

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, March 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 DePinto opened the meeting at 7:35 pm. Chairman led everyone in the Pledge of Allegiance.

ROLL CALL: Present: Mr. Culhane, Mr. Fette, Councilwoman Cudequest, Mr. Lintner, Mr. Vogt, Mr. Stefanelli and Chairman DePinto

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

Absent: Mr. Bardes, Mr. Teagno

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD

ATTORNEY/BOROUGH ENGINEER: Councilmember Cudequest stated that she looked into the signage and the reasoning of why you could not exit out on to Mercedes from the first entrance. She was informed that there wasn't a good enough site distance. Ms. Cudequest will speak with Mr. Culvert about having the arrows corrected in the Municipal lot.

ZONING REPORT: Mr. Fette stated there is a question of boat parking. There is nothing in the ordinance to address it. Mr. Fette stated that the Blood Bank at 102 Chestnut Ridge Road has changed their plan of what was approved. The generator placement is shown on the map is not being followed. They dug up parking space 131. They will need to come back before the board stated Chairman DePinto. Chairman DePinto asked Mr. Hipolit if he spoke to Mr. Ascolese about the generators and the process of having corporates contribute. Mr. Hipolit stated he will see Mr. Ascolese on Thursday and will address it then.

SITE PLAN REVIEW COMMITTEE: Mr. Stefanelli stated we had Block 8 6 & 9 Pennsylvania Avenue. They will be coming forward with a three lot subdivision.

ENVIRONMENTAL COMMISSION LIAISON REPORT: No report they have not met since the last meeting.

CORRESPONDENCE: placed on back table

APPROVAL OF MINUTES: February 5, 2013-Minutes carried to the next meeting of February 19, 2013.

DISCUSSION: Update of the litigation of the A & P was discussed. The case has been reassigned to Judge Carver. There is a case management conference on March 30. Schedule will be set up for discovery and a date for submission of trial briefs at that time stated Mr. Regan.

USE PERMITS:

1. **Block 2701 Lot 3**-Emr Management LLC, d/b/a LPL Financial-85 Chestnut Ridge Road-(2,228 sq. ft.)- Gregory Emr and Elizabeth Emr are the applicant. Mr. Mecca is the counsel for the applicant. Chairman read the application into the record. The signatures of the applicant and owner were identified. Mr. Emr gave a brief description of the business. They will be providing financial planning and asset management services for the same clients. They have been in business for 15 years. They are moving from the Mack Cali building. Building plans will be submitted to the building department. A motion to approve was made by Mr. Vogt and seconded by Mr. Stefanelli with all in favor stating aye.
2. **Block 3103 Lot 2**-Professional Disposables International, Inc.-100 Philips Parkway-(27,000 sq. ft.)- Mr. Del Vecchio represented the applicant, Ruth Levy. Chairman read the application into the record. Signatures were verified. Memory Pharmaceutical needs to remove the sign. The illegal sign will direct the landlord to remove the signs, remove the illegal car and the re-stripping needs to be done before any co is issued stated Mr. DePinto. The research and testing are lab testing. Human testing is done off site. The chemical how are they disposed. They are being following the guidelines of chemicals. Chairman asked Mr. Fette to visit the property. The striping is not visible there is no handicapped parking. Mr. Del Vecchio stated that they are occupying 1/3 of the building. Landscaping plan needs to be looked at also stated Chairman DePinto. It is a permitted use within the zone. There will be no such omissions stated Ms. Levy. A motion to approve subject to the conditions on the record was made by Mr. Stefanelli and seconded by Mr. Culhane.
3. **Block 2401 Lot 2**-The Connell Group, LLC,28 West Grand Avenue-(3205 sq.ft.)- Carried to the meeting of February 19th at the applicant's request.

