

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, February 5, 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 opened the meeting at 7:37pm and led everyone in the Pledge of Allegiance.

Roll Call: Mr. Culhane, Mr. Fette, Councilwoman Cudequest, Mr. Vogt, Mr. Stefanelli, Mr. Lintner, Mr. Teagno, and Chairman DePinto

Absent: Mr. Bardes

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

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

ZONING REPORT:

- Mr. Fette spoke about the Getty Station on Chestnut Ridge Road becoming a BP Gas Station with signage changing.
- Ferolie Property-he visited the site for placement of the generator
- Blood Bank on Chestnut Ridge Rd-visited site for placement of the generator. It is under plan review now.

Chairman DePinto stated that Mayor Fyfe, Mr. Hipolit and himself met with the County. Gary Ascolese spoke about what the county is desirous of doing with Generators. Mr. Hipolit stated that the county has 450 plus traffic signals. One of the problems they have seen recently with the storms that have hit the traffic signals is out and then each individual town has to send a police officer to the intersection. It costs the town money and brings liability. The county is trying to initiate with the municipalities when a developer comes in for redevelopment or development of a property adjacent to a traffic signal they would look to have the municipality to ask the developer if they would sponsor generation at the intersection or potentially buy a portable generator that the town can use for that. The County is going to rig all their traffic signals going forward to have the ability to plug a generator in. They would love to have it permanently tied to a generator so if a light went out and a corner corporation had a generator that it hooked up that light to the intersection would still work and it would be beneficial to the corporations to allow their employees to come and go safely. Chairman DePinto stated it was a great opportunity before the site plan review committee seeking a waiver from a submission of an application for amended site plan approval to put in that generator. He believes it would be an ideal time to talk to them for a hook up between their on-site

generation equipment with the traffic signals. We as a borough would then simplify the process in regard to this. Chairman asked Mr. Fette for his opinion. Mr. Fette stated it was a good idea. There was also some talk to give whatever company recognition for providing generator service to an intersection.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Vogt, Chairman of the Environmental Commission spoke on the cancellation of the last meeting and next month's meeting being cancelled as well.

SITE PLAN REVIEW COMMITTEE REPORT: Mr. Stefanelli stated that the committee didn't meet.

CORRESPONDENCE: Place on the rear of table

APPROVAL OF MINUTES:

January 15, 2013-A motion to approve was made by Councilwoman Cudequest and seconded by Mr. Culhane. A roll call vote was taken with all stating aye

September 18th, 2012-A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane. A roll call vote was taken with Mr. DePinto abstaining and all others stating aye.

July 3, 2012-A motion to introduce was made by Mr. Culhane and seconded by Mr. Lintner. A roll call vote was taken with Councilmember Cudequest abstaining and all others stating aye.

DISCUSSION: Councilwoman Cudequest spoke in regard to the light in Park Ridge for the Lifetime Fitness project. She is waiting for the Mayors of both towns to speak. She doesn't believe there will be a problem. Also she stated that the front parking lot is patterned on the ground as a two way, however if you go to pullout it says "Do Not Enter". She is waiting for a response from Chief Abrams.

USE PERMITS:

1. Block 1902 Lot 3-LTF Lease Company, LLC-295 West Grand Avenue-4,000 sq. ft.-

Chairman read the application into the record. Kate Razin of Price Meese Shulman and D'Armino came forward representing the applicant. Also present was Brian McMorro, engineer. The applicant is looking to occupy 4,000 sq. ft. to use as a preview and membership information office for Lifetime Fitness. This will be for presales of membership. The plans submitted were marked as A1, revised as of 1/31/13. It will be open 7 days a week 8:00am to 8:00 p.m. There will be approximately 7 employees. Spaces for visitors would be 10. A concern of the board was the safety of the children in the day care that shares the parking lot. Chairman expressed his concerns because the parking lot is used as a cut through to get to Craig Road. The plans now show a "No Left Turn" as was requested by the members of the Site Plan Review Committee. It was also discussed that a "No Thru Traffic" sign be placed nearest to Grand Avenue. The applicant is willing to work with Mr. Hipolit on the placement of both signs. It was determined that one of the conditions which should be memorialized in a resolution is to have the applicant's representatives meet with the engineer and the Montvale Police Chief on the subject property to determine those locations. It was also discussed a proposed monument sign. It shows a sign with a limestone column and base. An example was shown. The size of the sign will be 3ft. by 6 ft. and illumination will be by solar power. The board wants the applicant to have

to remove the monument sign once it vacates the premises. Mr. Fette wanted it noted that the sign needs to meet all municipal code standards. It was requested that the Borough attorney prepare a resolution to memorialize all of the conditions. A motion was made by Mr. Vogt and seconded by Mr. Teagno with all present stating ayes. Posting of monies will be necessary for the sign.

