO: Sure, sure. Existing
11 parking on the property is four hundred and eleven
12 spaces. Three hundred and thirty are proposed, meaning
13 approximately eight -- eighty-one parking spaces are
14 going to be removed. The existing -- in the OR-3 Zone,
15 the minimum -- everybody knows this on the Board, but
16 I'm going to say it anyway. The minimum car parking is
17 3.3 cars per thousand. Montvale has a maximum of five.
18 So, you have to be in that range. So, on our title
19 sheet under our limiting schedule we have a little
20 chart that requires based on the square footage of the
21 building in the OR-3 Zone, the proposed building is a
22 hundred eighty-five thousand nine hundred and sixty-
23 four square feet, and as a result of that required six
24 hundred and sixty parking spaces. However -- and --
25 and as the -- the representative from the owner, as

1 well as the architect who -- who does quite a bit of
2 work with them will -- will describe -- and I don't
3 want to speak out of turn, but I believe that three
4 hundred and thirty cars would be -- and I'm just going
5 to give you generalities, more than enough. And it --
6 it would -- I'm sure your question would come up again,
7 would be more than enough for the proposed employees
8 and residents of the facility. My -- my -- my very
9 vague statement will be further specified by the owner
10 and -- and the architect as it relates to the people
11 that are inside, whether or not they drive or not, and
12 how many employees. It's all tied together. So, there
13 is a very -- very much better answer to that, but
14 that's the very broad answer.

15 MR. CULHANE: -- comments at this time, Mr.
16 Chairman.

17 MR. DEPINTO: Thank you. Mr. Teagno?

18 MR. TEAGNO: No comments, Mr. Chairman.

19 MR. DEPINTO: Thank you. Mr. Koelling?

20 MR. KOELLING: Nothing, Mr. Chairman, at this
21 time.

22 MR. DEPINTO: Thank you. Mr. Lintner?

23 MR. LINTNER: Nothing at this time, Mr.
24 Chairman.

25 MR. DEPINTO: Thank you. Mr. Stefanelli?

1 MR. STEFANELLI: The only question I have,
2 what's the condition of the existing parking lots and
3 the roads?

4 MR. NAPOLITANO: They've been repaired over
5 time. As one could imagine, the site's now forty some
6 odd years old. Good pavement you're lucky to get
7 twenty years out of in our experience. So, over time
8 the -- the site has either been you know repaired and
9 what not. It -- it -- it's a solid pavement right.
10 The -- the striping is -- is in -- is intact. There
11 might be some areas that some cracks should be -- could
12 be filled, but it's in fair condition at the moment.

13 MR. STEFANELLI: No further questions.

14 MR. DEPINTO: Thank you. Mr. Gruber?

15 MR. GRUBER: I do have a question about the
16 parking. Is there any or did they work -- anything
17 with Montvale Market as -- as far as that goes? Or,
18 did I miss something on that part of the --

19 MR. NAPOLITANO: I'm not -- I'm not familiar
20 -- I -- I'm familiar with the subject matter, and that
21 is it.

22 MR. GRUBER: Okay.

23 MR. NAPOLITANO: Yeah, I'm just not familiar
24 with the talkings of that --

25 MR. GRUBER: Okay. Thanks.

1 MR. NAPOLITANO: At all.

2 MR. GRUBER: I have no further questions.

3 MR. DEPINTO: Thank you. Mr. Huysenov?

4 MR. HUYSENOV: No questions, Mr. Chairman.

5 MR. DEPINTO: Thank you. And I think I've
6 called upon everybody. Mr. Napolitano, have you
7 incorporated into the site design an area or access
8 starting with access for ambulance, and parking in the
9 event they have to take any residents from the proposed
10 new structure?

11 MR. NAPOLITANO: You mean parking for
12 ambulance vehicles?

13 MR. DEPINTO: Yeah.

14 MR. NAPOLITANO: I -- I there -- I -- there is
15 nothing indicated on the site plans for parking of
16 ambulance vehicles.

17 MR. DEPINTO: Okay. And I presume, Mr.
18 Vogel, we're going to be hearing testimony at some
19 point from the operator/owner?

20 MR. VOGEL: Yes, your -- fully anticipated
21 that you would ask that, and we will be prepared to
22 address it.

23 MR. DEPINTO: Okay. Thank you. And, Mr.
24 Napolitano, I know during your appearances before the
25 site plan review committee, the committee had expressed

1 a concern about the visibility of the subject from the
2 streets. And you explained to us the road grade versus
3 that grade of the finished improvement. Could you
4 share that with the Board?

5 MR. NAPOLITANO: You mean -- you mean the
6 relative grades; if you will?

7 MR. DEPINTO: Yep.

8 MR. NAPOLITANO: Yeah, please let me just
9 share again -- please.

10 (brief pause)

11 MR. NAPOLITANO: So, the -- so the proposed
12 development is finished floor -- the lowest finished
13 floor elevation is at three fifty-three and a half,
14 which -- excuse me a second. Let me just give you a --
15 a -- a -- a base -- a base frame here. The existing
16 building that is located on the east side, the building
17 that's going to be removed, it's finished floor is at
18 elevation three fifty-three. The elevation let's say
19 of Summit Avenue perpendicular drawing a ninety degree
20 line from that -- varies, but is around three sixty-
21 five, three sixty-three, six -- three sixty-four, so
22 it's about ten feet difference in elevation up from the
23 road pavement to the finished floor elevation of the
24 existing building. The proposed building is also going
25 to have the exact same finished floor elevation as the

