

**REORGANIZATION & REGULAR MEETING OF THE MONTVALE PLANNING BOARD**  
**MINUTES**  
**Tuesday, January 15, 2013 at 7:30PM**  
**Municipal Complex, 12 Mercedes Drive in Council Chambers**

Please note: A curfew of 11:15 PM is strictly adhered to by the Board. No new matter involving an applicant will be started after 10:30 PM. At 10PM the Chairman will make a determination and advise applicants whether they will be heard. If an applicant cannot be heard because of the lateness of the hour, the matter will be carried over to the next regularly scheduled meeting.

Chairman John DePinto opened the meeting at 7:40 pm.

PLEDGE OF ALLEGIANCE-Chairman DePinto led everyone in the Pledge of Allegiance.

**OPEN PUBLIC MEETINGS STATEMENT-Chairman read into the record the open public meetings statement.**

**ROLL CALL: Chairman DePinto asked Ms. Hutter for a roll call.**

**Present: Mr. Bardes, Mr. Culhane, Mr. Fette, Mr. Stefanelli, Mr. Lintner, Mr. Teagno, Mr. Vogt and Chairman DePinto**

**Also Present: Mr. Regan, Board Attorney, Mr. Preiss, Borough Planner, Mr. Hipolit, Board Engineer**

**OATHS OF OFFICE: Mr. Regan swore in the below appointments by Mayor Fyfe.**

**ALL APPOINTMENTS MADE BY MAYOR FYFE ON 1/2/2013**

- |     |  |                    |
|-----|--|--------------------|
| 1 ) | Class III - 1 Year<br>Theresa Cudequest          | 01/02/13- 12/31/13 |
| 2)  | Class II-1 Year<br>Jeffrey Fette                 | 01/02/13-12/31/13  |
| 3)  | Class IV-4 Years<br>John Culhane                 | 01/02/13-12/31/16  |
| 4)  | Class II-3 years<br>Wolfgang Vogt                | 01/02/13-12/31/15  |
| 5)  | Class IV-Mayor's Designee<br>Dante Teagno-1 Year | 01/02/13-12/31/13  |

**REAPPOINTMENT OF R. LORRAINE HUTTER, BOARD SECRETARY FOR 2013- Chairman asked for a motion to reappoint Ms. Hutter as Board Secretary. A motion was made by Mr. Stefanelli and seconded by Councilwoman Cudequest with all stating aye.**

Ms. Hutter took over the Nominations.

## **NOMINATION OF BOARD CHAIRMAN**

- 1) Ms. Hutter called for a motion to open nominations. A motion to open was made by Councilmember Cudequest and seconded by Mr. Vogt. A motion to nominate John DePinto was made by Mr. Culhane and seconded by Mr. Vogt. No other nominations being made the Ms. Hutter asked for a motion to close the nominations for board chairman. Mr. Fette made the motion and it was seconded by Mr. Teagno. A Roll call vote was taken with all stating aye and Mr. DePinto abstaining.

## **NOMINATION OF BOARD VICE-CHAIRMAN**

- 1) Ms. Hutter called for a motion to open nominations for Vice Chairman. A motion was made by Councilmember Cudequest and seconded by Mr. Teagno. A nomination was made by Mr. Culhane to nominate Frank Stefanelli as Vice Chairman and seconded by Mr. Teagno. No other nominations being made Ms. Hutter asked for a motion to close the nominations' for board vice chairman. Mr. Lintner made a motion to close the nominations and seconded by Mr. Teagno. A roll call vote was taken with all stating aye and Mr. Stefanelli abstaining.

**RESOLUTION TO APPOINT ANDREW R. HIPOLIT, PE, PP., CME OF MASER CONSULTING PA, AS PROFESSIONAL ENGINEERING CONSULTANT FOR 2013.** Ms. Hutter asked for a motion to reappoint Mr. Hipolit as the board engineer. A motion was made by Councilmember Cudequest and seconded by Mr. Bardes. No discussion was had a roll call vote was taken with all stating aye. Mr. Hipolit thanked the board.