PUBLIC HEARINGS (NEW):none

PUBLIC HEARINGS (CON'T):

1. **Block 1601 Lot 21-Vinari Enterprises, LLC** d/b/a 15 Grand American Bistro-19 W. Grand Avenue-Amended Site Plan – Plans were marked A4 2/14/2013 and the plans A5-2/22/2013 with landscaping plans. Mr. Madaio attorney representing the applicant asked Mr. Burns to explain the changes. They are providing a 6 foot-wide buffer to protect the side residential area. They are providing one (1) way circulation to the site, wheel stops are being provided and two landscaped islands. They reduced the width of the aisles. They are now one way driveway and to move the parking away from the neighbor. These changes have lessened the variances. The number of parking stalls remains at 37. On the exit drive they have added a stop bar and signage for both left and right turns will be allowed. There is no change in the overall drainage pattern. The revised site plan the board has received these plans which are dated with a revision date of 2/14/2013. The loading area was discussed. The trash enclosure will have a PVC fence and it was increased in size stated Mr. Burns. The landscaping plan was discussed which was marked as A5 with a revision date of 2/22/13. The revised landscaping plan 2/22/13 was discussed. The lighting was discussed. The pole height was reduced to 16 feet. The installation of two new conforming borough decorative lighting is shown on the plan. The building lights are incorporated into the plan. A light station was added on the landscaping plan on the side of the neighbor. They still maintain a half foot candle onto the neighbor's property. The one side of the property is being landscaped with 6 to 8 arborvitae. The dumpster area is also being screen by the arborvitae. Four shade trees are added in the front. The landscaping aisles were discussed. Mr. Hipolit reviewed the plans dated 2/14/2013. The 22 ft aisle needs a waiver. Mr. Madaio was in agreement to the waiver request. Mr. Hipolit stated that he cleaned up the plan. The light meets with Mr. Hipolit's approval. Mr. Lintner asked about the exit to the county road and wanted to know about the signage. During rush hour times it is difficult to get out stated Mr. Hipolit. Ms. Cudequest asked if a sign could be placed "do not enter" the wrong way around the one way circulation. The Chairman recommended that the arrows will modify it. The first trees on the neighboring property are four feet high. Mr. Culhane went over the corrections of the streets. The dumpsters were discussed. He would like a signage notes corrected. The do not enter sign will be facing the exit sign. Mr. Hipolit asked for a no right hand turn. They will work with the engineer on the striping and signage stated Mr. Hipolit. Mr. Fette stated that there is an ordinance that says no pick up of garbage before 7:00 am. The light pole detail was discussed. It needs to be changed for lights on from 11pm to 7am. Mr. Stefanelli asked how the garbage truck is going to get back there to get the garbage. He believes

that the dumpster should be moved to the east. Chairman is in agreement. Mr. Preiss stated if you turn it 90 degrees it would work and reduce the paving. Mr. Burns will take a look at the project behind. Ms. Cudequest asked about the walkway that was from Nottingham Court the Montvale Commons project. The outcome of the discussion is that there will be a site change made to the Montvale Commons to move it over and the dumpster. Mr. Vogt stated that Mr. Burns made a new plan with all of the suggested changes. On the Nottingham side there is enough screening on that side. He asked that a waiver be granted instead of a variance for the height of the screening. Mr. Regan stated that is fine. There are existing trees for screening for the dumpster. Chairman recommended Mr. Burns to take a look at the 7-11 dumpster and how well that is constructed. Signage was discussed. No florescent lighting of any type stated the Chairman. A6- freestanding signed was marked. A7 is the building sign. There are no back light illumination stated Mr. Madaio. The sign has changed to a oval motif. It is the cut in sign. The sign will be light externally. The exact same sign for the monument sign mirrors the building sign. Signage polling. Ms. Cudequest asked about the sign lighting for the monument. Mr. Fette is fine. Mr. Vogt is in favor of the sign. Mr. Lintner asked about the variances of the sign. The two signs is a variance by itself. He would like the signs to comply otherwise.

Meeting opened to the public. Mr. George Ali came forward. He has a concern for the run off water. Mr. Hipolit stated that the water pattern will remain the same. It won't get any worse it might get a little better. Mr. Hipolit doesn't believe a seepage pit will help there. In spaces 30 and 29 a trench could be placed. Mr. Burns was in agreement. Mr. Hipolit stated they could rap it around from space 28 to 30. The lighting on Grand Avenue that is closest to his house is also a concern. Mr. Hipolit stated no additional shifting could be done without losing parking. Mr. Preiss stated that you could angle the parking on the spaces on 29 to 37. Mr. Hipolit stated no it wouldn't work. Mr. Ali asked if the elimination of 37 to 31 could be done. The applicant stated they are not willing to lose any parking spaces.