1 existing building. So, the grade along again Summit
2 varies, it goes from up at the top of three eighty-four
3 all the way down to -- and as we all know -- know this,
4 to about three sixty-five down here. But, in general
5 you're about three sixty-four, so you're about ten feet
6 higher on the pavement at Summit Avenue than you are at
7 the finished floor elevation of the building. The
8 retaining walls here -- the bottom of the retaining
9 wall would be at three fifty-three. The top of the
10 retaining wall here would be a three -- bear with me
11 please. The top of the retaining wall over here -- and
12 it -- again that varies, is approximately three fifty-
13 nine. So, three fifty-three, the grade comes up a
14 little bit -- three -- and down and up to three fifty-
15 three, two four foot high retaining walls -- two --
16 actually these are three foot retaining walls. Top of
17 wall at the -- at the upper -- upper wall is three
18 fifty-nine. The existing driveway is around three
19 fifty-nine. And then the -- the street here actually
20 is about three sixty, three sixty-one, two, three,
21 four, et cetera. It varies on the road. So, if you're
22 standing here at three sixty-one, you can't see the top
23 of the wall here at three fifty-nine. I think I
24 answered your question.

25 MR. DEPINTO: Are you proposing any road

1 widening of Summit Avenue or Spring Valley Road? Or
2 construction of any new sidewalks or alternation to any
3 existing sidewalks?

4 MR. NAPOLITANO: There's nothing proposed
5 within the right of way of Spring Valley Road and
6 Summit Avenue.

7 MR. DEPINTO: Such as sidewalks?

8 MR. NAPOLITANO: Such as sidewalks, grading,
9 lighting, paving, anything.

10 MR. DEPINTO: And when you're putting a
11 hundred and eighty residents on a corner piece of
12 property on two very busy streets wouldn't you
13 anticipate someone might want to go for a walk off the
14 property?

15 MR. NAPOLITANO: Yeah, there are sidewalks
16 that exist today. I think you asked --

17 MR. DEPINTO: And they're -- they're --

18 MR. NAPOLITANO: If we were going to be doing
19 anything to them.

20 MR. DEPINTO: So, you're in compliance
21 already?

22 MR. NAPOLITANO: There are existing
23 sidewalks. They're in compliance with -- there --
24 there happen to be existing sidewalks on -- on the --
25 on the -- on the frontage of -- of this property along

1 Spring Valley and Summit Avenue existing.

2 MR. DEPINTO: Okay. And -- and depressions
3 or handicap accessibility?

4 (brief pause)

5 MR. STEFANELLI: Did we lose him?

6 MR. DEPINTO: Mr. Hipolit, could you answer
7 that?

8 MR. HIPOLIT: So, the -- the existing
9 handicapped ramps on Spring Valley -- Spring Valley
10 Road driveway and the Summit Avenue driveway, I'd have
11 to look at them. They probably need to be upgraded,
12 since the standards have been upgraded. But, you know
13 it's a minor upgrade, it's just a replacement of four
14 ramps. So, they -- they don't have a choice. If -- if
15 they're in compliant -- not in compliance they have to
16 be done.

17 MR. DEPINTO: Okay.

18 MR. HIPOLIT: The one thing, Mr. Chairman,
19 just since you asked the question, since this
20 development was proposed before we did the intersection
21 improvements at Spring Valley and Summit, the left turn
22 lane on Summit Avenue extends past their driveway now.
23 If you look at the plans -- which is now going to
24 extend past their driveway, technically their driveway
25 should be right in and right on -- on Summit Avenue.

1 And I don't know if the police have weighed in on this.
2 The County hasn't weighed in on it yet, cause that is a
3 County road. But, I think the question needs to be
4 asked to the County and/or the applicant's engineer or
5 traffic engineer whether they can have left turns out,
6 because they're crossing a left turn lane on Summit
7 Avenue.

8 MR. DEPINTO: Mr. Vogel, are we going to be
9 hearing any testimony relative to -- to traffic?

10 MR. VOGEL: Yes, we will. Obviously, not
11 this evening, but we will.

12 MR. DEPINTO: Okay. And you'll make a note
13 to make certain that your traffic engineer does address
14 that question?

15 MR. VOGEL: Yes, I -- as a matter of fact, I
16 will have the traffic engineer contact Mr. Hipolit to
17 find out specifically the issues that he's kind of
18 raised. We've already filed with the County, so we
19 should be getting comments from them at some point.
20 It's a little early to expect it right now. But if I
21 don't, I'll call Mr. Timseck (phonetic) up at the
22 County and -- and try and coordinate with Mr. Hipolit
23 and the County through our traffic engineer.

24 MR. HIPOLIT: Yeah, and the other thing, Mr.
25 Vogel, if you could -- your traffic engineer. And I --

1 and I -- I'll see I believe the data supports you on
2 the -- on the parking stuff. You probably have other
3 buildings your client maintains in other places, if we
4 could just see some data from another building of
5 similar size to support the parking? Like I said I
6 believe the data's going to support it. It should be
7 pretty easy to do. But, I would just provide the data,
8 so the Board can hear that the parking proposed is
9 adequate for the size of your development based on
10 other sites.

11 MR. VOGEL: Made a note. I will make sure
12 it's in our report.

13 MR. HIPOLIT: The traffic I can cover, he's
14 the best --

15 MR. VOGEL: Yep.

16 MR. DEPINTO: Okay. Thank you. And before
17 we enter in Mr. Hipolit's technical review I do want
18 to open the meeting to the public. I see there are a
19 number of people who have an interest, I believe, in
20 this application who are online. So, with that said
21 the Chair will entertain a motion to open the meeting
22 to the public for the purpose of questions for either
23 the design engineer or the Borough engineer. Anyone
24 care to make a motion to open?