**RESOLUTION TO APPOINT ROBERT T. REGAN, ESQ., TO CONTINUE AS PLANNING BOARD ATTORNEY FOR 2013** Ms. Hutter asked for a motion to reappoint Mr. Regan. A motion was made by Mr. Stefanelli and seconded by Councilmember Cudequest with all voting aye. Mr. Regan thanked the board for their confidence.

**RESOLUTION TO APPOINT RICHARD PREISS, P.P., PHILLIPS PREISS GRYGIEL LLC., TO CONTINUE AS THE PROFESSIONAL PLANNER TO THE PLANNING BOARD FOR 2013.** Ms. Hutter asked for a motion to reappoint Mr. Preiss. A motion was made by Mr. Vogt and seconded by Councilmember Cudequest with all voting aye. Mr. Preiss thanked the board.

**RESOLUTION TO APPROVE THE PLANNING BOARD MEETING SCHEDULE:** Meetings to be held on the first and third Tuesdays of the month, unless otherwise specified, convening at 7:30PM and to be adjourned subject to the call of the Chairman. A motion was made by Mr. Lintner and seconded by Mr. Vogt. A roll call vote was taken with all voting aye.

**RESOLUTION TO APPROVE THE PLANNING BOARD BY-LAWS.** A motion to approve the by laws was made by Mr. Vogt and seconded by Mr. Stefanelli and a roll call vote was taken with all voting aye.

**RESOLUTION TO DESIGNATE THE RIDGEWOOD NEWS AND THE BERGEN RECORD AS THE OFFICIAL NEWSPAPERS.** A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane with a roll call vote taken with all voting aye.

**CHAIRMAN'S APPOINTMENT OF MEMBERS TO THE SITE PLAN REVIEW COMMITTEE.** Chairman appointment Mr. Stefanelli, a board member, Mr. Vogt as Environmental Liaison, Mr. Regan, Mr. Preiss, Mr. Hipolit as board professionals and himself.

**CHAIRMAN'S APPOINTMENT OF LIAISON TO ENVIRONMENTAL COMMISSION. Mr. Vogt was appointed by Chairman DePinto as the liaison.**

**Chairman thanked all of the members of the board for their service. He stated that the Planning Board is one of the toughest volunteer positions in the Borough because it is not just a question of showing up for a meeting; it is a question of doing the homework of reviewing, and reading so that you can participate in the hearings. Sometimes the schedule is difficult, long and additional meetings and Chairman DePinto stated he is very appreciative of it and speaking on behalf of the governing body they are as well. Some towns have difficulty filling these seats but Montvale has not had that problem. They have had many people who have offered to serve and who have served well and he thanked them for their dedication. Chairman stated that the board professionals' team is the "Dream Team" he believes the board has the best of everything. He thanked Bob Regan for all of his guidance and also asked him to give a brief summary of the outcome of the Lifetime Decision. The challenge to the ordinance of OR4, the judge found that the planning board and the governing body as well had acted appropriately under the land use law, there was no violation of the open public meetings act and that the ordinance was fully conforming to the provisions in the Master Plan of 2008 and dismissed the complaint with prejudice. Once the judgment is signed The Gym will have 45 days to file an Appeal. Chairman thanked for a job well done. Chairman thanked Mr. Hipolit for his service of 15 years to the board. The continuity of his service is invaluable to the board, the Council and the public. Chairman also thanked Mr. Preiss for his 12 years of service.**

**Chairman moved on to the Regular Meeting Agenda.**

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**  
**MINUTES**  
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**Roll Call: Mr. Bardes, Councilmember Cudequest, Mr. Culhane, Mr. Fette, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, Mr. Vogt, Chairman DePinto**

**Also Present: Mr. Regan, Board Attorney, Mr. Preiss, Board Planner, Mr. Hipolit, Board Engineer, and Ms. Hutter, Land Use Administrator**

**MISC.MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER: none**

**PUBLIC HEARINGS (new): Block 2408, Lot 3-Amazing Grace Partners, LLC-Amended Site Plan Application is carried to February 5<sup>th</sup> meeting stated Chairman DePinto.**