Buffering is what is in between the fencing is more important stated Mr. Preiss. Mr. Ali is upset over the whole proposal. He doesn't want the parking on that side of his property.

Chairman DePinto asked for Mr. Preiss opinion. He believes that it is a substantial improvement. It will have a less impact on his property. Mr. Preiss doesn't believe that the 10 feet compared to the 6 feet makes a huge difference it is what is placed in between those 6 feet. Chairman gave a summary of what other calls he has received on what could have gone in there such as a motorcycle sale and repair site, tattoo parlor, and other sites. No more shifting can

be done stated Mr. Hipolit without losing the parking spaces. Mr. Preiss stated that they need the 37 parking spaces they are already 3 short of the code. Mr. Regan stated that they can grant the approval. You can get his opinion stated Mr. Regan but he has no veto power over the board. Chairman is going to poll the board. He asked Mr. Ali for his opinion of the fence. Mr. Ali asked for a fence and landscaping. Mr. Preiss stated that he would start the fence Mr. Culhane stated to give him the 6 ft fence from parking space 37 to 34. Mr. Madaio stated he would not recommend a fence for two sections. He would like the fencing for the entire side.

Polling of the board: removing the parking spaces-Mr. Stefanelli stated no. We have an opportunity to make an improvement to what the code is required. Mr. Vogt he is for the parking. Mr. Lintner he believes the parking spaces and that they are necessary. Ms. Cudequest is in favor of the parking staying. Mr. Culhane stated they need the parking. Mr. Fette is for keeping the parking. Polling for the fence:

Mr. Stefanelli is for what the neighbor wants as far as the fence but not then require the applicant to put 6 ft trees.

Mr. Vogt is in favor of the fence along the parking only and the landscaping he still wants to soften the look.

Mr. Lintner- fence along the entire parking lot modified landscape in the five foot buffer.

Ms. Cudequest agrees with fencing along the parking

Mr. Fette- the fence in front of the parking and low lying bush buffering in front of it.

There is some landscaping by the parking spot 37. There is a shade tree also to be planted.

Motion to close the meeting to the public was made by Mrs. Cudequest and seconded by Mr. Lintner.

A motion to have the borough attorney prepare a resolution subject to the recommendations which have been made on the record was made by Mr. Lintner and seconded by Mr. Vogt. The recommendations are as follows: Land exchange with the borough is completed. Review and approval by Mr. Hipolit of the proposed striping of the loading area and delineation of where vehicles accessing same will park. The size of the trash enclosure or dumpster be approved by the engineer. That the dumpster will be serviced during normal business hours and there shall be no pick-up of trash or recycling during the early morning or late evening hours. Lighting will be on only from dusk to 11:00 pm. Issuance of a soil movement permit. Two signs are being proposed one free standing and one building sign. A fence will be constructed, together with landscaping, between the edge of the pavement and the fence. A roll call vote was taken with all stating aye. Mr. Regan stated that he could have the resolution prepared for the next meeting as long

as he received the plans by the end of the week. Mr. Burns stated he would be able to comply.

RESOLUTIONS:

1. **Block 2408, Lot 3-Amazing Grace Partners, LLC-8 W. Grand Avenue**-Amended Site Plan Application-Chairman read by title only. Mr. Regan went over the corrections. A motion to approve was made by Councilwoman Cudequest and seconded by Mr. Culhane with all present voting aye.

Other Business-We will be having the amendment to the Master Plan in connection with the proposed development into the PUD. Mr. Lintner asked about the traffic study. Mr. Regan stated it will be part of the amendment. Chairman went over how it would proceed.

Open Meeting to the Public-No one from the public present.

Adjournment-A motion to close was made by Councilmember Cudequest and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye. Meeting ended at 11:20pm

Next Regular Scheduled Meeting: March 19, 2013

Respectively submitted:

R. Lorraine Hutter, Land Use Administrator