25 MR. RYAN: --

1 MR. KOELLING: --

2 MR. DEPINTO: Mr. Ryan, seconded Mr.
3 Koelling. All in favor? Aye.

4 BOARD MEMBERS: Aye.

5 MR. DEPINTO: Okay. Anyone from the public
6 who has any questions relative to engineering, please
7 identify yourself by raising your hand.

8 MS. HUTTER: I have one here, John's iPad. I
9 don't know who they are, but --

10 MS. LUONGO: That's a -- hi, good after --
11 good evening. This is Kathleen and John Luongo. We
12 live in Bear Brook --

13 MR. DEPINTO: Okay. Good evening.

14 MS. LUONGO: 611 Linderman. Hi there. I'm
15 not sure if it's engineering or not, but would it -- I
16 would ask Mr. Napolitano to please go over that slope -
17 - fifteen degree slope again. I did not quite
18 understand that, and the location of it.

19 MR. DEPINTO: Okay, very good. Good
20 question. Mr. Napolitano, you still with us?

21 MR. HIPOLIT: I think we lost him, John.

22 MS. HUTTER: Hold on. He's not asking to
23 come back in.

24 MR. HIPOLIT: He froze up. His screen froze
25 and then he just disappeared.

1 MR. DEPINTO: Well, in the interest of time,
2 Andy --

3 MR. HIPOLIT: I could do it.

4 MR. DEPINTO: Could you answer that question,
5 please?

6 MR. HIPOLIT: I can. So, between where you
7 guys and live and this development -- just in site,
8 there's kind of a driveway that goes back there. If
9 you proceeded to go from -- over that driveway towards
10 the existing building that was there, that they're
11 taking down -- if you saw that plan? In the corner of
12 that existing building there's some slopes they have to
13 modify and regrade, because the driveway is changing in
14 that area. Close to Summit Avenue -- there's slopes in
15 excess of fifteen percent they're disturbing, which our
16 ordinance requires a variance. The area is minor, but
17 they have to disturb it or else they can't -- they
18 can't modify that driveway in that area. So, then that
19 area would be closest to the Montvale Market, closest
20 to Summit Avenue.

21 MS. LUONGO: Oh, I see. Okay. So, not --
22 okay. And, also; if I may, Mr. Chairman?

23 MR. DEPINTO: Yes.

24 MR. NAPOLITANO: Sorry.

25 MS. LUONGO: If you could just over -- just

1 please go over the -- nobody seemed to address the
2 wetlands behind this and the impact on that. Can we
3 discuss that please?

4 MR. HIPOLIT: I can help --

5 MR. NAPOLITANO: I'm back, Mr. Chairman. I
6 apologize.

7 MR. DEPINTO: That's okay. Mr. --

8 MR. HIPOLIT: I can help.

9 MR. NAPOLITANO: -- back.

10 MR. DEPINTO: Well, let Mr. Napolitano answer
11 that question. Mr. Napolitano --

12 MR. NAPOLITANO: Yes.

13 MR. DEPINTO: The question came with regards
14 to the wetlands to the south side of this property.

15 MR. NAPOLITANO: Yes.

16 MR. DEPINTO: And, specifically your question
17 is --

18 MS. LUONGO: How will the -- he seems to have
19 been lost again.

20 MS. HUTTER: No, he's not --

21 MR. NAPOLITANO: I'm here.

22 MS. HUTTER: Putting it up for you.

23 MS. LUONGO: Oh, okay. Yes, good -- sharing,
24 thank you. Can you -- what -- what is the impact back
25 in here? Cause I -- we haven't discussed. We -- we

1 live in this unit right here, this building six that
2 you see right below the wetlands.

3 MR. NAPOLITANO: Okay.

4 MS. LUONGO: It's not the three in a row,
5 it's the one to -- the building to the left of that.

6 MR. NAPOLITANO: This one?

7 MS. LUONGO: And what is it that you're --
8 yeah -- yes, thank you. What is it --

9 MR. NAPOLITANO: That's your property, yes.

10 MS. LUONGO: Yes, good. Okay. So, what is -

11 -

12 MR. NAPOLITANO: That's somebody else's
13 property, that's not this property. Yep.

14 MS. LUONGO: Yeah. So, what is it that
15 you're doing back in here with regard to the wetlands
16 and encroaching onto our territory here. Because I see
17 all sorts of surveyor markers and things.

18 MR. NAPOLITANO: Oh --

19 MS. LUONGO: And we're kind of very curious
20 here as to how that's going to be impacted.

21 MR. NAPOLITANO: Sure. Nothing.

22 MS. LUONGO: In a word?

23 MR. NAPOLITANO: Nothing.

24 MR. LUONGO: What do the variances -- this is
25 John Luongo. What do the variances that you're

1 proposing subject to the area where the brook is?

2 MR. NAPOLITANO: None.

3 MR. LUONGO: Looking for --

4 UNIDENTIFIED FEMALE: None.

5 MR. LUONGO: You're not looking for
6 variances? You're not looking --

7 MR. NAPOLITANO: You asked if there are
8 variances associated with the brook, and we're seeking
9 none associated with the brook.

10 MR. LUONGO: Are you seeking variances along
11 that area?

12 MR. NAPOLITANO: Not -- not in that area, no.

13 MR. LUONGO: What area are you seeking
14 variances in, please?

15 MR. NAPOLITANO: The variances that are being
16 requested are the disturbance of the steep slopes. I
17 went through that earlier. These are the areas --

18 MS. LUONGO: Mmm hmm.

19 MR. LUONGO: Yeah.

20 MR. NAPOLITANO: Of the steep slopes.

21 MS. LUONGO: Mmm hmm.

22 MR. NAPOLITANO: -- respect -- we're
23 requesting a variance for the -- the parking
24 requirement is six hundred and sixty cars and we're
25 provide -- excuse me, six hundred and twenty cars and

1 we're providing three hundred and thirty cars, so we're
2 deficient in parking. That is -- that is the second
3 variance that we're seeking.