**ZONING REPORT:**

- **Mr. Fette stated that he had a meeting with Orange and Rockland in regard to Tower 26. It was a soil movement application and they will be starting the project the end of January, early February. Also from the testimony there appeared to be in their right of way sheds, and various structures which were encroaching. He has turned the block and lots over to their legal department and they wanted to handle it themselves.**
- **The Vale Pontiac building has been demolished. We have no issue of what is going to go in. No plans but he did hear a rumor that they were looking to do an application only before one town. Mr. Fette told them no it had to be both boards.**
- **They have had a drainage problem with the Lifetime Fitness site. He had received a complaint from Sony that their detention pond and during the last couple of rain storms it had turned brown. There were some silk fences that had come down in the wind. It is now taken care of. They will be doing a sewer lateral connection in there. Once that is done some road improvement will be done to fill in the pot holes. Sidewalks on both sides. There will be some cold patch.**
- **The Getty Station on Chestnut Ridge Road is going to be changing and become a BP Station. Mr. Fette stated he was after the prior owner to repair the sidewalks that go around the back of the property on Summit. It had gotten delayed because of the change from Getty to BP but now they are aware of it and as part of their upgrading the facility they will be doing the sidewalks. The sidewalk in front of the Gas Station down near Davey's was just done. They want to come in for signage changes-no plans have been submitted. However if there any sign location changes he had told them it would be referred to the board. The chairman would like it referred to the board also.**

- **Lapidus and Krell one of the partners has been bought out and there will be some upgrading to the site stated Mr. Fette.**  
**There is a problem with the shopping center with Surgical Center equipment on the roof. When we had the storm he took down a lot of trees and now he is getting complaints from the Woodcliff Lake residents about the noise. They are looking into that and he has been in touch with Mr. Mancinelli. They might be adding some noise retention.**  
**Councilmember Cudequest gave an update of the light signal which is right outside Lifetime Fitness driveway is supposed to be removed. It is a blinking light. The Mayor and Council had given permission to remove the light. Chairman stated that apparently the light pole itself is in Park Ridge but through some inter-municipal agreement between Montvale and Park Ridge, control of the light is under the jurisdiction of the Borough of Montvale. Chairman stated that the board had granted site plan approval with the access drive going over that light therefore the light needs to be removed in order to match the development that was approved. According the attorney that represents Lifetime Fitness, Gail Price, she has indicated to us that Park Ridge does not want the light to come down. Furthermore she now needs to submit an application for a Class "D" variance because there is a small portion of the property that is in Park Ridge and the only improvement for that property is to seed the lawn area. Park Ridge has determined that a "D" variance is required to grow grass.**

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Vogt stated that the Environmental Commission did not meet our last meeting. The next meeting has been cancelled also. Mr. Vogt stated that he did an inspection at Mr. Marano's property on North Avenue and he is still not in compliance. He needs additional funds in order to complete his project. No monies will be returned and no final landscaping will be signed off on until that time.

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli stated that there were 4 applicants before the committee.

1. Ferolie Group-Generator placement. It is de minimis in nature and he was told to prepare a plan and have it go through the Building Department.
2. Benjamin Moore-Generator application. They are looking to place 2 large generators on site. Both are 400kda. Natural Gas fired. They site on a large pad, that application will need amended site plan. They will be submitted an application very soon.
3. Lifetime Fitness- A sales office to be located at the Learning Center. They are planning to taking the office space and gutting it out and putting in all new offices. It is a short term lease. Discussion of accessing and exiting site and they were asked to speak to the landlord about a no left hand turn onto Craig Road. Many people are using it as a cut through and the committee feels that it is a public safety issue. They are looking to put a temporary sign on Lifetime Fitness for their sale office. They will be appearing before the board on that. They are also looking to place a very large generator for the construction of it on site. Signage was discussed and they will be filing an amended site plan. There address will be 10 Van Riper Road.
4. 305 West Grand Avenue-The applicant wants to reactivate the left hand turn going into the site. They have received approval from the county and the committee has no difficulty with that. The installation of a door is de minimis and the three signs will need an amended site plan application.