A five minute break was taken.

PUBLIC HEARINGS (new):

- 1. Block 2408, Lot 3-Amazing Grace Partners, LLC-8 W Grand Avenue-Amended Site Plan Application-**Mr. Robert Mancinelli, Esq. came forward representing the applicant. Situated in the B1 district zone. Applicant is proposing to come in and do some renovations. It will be for an urgent care medical use as well as a graphic art use. Both are permitted uses. The lot coverage is being increased slightly. Plans were marked as A1. Mr. John Gilchrist was sworn in as an architect and engineer. Plans were last revised 1/29/13. Mr. Gilchrist gave an overview of the floor plan and elevations. Mr. Gilchrist went over the variances. Maximum lot coverage allowed is 60%, proposed is 82/5% and existing now is 79.2%. Parking requirements were discussed. 15 parking spaces are proposed where 16 are required. There are two small additions of 12 by 20 feet. Screening of Off-Street Parking Areas was discussed. The site now is non-conforming. The site plan depicts existing trees and shrubs along the rear and side lot lines that are proposed to remain. The height is not conforming. The reconfiguration of the parking lot. The parking is proposed to be angled. The applicant is proposing off-street parking spaces nine by eighteen or 162 sq. ft. They are picking up two additional parking spaces. There is no parking near the residential district. There is a waiver for the loading dock. There is no loading dock there now and the use has less of a use for one than before. The applicant is proposing one identification sign in the front yard. They are requesting a waiver for an EIS. The exhibits submitted by the board were as follows: Fire Department memo was designated as B1- dated October 16, 2012, "no comments". The Environmental Commission memo was marked as B2, dated October 16, 2012, and the letter dated January 5th was marked as B3, B4 was the Montvale Police Department letter dated January 6th, 2013. It stated that there were no impeding public safety issues. The Maser Report was marked as B5; letter dated January 10, 2013. Mr. Hipolit went over his review letter. The EIS was discussed again. Mr. Hipolit asked the increase in impervious area for parking what was the square feet. Mr. Gilchrist stated 555 square feet. It is a de minimus amount. Mr. Hipolit is in agreement that they do not need a full EIS. Polling was done for the EIS. Everyone was in agreement to grant the waiver. Mr. Hipolit referenced 4.h., the right of way improvements, the applicant is in agreement to repair or replace any damage. The florescent sign light they would like them to revisit that and provide a more up to date lighting. Applicant will revisit and provide detail lighting on the plan. The chairman is concerned with the shielding the lights to the adjacent properties. He asked an inspection be conducted with the engineer to protect the residents from the shine off the lights. The 7-11 had far more traffic he is not certain that they would need that much light. Fence was discussed with having the applicant provide a solid fence. The air conditioning units locations were discussed. Chairman is concerned about being considerate to the neighbors. It was suggest that sound attenuation be

used and Mr. Gilchrist indicated he can address that with a solid fence. It was also stated that they will be closing between the hours of 6 and 8 pm. It was also discussed and agreed upon that after some time an inspection would be conducted to make sure that the appropriate sound attenuation is buffering the sound. The Board agreed that the air conditioning units should be adjoining the fence rather than the building, and it was agreed that units would be enclosed with a solid vinyl fence.

Mr. Preiss letter was marked as Board Exhibit 6, he asked Mr. Gilchrist if the edge would be straight and 5 feet from the rear of the property of the parking. Mr. Preiss described the plan as upgrading the building and he stated it was an improvement to the neighborhood. The location of the existing building on the site limits the parking stated Mr. Preiss. In Mr. Preiss' opinion, angle parking constituted the most appropriate arrangement for the circulation. Fencing and landscaping will be provided and separate from the parking. Marked into evidence were photographs of the property and fencing that Mr. Preiss had taken. Medical waste will be removed by a specialized vendor. Commercial equipment on the rooftop area will be removed and adequate lighting will be provided that is sufficient shielding to an intensity of .5fc at the property line.