4 MS. LUONGO: Mmm hmm.

5 MR. NAPOLITANO: There's several none --
6 there are several existing non-conforming conditions
7 that may be considered variances. We'll go through
8 that once the -- the planner's report is read. But,
9 there are -- when you say variances in the rear, there
10 -- there are no variances associated with anything back
11 here. We're not proposing to do any -- any -- the
12 project is not proposing to do any work -- and I'll
13 bring that -- limited disturbance, any work beyond the
14 limited disturbance that you see here. I'm kind of
15 going around with my -- my mouse.

16 MS. LUONGO: Okay.

17 MR. LUONGO: So, there -- there are -- just
18 to clarify, please?

19 MR. NAPOLITANO: Sure.

20 MR. LUONGO: So, there are no -- no variances
21 with regard to the impact that they might have on the
22 little brook and -- and the stream? There's no
23 variances that you need around there impacting the
24 wildlife or anything?

25 MR. NAPOLITANO: Correct.

1 MR. LUONGO: Okay. Thank you.

2 MR. NAPOLITANO: You're welcome. And in fact
3 most of the wetlands that -- that are depicted here --
4 shouldn't say most, but about half of the wetlands that
5 had been depicted on the drawing again received
6 approval from the D.E.P. on -- some are on -- on 100
7 Summit Avenue's property, and -- and -- and some are on
8 I guess your property or this property, as well.

9 MS. LUONGO: Mmm hmm. Mmm hmm.

10 MR. NAPOLITANO: And of course they traverse
11 throughout -- throughout the Bear Brook all the way
12 down and -- and all the way up, as well.

13 MS. LUONGO: Okay. Thank you.

14 MR. NAPOLITANO: You're welcome.

15 MR. LUONGO: I'm sorry, sir. I'm -- I'm
16 sorry.

17 MR. NAPOLITANO: Not at all.

18 MR. LUONGO: Excuse me, thick Italian, sorry
19 about that. So, there is no variances that you're
20 requiring that would impact say our building? Nothing
21 there?

22 MR. NAPOLITANO: Not to my knowledge, no.

23 MR. LUONGO: To -- you haven't asked for any;
24 is that right?

25 MR. NAPOLITANO: That's -- that's correct.

1 MR. LUONGO: Okay. Thank you.

2 MR. NAPOLITANO: You're welcome.

3 MR. DEPINTO: Okay. Thank you. Is there
4 anyone else from the public?

5 MS. HUTTER: Yes, Gabriella Murphy.

6 MR. DEPINTO: Yes.

7 MR. MURPHY: Yes. Good evening, all. This
8 Pascale and Gabriella Murphy (phonetic). We live in
9 Bear Brook Village, as well. So, my comment and
10 question this evening relates to the change of the
11 entrance to the proposed building. So, being moved
12 from current kind of front of the building to now the
13 rear of the building. And the change in traffic flow,
14 such that I would assume that the majority of traffic
15 is actually going to come in off of Spring Valley going
16 forward, verus off of Summit. And earlier, if I'm
17 correct, you actually said that there will be no
18 changes to the entrance off of Spring Valley, and I'm
19 concerned about that.

20 MR. DEPINTO: Mr. Napolitano?

21 MR. NAPOLITANO: There wasn't a question, so
22 I was waiting for it.

23 MR. MURPHY: It's a comment. I -- I said a
24 comment. So, in terms of I'm concerned about, that
25 you've not proposed any changes to the entrance off of

1 Spring Valley Road. That's the comment. And then --

2 MR. REGAN: Mr. Chairman, if we're going to
3 get involved in comments --

4 MR. MURPHY: In addition to that -- any
5 additional noise pollution --

6 MR. REGAN: I need to swear --

7 MR. DEPINTO: Okay.

8 MR. MURPHY: Because the entrance --

9 MS. HUTTER: Mr. Murphy? Mr. Murphy?

10 MR. MURPHY: Sorry.

11 MS. HUTTER: One second.

12 MR. DEPINTO: Yeah.

13 MS. HUTTER: You need to form your -- your
14 comment in a question for the Chairman.

15 MR. MURPHY: Okay. So, Mr. Chairman, have
16 any -- have any changes to the entrance on the Spring
17 Valley Road been made in preparation for the proposed
18 new entrance at the back of the building, versus the
19 existing structure that has the entrance at the -- at
20 the Summit Road entrance?

21 MR. DEPINTO: Yeah, I believe the testimony
22 was there would not be any changes. However, Mr.
23 Hipolit, can you confirm that?

24 MR. HIPOLIT: I can. The proposed
25 development is not changing either access point, Summit

1 Avenue -- Summit Avenue or Spring Valley Road. The
2 existing access points remain. I think to help, Mr.
3 Murphy -- and Steve, if you could slide the plan down a
4 little bit? The -- the -- the two main access points
5 to the building for traffic are either -- either
6 through the rear of the building or the south side of
7 the building, which I think, Steve, didn't exist
8 before, or it existed not the way it does now. And
9 then I think there's an access point on the new
10 driveway over to the -- we'll call it the -- the
11 northeast side of the building. The entrance --