**CORRESPONDENCE: on the back of the table**

**APPROVAL OF MINUTES:**

**June 5, 2012 -A motion to approve was made by Councilmember Cudequest and seconded by Mr. Teagno. A roll call vote was taken with all voting aye.**

**October 2, 2012-A motion to approve was made by Councilmember Cudequest and seconded by Mr. Stefanelli. A roll call vote was taken with Mr. Stefanelli abstaining and all others voting aye.**

**November 20, 2012-A motion to approve was made by Councilmember Cudequest and seconded by Mr. Lintner. Mr. Bardes abstaining and all others were voting aye.**

**December 4, 2012 A motion to approve was made by Mr. Bardes and seconded by Councilmember Cudequest and all others voting aye.**

**DISCUSSION: Borough of Montvale Master Plan Amendment July 2012 Block 2802, Lots 2 and 3**

Block 1002, Lots 3 and 5- Councilwoman Cudequest stated that the Mayor and Council tabled the rezoning of the DePiero property at their December 11<sup>th</sup> meeting when concerns were raised by the public. Two of the main concerns were the density of the affordable housing which were to be constructed on Summit Avenue and the traffic that would be brought into the town by the potential retain site. She asked the chairman if there was a way to provide the governing body with some additional information so that the governing body knows whether or not to proceed with the rezoning of the DePiero property. She asked if Mr. Hipolit and his office could prepare a traffic study and if Mr. Preiss could explore alternatives to reducing the density of the affordable units and by reducing the density that we prepare a master plan amendment by the board. Chairman asked Mr. Preiss for his comments.

Mr. Preiss stated that seeing how the governing body wants to move forward with it and given the instructions to reducing the density of the affordable housing units there are a couple of alternatives in terms of reducing the density that he will look into. He would advise the board and the governing body that would be a subsistence of change and then the proper way to do this with the municipal land use law would be to amend the adopted amendment that was prepared by his office and adopted by the planning board in July of last year. He would then bring back a amendment for the planning board to consider and if that was adopted we would have to look at revising some of the provisions of the zoning ordinance which implements the recommendations in the amendment and that would also need to be prepared. Obviously then the Governing Body would need to introduce it and then it would come back to the planning board to show its consistency with the Master Plan Amendment and for any recommendations that they may have and then it would have to go back to the Governing Body with notice for consideration and adoption. Mr. Regan asked Mr. Preiss if this amendment he would have to work on when it would be available for the board. Mr. Preiss stated that he thinks he can get it done by the next meeting. Mr. Regan stated that it would still require an amendment to what was adopted last July and a public hearing. Mr. Preiss stated yes. Mr. Preiss stated that from his point of view in terms in making the changes to the language in the Master Plan that would not be substantive and it can be undertaken in fairly short order. The actual changes it self would require the planning board to have a hearing on it and then the mayor and council would have to make an amendment to the language that is proposed and renoticed. The ordinance would be further down the road stated Mr. Regan. Mr. Regan is trying to figure out if it is done will the board have enough time to schedule a public hearing on this. Mr. Preiss said yes he will be able to get it done. He believes the intention is to add additional property which would allow the development to have a lower density. Mr. DePinto asked if Mr. Hipolit had done some preliminary work on the traffic. Mr. Hipolit stated that when the ordinance was first proposed there were some counts done by the developer on Grand, Chestnut Ridge, Spring Valley Road

