

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

Tuesday, March 19, 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 7:36pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Culhane, Mr. Fette, Councilwoman Cudequest, Mr. Teagno, 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, and Mr. Rached, Traffic Engineer from Maser Consulting.

Absent: Mr. Bardes

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD

ATTORNEY/BOROUGH ENGINEER: Mr. Hipolit spoke about the generators and signalization of county intersections. The county has asked Montvale to be the first as a pilot project to ask applicants who are seeking a generator at a county intersection to allow in an emergency to hook the signalization into their generator. The power loss causes significant traffic delays throughout the town and causes the business to not allow their employees to get to work on time. The county asked us to be the first town to have some type of policy on it. Mr. Gary Ascolese of the county has given us a policy to follow. They are asking us to have applicants who are looking to develop adjacent to intersections that we look to obtain some type of commitment from them to allow the county to hook up to allow the lights to continue working when power is down such as when Hurricane Sandy hit.

It is probably more of a Mayor and Council thing stated Mr. Hipolit but the Planning Board is who hears the cases. It is a very positive issue stated Mr. Hipolit. Chairman DePinto stated he is in agreement with Mr. Hipolit. He sees it as a benefit to the residents, corporate offices and the surrounding communities. In the interest of public safety in getting emergency vehicles in and around town it would be an asset. Chairman asked Councilmember Cudequest to bring it to the Mayor and Council. Chairman stated the planning board could handle the implementation but however the governing body would need to approve the acquisition of the generators and the maintenance of those units. He asked for a report once they have given

their input. Mr. Hipolit highly recommends it. The county will pay for their connection.

Environmental Commission Chairman stated that the Alayna Townhouse landscaping plans have been found and he had asked the board secretary to forward a set of those plans to Alayna. He said he had to mark up the landscaping plans for the AEP. The plan was not acceptable. Chairman asked Mr. Vogt to reply to them and tell them that their plan is deficient in terms in meeting borough standards. If they will not voluntarily comply with the recommendations they will need to come back to the full planning board.

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SITE PLAN REVIEW COMMITTEE: Mr. Stefanelli stated two applicants came before the committee. Homeowner of Block 1301 Lot 7 a-32 Donnybrook Road-Major Soil Movement. The person who purchased the property 3000 yards of movement. Cut down a quite a lot of trees, needs to redo soil calculations and check with DEP for approval. He will be appearing at the next meeting.

Block 1703-2-3 John St. Zoning Variance Application, few variance and need a major soil movement. They are expanding their house. It is a great improvement to the property.

ZONING REPORT: Mr. Fette gave an update on 102- Chestnut Ridge Road-They have submitted to the office a revised plan and they are repairing the asphalt.

100 Philips Parkway-number of violations, abandoned vehicle is own by Al Nagy and it has since been removed. They were awaiting a pick up from a charitable donator. They have cleaned up all the debris and have replaced the garbage enclosure. They have contracted the repaving of the parking lot. The property manager, based on the fact that they have been responsive on the violations they would like to have them moved in. Memory is not gone the applicant is a sublease of space. They want the board's approval to move in. Mechanical aren't screened on the roof. The building was built in 1981. Board was polled. Applicant can move in.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Vogt stated the commission recommended the approval of the landscaping plans for Vinari Enterprise. Amazing Grace was carried to their next meeting.

CORRESPONDENCE: placed on back table

APPROVAL OF MINUTES: A motion to approve the minutes of February 5, 2013 was made by Councilmember Cudequest and seconded by Mr. Stefanelli. A roll call vote was taken with all voting aye.

-March 5, 2013-A motion to approve the minutes was made by Councilmember Cudequest and seconded by Mr. Stefanelli. Changes were made. A roll call vote was taken with Mr. Teagno abstaining and all others voting aye.

DISCUSSION:

USE PERMITS:

1. Block 2401 Lot 2-The Connell Group, LLC, 28 West Grand Avenue-(3205 sq. ft.) Mr. Del Vecchio represented the applicant. Sean Connell and Roger Jones came forward and were sworn in. Chairman read into the record the application. The applicant, Mr. Connell gave an overview of the project. They are market research consultants, business meetings and conducting telephone conversations over the telephone. This will be their headquarters. Zip Codes were provided. Mr. Fette stated they needed to visit him for building permits. A motion to approve was made by Mr. Vogt and seconded by Mr. Culhane. A roll call vote was taken with all present stating aye.

2. Block 2602 Lot 1- Cheryl Golub, LCSW-210 Summit Avenue-(496 Sq. ft.)

Ms. Golub came forward and was sworn in by Mr. Regan. Chairman read the application into the record. There are two rooms on premises. Operations of hours Monday to Friday 9 to 5 pm with occasional evening appointments stated Ms. Golub. Signatures were verified.