12 MR. MURPHY: Oh --

13 MR. HIPOLIT: For pedestrians to the -- to
14 the north is existing.

15 MR. NAPOLITANO: Sure. So -- so to answer
16 that, Mr. Hipolit and the gentleman who just asked the
17 question, there existing -- there is an -- well, to --
18 to -- to -- to answer those questions, there is no
19 change to the curb cut from this property onto Spring
20 Valley Road proposed. There is no change to the curb
21 cut onto Summit Avenue proposed. There already is
22 existing entrances into the rear of the building of the
23 existing facility. There will be exit -- entrances to
24 the rear of the building of the proposed facility.
25 There's entrances in the -- there are entrances at each

1 of the ends of the wing of the facility -- of the new
2 facility. And on the existing facility there was an
3 entrance on the east side, again on the south side, and
4 of course on the -- on the north side. And then of
5 course they have another entrance over here by -- by
6 their loading dock area. That will not change. So,
7 this entrance will not change, this entrance will not
8 change. They'll be -- it'll be modified to accommodate
9 it, but the location is the same. This entrance won't
10 change. But, they do have a couple of entrances at the
11 -- at the -- at the new building -- at the -- at the
12 wings of the new building and at a drop off area right
13 here.

14 MR. HIPOLIT: Right. So, Steve, stop on that
15 point. Just for Murphy and to help him out.

16 MR. NAPOLITANO: Sure.

17 MR. HIPOLIT: Where are the two drop off
18 areas in this building as modified?

19 MR. NAPOLITANO: At the -- the proposed would
20 be here.

21 MR. HIPOLIT: Okay. Is there a drop off area
22 in the northeast corner of the building, too?

23 MR. NAPOLITANO: At the northeast there is an
24 ambulance drop off here.

25 MR. HIPOLIT: Right, so I think the -- for

1 Mr. Murphy and the other residences, the ambulance drop
2 off is the northeast corner of the building, closest to
3 Summit Avenue.

4 MR. NAPOLITANO: Right.

5 MR. HIPOLIT: The back entrance is just for
6 people to get dropped off and walk in the building.

7 MR. NAPOLITANO: Correct.

8 MR. HIPOLIT: Which they could -- which they
9 could have done before when it -- the existing
10 building?

11 MR. NAPOLITANO: Yes.

12 MR. HIPOLIT: All right. So, Mr. Murphy --

13 MR. MURPHY: Right.

14 MR. HIPOLIT: I don't if you're quite -- if
15 that answers your question. I hope it does.

16 MR. MURPHY: Somewhat. My concern is that
17 the back entrance is now going to become the primary
18 entrance for the proposed new building. So, will that
19 then mean that the majority of the traffic entering
20 this property will now come off of Spring Valley Road,
21 versus previously Summit?

22 MR. NAPOLITANO: The main entrance to the
23 building was here previously, as well as on the east
24 side by virtue of the -- the vast parking area that's
25 existing on the south and on the east.

1 MR. DEPINTO: Mr. --

2 MR. NAPOLITANO: I do not know where people
3 will be coming from to enter the property.

4 MR. DEPINTO: Mr. -- Mr. Napolitano -- Mr.
5 Napolitano --

6 MR. NAPOLITANO: -- yes?

7 MR. DEPINTO: Mr. Vogel said he would be --
8 be presenting a witness --

9 MR. NAPOLITANO: Oh.

10 MR. DEPINTO: A traffic expert.

11 MR. NAPOLITANO: I see.

12 MR. DEPINTO: So, why -- why don't we wait to
13 hear the testimony --

14 MR. NAPOLITANO: Good idea.

15 MR. DEPINTO: From the expert, rather than
16 you try to answer that question.

17 MR. NAPOLITANO: Thank you.

18 MR. DEPINTO: Mr. Murphy, normally what would
19 happen is, as Mr. Vogel indicated, he will have at a
20 future meeting a traffic expert here, who will provide
21 us with copies of the counts of the existing traffic
22 flows, and projected traffic flows, and offer testimony
23 to that effect. And you will have an opportunity to
24 question the expert on that at that time.

25 MR. MURPHY: Wonderful. Thank you.

1 MR. DEPINTO: You're quite welcome. Anyone
2 else have any questions?

3 MS. HUTTER: Yes, Mr. Chris Franco.

4 MR. DEPINTO: Mr. Franco.

5 MR. FRANCO: So -- yeah, hi. I'm Chris
6 Franco. I live in Bear Brook also. It's not really a
7 question about the site. Our management property --
8 our management company never received notice of this
9 meeting and I just want to make them -- make somebody
10 aware that they need to be notified next time, so we
11 could have their expertise in on the meeting with us.
12 I don't know who needs to make that --

13 MR. DEPINTO: Well --

14 MS. HUTTER: I'll double check that.

15 MR. FRANCO: Okay.

16 MR. VOGEL: I'm sorry, who did not receive
17 notice --

18 MR. FRANCO: Our management company.

19 MR. VOGEL: Every -- every name that -- that
20 was on the list supplied by the tax assessor,
21 consistent with the Municipal Land Use Law, was given
22 notice.

23 MR. FRANCO: Okay. They -- they weren't. I
24 just wanted to make somebody aware, maybe they can add
25 them to the list.

1 MR. DEPINTO: Well -- okay. We can reach
2 out, however the applicant has the right to rely upon
3 the list that was provided to them by the Municipality,
4 which in fact they did. Does the management company
5 also own a unit or any other common area, or do they
6 just manage that area?

7 MR. FRANCO: Just manage.

8 MR. DEPINTO: Okay.

9 MR. REGAN: Then they wouldn't be on the
10 list.

11 MR. DEPINTO: Then they wouldn't be on the
12 list.

13 MR. REGAN: I'm looking at the list now, Mr.
14 Chairman, they're not on -- on there.

15 MR. DEPINTO: It's the -- it's the --

16 MR. REGAN: Although many people from --
17 Brook are on it.

18 MR. DEPINTO: It's the condominium
19 association, or the homeowners, or it's -- it's the
20 members -- the unit owners that are notified or should
21 be notified.