and Mercedes Drive, they had met with the county to talk about the numbers. They could move forward with a traffic study they have existing issues on the site, and use the proposed uses and sizes and compare them with the existing data with the intersections as they are today and then the next step would take the proposed traffic which is all on county roads and then look at what needs to be done to those intersections. Chairman DePinto stated then you have the data and it just now needs to be compiled into a report. Can a report be done by your office in time for the next meeting? Mr. Hipolit stated yes because the traffic data counts have already been done. He can try and do a computer model to the board which will show how the cars look existing, proposed, and with the proposed improvements. He cannot guarantee that will be done but he thinks it would be helpful but he can have the report done. Councilmember Cudequest stated that this is in compliance with what the council is looking for to determine the rezoning. Mr. Regan stated that a public hearing needs to be scheduled for February 5<sup>th</sup> and notice needs to be published at least 10 days prior to that date in the official newspaper as well as giving notice to the County Planning Board and notice given to the adjoining municipalities. A formal vote was taken to have Mr. Hipolit and Mr. Preiss prepare for the public hearing with their reports and the board secretary notice for a public hearing for February 5<sup>th</sup>. A motion was made by Mr. Culhane and seconded by Mr. Teagno. Mr. Stefanelli asked about the additional land and if it would still be COAH units or market rates. Mr. Preiss stated that it would still be the 32 affordable units. Mr. Vogt asked if they were looking to combine the available property next to it. Mr. Preiss stated yes. Mr. Bardes asked if the report will show Chestnut Ridge Road improvements. Mr. Hipolit stated that the County has given us monies for Chestnut Ridge Road and it is on for the next Mayor and Council meeting. A roll call vote was taken with all stating aye.

#### **USE PERMITS:**

- 1. Block 1902 Lot 3-LTF Lease Company, LLC-295 West Grand Avenue-4,000 sq. ft.-carried**
- 2. Block 2405 Lot 4-BT Specialties/Bob Trophies-6 Hamilton Street-500 sq.ft.-Mr. Andy DelVecchio came forward representing the applicant, Greg Kolenut. Mr. DelVecchio made a correction to question 5e. the 3 should be a zero. They will be operating the business as BT Specialties and Gregory and Zoe Kolenut is operating as an LLC, ZGI Industries, LLC. Mr. DePinto read the application into the record. There will be no new sign required they will be using the old one and keeping the original sign and name of the business. Chairman went over the signage. No neon signs of any sort in the window. Applicant understood the restrictions. Mr. Fette stated that they would need to apply for a continuing certificate of occupancy. Mr. Fette stated the faster you get the application in we can get out to you. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all stating aye.**

**PUBLIC HEARINGS (con't): none**

#### **RESOLUTIONS:**

- 1. Pay to Play- A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.**

**Other Business**-Councilmember Cudequest asked about the number of homes in town that still have large branches out at their curb site. The Mayor and Council have posted it on the borough website that we are not going to be chipping or collecting these bundles unless they are the required size and bundled properly, she believes that after January 20 notices will be going out to these homeowners and they will be issued a fine. Her question is have these homeowner's received prior notice from the building department. Mr. Fette stated that they have been sending out notices to those specific homes and he has been working with Mr. Culvert, DPW Superintendent, mainly because in the event it snows it would cause havoc in the snow plowing of the streets. They have gotten good compliance with those notices. Mr. Fette stated that he has informed Councilmember Curry that they will be doing some heavy enforcement at the end of January. Some people have such a large amount of tree debris that they need to hire a contractor to come in and chip it. Most people have been compliant. Chairman asked Mr. Preiss about the sports courts ordinance. Mr. Preiss is working on it and it is not finished yet. He expects to be able to report back at the next meeting. Ms. Cudequest will report back to the council. It was agreed that Mr. Preiss would be taking a look at the accessory structure language of the code. Chairman DePinto asked for a small subcommittee to work on this with Mr. Preiss consisting of Mr. Lintner, Mr. Bardes and Mr. Teagno.

Chairman DePinto brought to the attention of the Mr. Fette that there is an illuminating sign at Taco Bell. Mr. Fette stated he will take care of it. Mr. Teagno stated that today he came in from the Mercedes Drive entrance to the building and there are a number of signs that state that is one way in only and yet there is directional arrows on the pavement in two different spots that it is a two way. Mr. Hipolit stated when he had left it was a two way and then when he came back as the engineer someone had changed the directions to one way in. Chairman asked Mr. Hipolit to bring it to the attention of the Governing Body. Councilmember Cudequest stated she will advise the council.

**Open Meeting to the Public**-no one from the public present

**Adjournment**-A motion to adjourn was made by Mr. Stefanelli and seconded by Mr. Lintner with all in favor stating aye.

**Next Regular Scheduled Meeting: February 5, 2013**

**Respectively submitted:**

**R. Lorraine Hutter  
Land Use Administrator**