Questions and Comments from Board Members:

Mr. Lintner asked if there was a basement now. They stated no. They will be digging out a basement for mechanical equipment. The silk fence was discussed it will be temporary. He is not in agreement with the placement of the air conditioning. He would suggest the replacement of the wood fence. He would like to see a maintenance free fence.

Councilwoman Cudequest discussed the hours of operation. Rebecca Varghese was sworn in. She is a principal in the application for the medical use. She testified that hours would be 8 to 6pm except one evening will be open to 8:00pm. Seven days a week they will be open. ADA requirements were discussed between Ms. Cudequest and Mr. Hipolit. The ADA requirements are being met stated Mr. Hipolit.

Mr. Teagno asked about the signs. There will be a Stop bar and sign. Bollards were discussed he believes that it should be placed next to the building and the fencing should be replaced.

Mr. Culhane stated he thinks the angled parking is better. The air conditioning units is relatively far from the housing. He has no problem placing it there. He would like to see the fence replaced. Wheels stopped were discussed. He would like to see them on both sides.

Mr. Fette states the fence needs to be replaced. He doesn't have an problem with the ac placement. Mr. Fette stated that their escrow is short. Mr. Mancinelli stated that they will address. Mr. Fette stated that there is many property maintenance issues. Going forward he would like his notices acknowledged. He said he will be on top of everything.

Mr. Stefanelli doesn't like the location of the air conditioning. Mr. Stefanelli stated that the air condition at the new 7-11 is very noisy. The fence needs to be replaced.

Mr. Vogt stated he agrees with the wheel stops and the replacement of the fence. The landscaping plan needs a list of the amount, the botanical name, and the sizes.

Meeting was opened to the public. Mr. Lou Baldanza came forward and was sworn in. He has an interest in the Charlestown Court. He hopes that the fence is contiguous. He has a problem with the air conditioning that the standard would be better than what is there. He states the air conditioning should be next to the building. The garbage dumpster he hopes the board does as much to make it better and have adequate screening. He stated that he measured the fence to the edge of the pavement it is 10 feet not 5 feet. There are two parking spaces that are now up against a residential zone. This is a regression of the 7-11. The constraints are self-imposed. If there was a new building it wouldn't be like this.

A motion to close was made by Mr. Stefanelli and seconded by Mr. Vogt.

The board was polled. The air conditioning would be moved to the corner of the property. A motion to have the changes be placed on the plan and resubmitted and for the board attorney to prepare a resolution of approval setting forth the conditions that were discussed. A motion was made by Mr. Vogt and seconded by Mr. Lintner. The resolution will be ready March 5th. A roll call vote was taken with all voting aye.

2. **Block 1601 Lot 21-Vinari Enterprises, LLC d/b/a 15 Grand American Bistro-19 W. Grand Avenue**-Amended Site Plan –Mark Madaio represented the applicant. Mr. Madaio gave a summary of the application. The plan that he is referring to his an updated set of plan reflecting the comments of the engineer. The plans were marked as A1. Revised date of 2/5/13. The primary reason for the application is to reopen the restaurant and restripe the parking lot. The Borough is building a project behind this property. There was a need to swap some property. The easements were lifted. The applicant has just received approximately 5262 sq. ft. of land area from lot 23 to lot 24. The property's area also includes 475 square feet to be conveyed from lot 23 at its northwest section. There was a land swap ordinance passed by the Mayor and Council. This increases the size of the parking lot. The lot coverage that existed was 82.8% and it is now being proposed to 81.5% which is a new variance but lessens what was there. They are using the additional land for more parking. Before the land swap it had 24 spaces and 100 and 140 seats and now it will have 37 spaces and they are asking for 120 seats. By code they are allowed 111 seats. They are requesting a variance. Some variances are existing. The name will use 15 Grand. Mr. Richard Burns of Azzolina and Fuery came forward as a civil engineering. Mr. Burns explained the easements. There is a long strip on the west side 3 feet wide which is being swapped to the applicant. It will be used to expand the parking lot. Total area of the site 25898 sq. ft. The lot width is oversized. The FAR is 12.7%. The impervious coverage will be reduced. It is not considered a Major Development as defined by the storm water ordinance. There is an existing non-conforming of the rear yard setback. Curbing of Off-Street Parking areas and access drive they are asking to continue the waiver. The applicant is proposing parking spaces approximately 1.7 feet from the side lot line and an access aisle approximately 2 feet from the side lot line. In