22 MR. FRANCO: Right, okay.

23 MR. DEPINTO: Yeah. Any other questions?
24 Lorraine?

25 MS. HUTTER: Yes -- yes. Gail?

1 MS. RITSCHER: Yes, hi. I'm Gail Ritscher.
2 I also live in Bear Brook Village. Just two quick
3 questions. I'm assuming that none of the trees are
4 going to be removed that screen us from the property?
5 That's the first question. And the second one is, do
6 we have any idea when construction will start?

7 MR. NAPOLITANO: So the land -- the landscape
8 architect on the project, once it's his time to
9 testify, I -- I believe that question should -- please
10 remind -- remember to ask that question of him. I
11 don't know the answer to that. And I do not know the
12 answer to when this project will start. You know
13 hopefully we receive approval, and -- and things will
14 get moving along. I just don't know --

15 MR. DEPINTO: Let's -- Mr. -- Mr. Vogel, has
16 your client shared with you their interest as to when
17 they would be starting the project -- this project?

18 MR. VOGEL: They -- they -- they will start
19 the project immediately after obtaining all of the
20 approvals. So, our hope would be that during 2022 the
21 project will start, depending upon when we're through
22 with the site plan process, when we're through with --
23 getting the building permit, clearing everything with
24 the State of New Jersey. So, I mean from my client's
25 standpoint and what I would -- I would suspect, we're

1 not in February. The approval process will take
2 through to the Summer. Hopefully this project would
3 start late Summer, or end of Fall, something like that.
4 That would be some guess. If there are things that
5 take longer, it would start later. But, I don't see --
6 I don't see anything happening before late Summer into
7 Fall.

8 MR. DEPINTO: Okay, very good. Thank you.

9 MS. HUTTER: Mr. Chairman?

10 MR. DEPINTO: Yes.

11 MS. HUTTER: Bear Ban Condos, LLC was
12 noticed.

13 MR. DEPINTO: Well, is Bear Ban, LLC Bob
14 Myers?

15 MS. HUTTER: It's --

16 MR. DEPINTO: Or is that the Association?

17 MS. HUTTER: No, it's --

18 MR. DEPINTO: Who is --

19 MS. HUTTER: It's a unit. it's 5.414.

20 MR. DEPINTO: Well, that's probably a unit
21 owned by the original developer.

22 MS. HUTTER: -- owner.

23 MR. DEPINTO: I would guess.

24 MR. REGAN: Yeah, there are actually a couple
25 of -- a couple of units owned by Bear Ban Condos.

1 MS. HUTTER: Okay, so --

2 MR. DEPINTO: Yeah, that's probably the
3 original developer. I -- who is the -- the person who
4 asked the question about the management company -- do
5 you know the name, Mr. Franco, of your management
6 company?

7 MR. FRANCO: Yeah, Young and Associates.
8 They're in Wood-Ridge.

9 MS. HUTTER: Yeah, no. They would not be on
10 the list.

11 MR. REGAN: No.

12 MR. DEPINTO: Right.

13 MR. REGAN: Bear Ban apparently owns a couple
14 of units.

15 MS. HUTTER: Yes, okay.

16 MR. DEPINTO: Okay. Any other questions?

17 MR. FRANCO: That might -- that might be an
18 old list. Bear Ban does -- doesn't have -- I don't
19 think they have any units anymore. They were sold.

20 MS. HUTTER: Well, unless they've been sold
21 within the last month --

22 MR. FRANCO: I'll double check the --

23 MS. HUTTER: That's the list -- that's the
24 list that came --

25 MR. FRANCO: Okay.

1 MS. HUTTER: From our records.

2 MR. FRANCO: No problem.

3 MR. DEPINTO: Okay. Thank you. Okay, anyone
4 else have any questions? Okay. Chair will entertain a
5 motion to close the meeting to the public.

6 MR. TEAGNO: So moved.

7 MR. KOELLING: Seconded.

8 MR. DEPINTO: Mr. Teagno, seconded Mr.
9 Koelling. All in favor?

10 BOARD MEMBERS: Aye.

11 MR. DEPINTO: Now, members of the public --
12 members of the public that have an interest in this
13 application, please be advised of the fact that as Mr.
14 Vogel presents his witnesses, I will be opening the
15 meeting to the public. So, you have the same
16 opportunity as Board members to ask questions. As to
17 comments, your comments will be heard at the end of the
18 meeting, after all questions have been asked by both
19 Board members and the public. You'll have that
20 opportunity to put on the record what your feeling is
21 towards the project. So, you'll have plenty of
22 opportunities along the way. Thank you.

23 Mr. Vogel?

24 MR. VOGEL: Yes, Mr. Chairman, we are
25 prepared to review the waivers that were listed by Mr.

1 Hipolit in his review letter, which has been marked B-
2 1, January 31, 2022.

3 MR. DEPINTO: Okay. And the way we normally
4 would proceed at this point with this technical review
5 letter would be to have Mr. Hipolit go through the
6 letter and put an emphasis on those questions or points
7 which he might be seeking further information from the
8 applicant. We find that saves time and we get to the
9 point we need to. Unless you have an objection to
10 that?

11 MR. VOGEL: I certainly don't have an
12 objection. I would agree that that would be a
13 practical way of addressing each of those issues.

14 MR. DEPINTO: Thank you. And with that said,
15 Mr. Hipolit, with respect to your technical review
16 letter of January 31, could you please summarize the
17 content of your letter?

18 MR. HIPOLIT: So, just a couple things. One
19 is, with respect to that letter, the letter is lengthy.
20 It has -- it's twelve pages and some of the stuff the
21 applicant has to provide testimony on. What I will say
22 is that in our letter, Mr. Chairman, we -- we called it
23 conditionally complete. Because in our letter items
24 nine through nineteen are items in the checklist that
25 are required to be submitted, and the applicant either

1 has to ask for a waiver from them or submit them to be
2 complete. So, it's really a question for Bob of how
3 the Board should handle it. So, I can go through each
4 of them, we can talk about it. And if the Board wants
5 to give a waiver or require it, then we'd have to come
6 back at the next meeting for completeness.

7 MR. REGAN: That's how I think it's usually
8 done. Usually we -- we hear testimony as to whether
9 the waivers are appropriate, and then the Board could
10 make a decision either now, or shortly after -- after
11 the discussion, or wait until the end of the
12 application. Really, the earlier it's addressed,
13 though I think the -- the better. Because, if -- if it
14 needs to be provided, the applicant can provide it
15 during the course of the public hearing rather than
16 waiting for the end.

17 MR. DEPINTO: Well, let -- let's -- Mr.
18 Vogel, what would your pleasure be? Would you rather
19 have the waivers addressed now or at some point in the
20 future?

21 MR. VOGEL: Well, technically the waivers
22 should be addressed now. I -- I might just make the
23 observation, if you look at the waivers number -- the
24 first one, number nine, is something that was already
25 produced, just that the -- the observation in the

1 letter is that it wasn't clear, so we should give
2 something clearer. But, it's not a waiver, we did
3 supply it.

4 If you -- if you look at number ten, it's the
5 approval block for signatures through the -- have to be
6 put on the final plans. So, I think we can dispose of
7 these fairly quickly. And to the extent that you don't
8 give us a waiver, I'm not -- for instance I'm not
9 asking for a waiver to put the block in. We'll agree
10 to do it. I'm not looking for --

11 MR. DEPINTO: Okay. So --

12 MR. VOGEL: A waiver on submitting the -- the
13 map. We should give Mr. Hipolit a map that he can
14 read. So, we'll replace it. So, there technically --
15 I think if we -- I think we can dispose of -- of those
16 -- those quick items and then maybe go to the other
17 technical last -- at a later time. But -- but the
18 waiver aspect --

19 MR. DEPINTO: Well, here's -- here's my
20 thought on the subject. Now I haven't had an
21 opportunity to read the full letter. I just received
22 it, obviously. And the hour is late, and this is a
23 lengthy review letter. And you've stated that your
24 client would be willing to comply with many of the
25 items that are included in this letter.

1 MR. VOGEL: I don't -- haven't seen one that
2 I -- I think on the -- on the waivers that we would --
3 that we would disagree with.

4 MR. DEPINTO: Right, so why don't we carry
5 this and carry the meeting to our next regularly
6 scheduled meeting, which is in two weeks. It would
7 give you the opportunity to place on the record your
8 willingness to comply with these so-called -- waiver
9 items, and just make them a condition of approval
10 rather than deal with this conditional approach that
11 we're taking. How do you feel about that, Mr. Regan?

12 MR. REGAN: I think that would be
13 appropriate. At the meeting in two weeks we could
14 address each item, nine through nineteen, individually.
15 And the Board can determine whether the waiver should
16 be granted if the applicant declines to provide the
17 information. I mean some of the information has to be
18 provided, like location of fire lanes. That's basic.

19 MR. DEPINTO: Right.

20 MR. REGAN: They have to provide that.
21 You're not going to grant a waiver for that.

22 MR. DEPINTO: And -- block information,
23 things like that are all kind of rudimentary.

24 MR. REGAN: That's -- that's -- yeah, that's
25 not that significant, but fire lanes is significant.

1 MR. DEPINTO: So, I would suggest that at
2 this time we should carry to our next meeting. What
3 other witnesses -- and, Mr. Vogel, we'll get you up
4 early on the agenda, but what other witnesses would you
5 expect to present in two weeks?

6 MR. VOGEL: Okay. Well, one of the things
7 that I thought that -- we owe the Board is an
8 explanation about who the operator will be and what the
9 process of operations will be.

10 MR. DEPINTO: Yes.

11 MR. VOGEL: So, my witness was intending to
12 describe to the Board what the proposed use is and how
13 it will operate. That's the first witness, so Mr.
14 Michael Smith. Then -- then our proposal would be to
15 have the architect testify with respect to the design
16 of the structure that would house what the witness had
17 testified to. After that we would supply you with the
18 traffic testimony, and then our planner.

19 MR. DEPINTO: Okay. I think that's a good
20 order. And, Lorraine, what other major applications do
21 we have for that meeting?

22 MS. HUTTER: None as of this time. I have a
23 lot use permits.

24 MR. DEPINTO: Okay, which don't take up that
25 much time. So, Mr. Vogel, I think the time would be

1 better spent allowing your professionals to review Mr.
2 Hipolit's technical review and the Board members to
3 review it. And, Mr. Hipolit, I have no difficulty with
4 you communicating directly with Mr. Napolitano, so that
5 you could reach agreement on some of the -- the more
6 mundane.

7 MR. HIPOLIT: Okay. Then, I'd just -- I
8 would just ask for Jerry -- I know Steven knows this,
9 because we have two weeks I would -- and, Mr. Chairman,
10 that's not my call, but I would just ask that you don't
11 -- I have a letter, you don't submit any new plans.
12 So, you have my letter, you could -- we could agree and
13 you could provide testimony --

14 MR. DEPINTO: Yes.

15 MR. HIPOLIT: Once the Board agrees, then you
16 can provide all the new plans --

17 MR. VOGEL: Yeah, I -- yeah, I -- I -- yeah,
18 the -- the two week period I think is best served by
19 going through the letter --

20 MR. HIPOLIT: I agree.

21 MR. VOGEL: Calling Andy up and saying, okay
22 we're going to go give you this, that, and the other.
23 Take that off the list. But, we will not have revised
24 plans --

25 MR. DEPINTO: Yeah.

1 MR. HIPOLIT: Perfect.

2 MR. VOGEL: Until we've gone through
3 everything and we've either resolved it with Mr.
4 Hipolit or resolved it with the Board.