addition the applicant is also proposing parking spaces within one foot of the building. Presently they park up to the property line. In the front the existing parking is remaining the same. They are asking for a waiver for screening of off-street parking. They are agreeing to submit to the Environmental Commission. Mr. Preiss stated that both Mr. Madaio's table and Mr. Hipolit's letter are not using the most up to date standards with regard to some of the items that waivers are required. When the OR was changed the standards changed and it is lessening the variance. They may need landscaping within the parking lot they may need a waiver. The waiver for the EIS was granted by the board. B1 was marked which is Mr. Hipolit's review letter dated January 31, 2013. Mr. Hipolit went through his letter. The new plan submitted has addressed the items listed. Loading and unloading will only take place on the side of the building. Chairman would like it marked. The two light poles were discussed. It was suggested that they obtain the downtown area pole details be gotten and used. They are using the existing utilities stated Mr. Burns. The lighting plan was discussed. The light plan shows a 25 ft. one light pole. It is an accessory structure so they need a waiver. They did not have it listed but they now are requesting it. Mr. Hipolit stated that they could lower the lights. Mr. DePinto stated that there is some sensitivity to the neighbors which needs to be taken into consideration. They are in agreement to lower the light. After discussion it was agreed that they would not ask for the waiver and would comply with the code not having the pole higher than 16 feet. They are upgrading the site plan stated Mr. Preiss and they are dealing with an existing building with a unique piece of property. Mr. Preiss review letter was marked as Board Exhibit 2. It was dated February 4, 2013. He described the property as unusually shaped. He asked for additional information on the detail to the dumpster and the enclosure for the dumpster. He also stated that a variance is required for maximum lot coverage since paving is being altered, Proposed is 81.5 % and currently it is 82.8% which is a reduction. Mr. Preiss report also raised a concern over the signage. The ordinance states one sign and they are requesting two so a variance is needed there also. Marked into evidence was Board Exhibit 3 the Montvale Police Department dated January 25, 2013 which raised the issue of the correct address of the property. It was determined that the address will be 15 Grand Avenue. Board Exhibit 4 was the report of the DPW dated January 28, 2013 indicated no comments or recommendations. Board Exhibit 5 was a report from the Environmental Commission dated January 22, 2013. It raised concern about the landscaping and the design of the free standing sign. It was suggestions of Mr. Vogt to have the applicant add pavers between the sidewalk and curbing along Grand Avenue. Board Exhibit 6 was the report from the Fire Department dated January 25, 2013, it noted that the correct address issue and that 15 Grand can be used as Nottingham Court will be the access point for the Montvale Commons project. It was suggested that the parking circulation be modified to provide one way traffic flow in a counterclockwise direction with narrower aisle widths of 22 ft. to increase the buffer on the property's perimeter. Marked into evidence was the front elevation as exhibit A2. Exhibit A3 depicted the signage for both the building and a monument sign. Vincent Giambona, one of the principals in the application, testified that the 15 Grand building sign would be illuminated by goose neck lamps and would not be internally lit. Mr. Preiss suggested that an architect design the monument sign and that a variance will be required to permit both a building and monument sign. It was recommended that they make the signs match. A motion to open the public was made by Mr. Stefanelli and seconded by

Mr. Vogt. Mr. George Ali came forward and was sworn in. He is at 5 W. Grand Avenue. He is an adjacent property owner. He stated that the property that was swapped was to remain green. Now it is going to be compromised. He objected to the parking being placed up against his property line. He would like to see landscaping placed there. He only wants one sign. The curbing was discussed. Chairman asked that a plan be sent to Mr. Ali. Mr. Ali wants it 10 feet setback from his property line. Mr. Ali felt that the applicant is making the board do things because of the land swap. Mr. Madaio will send plans and research will be done. The meeting was carried to March 5th. Mr. Lintner made a motion to close to the public and seconded by Councilwoman Cudequest. All stating aye.

3. PUBLIC HEARINGS (con't): none

RESOLUTIONS: none

Other Business-none

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. All in favor stating aye.

Next Regular Scheduled Meeting: February 19, 2013

Respectively submitted by:

**R. Lorraine Hutter
Land Use Administrator**