5 MR. HIPOLIT: Okay, great.

6 MR. DEPINTO: Yeah, I -- there's no point in
7 wasting a whole lot of paper. I think that would be a
8 better approach to it. Anyone have any other questions
9 or comments, Board members, that they'd like to make
10 before we close?

11 MR. ZITELLI: I think that's a good idea, Mr.
12 Chairman, I agree with that. Let's get this resolved.

13 MR. DEPINTO: Okay, very good. Thank you.
14 And with that said, thank you very much, Mr. Vogel.
15 And we will see you in a couple of weeks.

16 MR. VOGEL: All right. And will the --

17 MR. DEPINTO: Members --

18 MR. VOGEL: Will the Board announce who the
19 people were --

20 MR. DEPINTO: Yes --

21 MR. VOGEL: That the --

22 MR. DEPINTO: Members of the public --
23 members of the public that are here, please be advised
24 that this matter is being carried to our next regularly
25 scheduled meeting, which Lorraine is --

1 MS. HUTTER: Which will be in-person.

2 MR. DEPINTO: Will be in-person on February
3 15th --

4 MR. REGAN: Fifteen --

5 MR. DEPINTO: Fifteen?

6 MS. HUTTER: Yes.

7 MR. DEPINTO: February 15 at the Borough
8 Hall.

9 MR. VOGEL: Wait, that's in-person?

10 MS. HUTTER: Yes.

11 MR. DEPINTO: Yes, in-person. And owners who
12 receive notice of this meeting, please be advised that
13 no further notice will be given other than this
14 announcement. If you have any questions with regard to
15 the scheduling of that meeting you can feel free to
16 contact either Lorraine Hutter or Erica Davenport at
17 the Montvale Borough Hall during normal business hours.
18 And with that said, thank you very much for attending.
19 And hopefully we'll see you in two weeks.

20 MR. VOGEL: Thank you.

21 MR. DEPINTO: Okay. Let's finish up. We
22 have --

23 MS. HUTTER: Darlene's proposal.

24 MR. DEPINTO: This is the item that we had
25 under discussion; right?

1 MS. HUTTER: Correct.

2 MR. DEPINTO: Let's -- I would rather we hold
3 off on that until Darlene is here. So, why don't we
4 look to deal with that at our next meeting?

5 MS. HUTTER: All right. Just that she's
6 actually started working on this, and this is for the
7 funding of it. And she was hoping to give us the real
8 report at the next meeting, and I know she --

9 MR. DEPINTO: No, I -- I'd rather -- I'd
10 rather she be present.

11 MS. HUTTER: Okay. We'll carry it.

12 MR. DEPINTO: Okay. We have no resolutions.
13 Other business? None. Chair will entertain a motion
14 to open the meeting to the public.

15 MR. CULHANE: So moved.

16 MR. DEPINTO: Mr. Culhane. Is there a
17 second.

18 MR. TEAGNO: Second.

19 UNIDENTIFIED MALE: Second.

20 MR. DEPINTO: Mr. Teagno. All in favor?
21 Aye.

22 BOARD MEMBERS: Aye.

23 MR. DEPINTO: Anyone -- anyone from the
24 public wish to be heard?

25 MS. HUTTER: No one's raising their hand.

1 MR. DEPINTO: No one, Lorraine?

2 MS. HUTTER: No.

3 MR. DEPINTO: Okay. Chair will entertain a
4 motion to close the meeting to the public.

5 MR. ZITELLI: So moved

6 MR. DEPINTO: I'm sorry, who was that?

7 MS. HUTTER: Mr. Zitelli.

8 MR. DEPINTO: Mr. Zitelli. Second?

9 MR. RYAN: Second.

10 MR. DEPINTO: Mr. Ryan. All in favor? Aye.

11 BOARD MEMBERS: Aye.

12 MR. DEPINTO: And then finally motion to
13 adjourn.

14 MR. CULHANE: So moved.

15 MR. ZITELLI: So moved.

16 MR. DEPINTO: Mr. Culhane. Seconded, Mr.
17 Zitelli. All in favor? Aye.

18 BOARD MEMBERS: Aye.

19 MR. DEPINTO: We're out of here.

20 MR. CULHANE: Good night. Thank you, Mr.
21 Chairman.

22 MS. HUTTER: Thank you.

23 MR. ZITELLI: See you all in person.

24 MR. REGAN: Yep, see you in two weeks.

25 MR. DEPINTO: I know, Bob, you really wanted

1 to go through that letter.

2 MR. REGAN: --

3 MR. DEPINTO: Your -- your smile gave it

4 away.

5 MR. REGAN: Good night.

6 MS. HUTTER: Good night.

7 MR. DEPINTO: Good night, everyone.

8 MR. RYAN: Good night.

9 MR. GRUBER: Good night.

10 MR. STEFANELLI: Good night.

11 (meeting concluded)

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1 Certification

2 I, Andrea Semanovich, the assigned transcriber, do
3 hereby certify the foregoing transcript is a true and
4 accurate non-compressed transcript of the recording to
5 the best of our ability.

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10 /s/ Andrea Semanovich Date 02/07/2022
Andrea Semanovich AD/T #704

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