The space will be used for psychotherapy. Will be one employee herself. Will need a CCO from the building department stated Mr. Fette as well as inspections. A motion to approve was made by Mr. Teagno and seconded by Mr. Lintner. A roll call vote was taken with all stating aye.

PUBLIC HEARINGS (NEW):

1. AMENDMENT TO LAND USE ELEMENT AND HOUSING ELEMENT AND FAIR SHARE PLAN

1. OF THE BOROUGH OF MONTVALE MASTER PLAN

Chairman went over the previous Amendment and the process. Mr. Regan asked the board secretary if notice was done and checked in accordance with MLUL. Mrs. Hutter stated yes and that contiguous towns were also notified. The traffic report was prepared by Maser Consulting. Mr. Regan swore in Mr. Richard Preiss, Borough Planner, Mr. Maurice Rashed, Traffic Engineer, Mr. Andy Hipolit, and Board Engineer both engineers of Maser Consulting. Chairman DePinto asked for Mr. Hipolit to list his qualifications and to introduce Mr. Maurice Rashed. Mr. Hipolit stated that Maser Consulting has a traffic and planning group. Mr. Rashed is also a senior partner and is head of the division of traffic and planning group. Mr. Hipolit stated that they relied on other reports from the county and from the Tri-Borough Traffic Study as well as the Dolan and Dean Traffic Report. Mr. Rashed gave a brief synopsis of his qualifications. He currently is an adjunct professor at NJIT. Mr. Rashed stated they looked at the road conditions now during the peak hours in the am and the pm hours and the weekend hours. A traffic trip generation was done and they analyzed the existing conditions and what the improvement of the intersections would be. They then analyze the existing and future improvements. They compares the future with the existing

conditions. The existing conditions of summit and Spring Valley Road today experience a service level of F. They looked at different options to improve the intersections. Once the intersections improvements, widening and implementing it drops from 136 seconds to 36 seconds delay on Spring Valley Road. The 36 seconds is very desirable. The entire network will see improvements that are related to accessibility. All the intersections will be equipped with ramps, push buttons and the other facilities to make the passenger with disabilities and strollers easy to maneuver and will be ADA compliant. In addition the study is recommending that all the intersections be tied in so that we have progression along Summit Avenue and West Grand Avenue. The signals will talk to each other to make the traffic flow smoother. Mr. Rashed went over the intersections one by one. First were the improvements of Spring Valley and West Grand. The intersection improvement would significant widening it will have three lanes of traffic one for left turn, one for right turn and one for going straight. The east bound will be restriped and improved. The improvements will make the intersections work much better. Secondly, the improvements to the intersection of Spring Valley and Summit were discussed. It experiences the most delay about 136 seconds at that intersection. They also counted into background traffic for future growth. The study is conservative stated Mr. Rashed. The significant improvements going northbound they are adding a lane, one lane for turning and one for going straight. Three lanes dedicated left and right and one for through traffic. Coming south bound there will three lanes also. On the east bound there will be a dedicated left turn and going straight. It operates now at the highest level of delay. The other intersections are signaling improvements. Some tweaking will be needed in some of the turning lanes. The Grand and Mercedes intersection will be improved by the storage of the cars making the left hand turn. On West Grand they are increasing the left turn on to Mercedes. There will be some restriping. Mr. Hipolit stated that the Chestnut Ridge Road improvement is also an improvement but has already been approved and is being done sooner. There are 10 utility poles that need to be moved 8 feet.

Chairman asked if he met with the county and what were the findings. He said yes they got to meet and discuss some traffic and they are very pleased that they are taking on such a study that will benefit county roads. Mr. Rashed stated he has never seen such an intensive study done. In general they are very much in favor of the improvements they are taking. How many intersections will be improved by this study was asked by the Chairman. Mr. Rashed stated there are 9 intersections. If you count the access drives then it is 12 intersections. Mr. Hipolit stated that if it was an application before the board it would only involve the immediate adjacent intersections. Chairman asked about the ramps are they included. Chairman stated that Mr. Hipolit is aware that for a number of years the Montvale Planning Board has been either receiving or acquiring dedication of lands so that in some point in the future we may be able to get another southbound access to the Garden State Parkway and equally important a northbound to the Garden State Parkway. Does the level of services and improvements thereof

incorporate those projected improvements asked the Chairman? Mr. Rashed stated no it does not include the ramps but the ramps would improve the intersections. Mr. Hipolit stated that the Boroughs position in regard to a south bound access to the parkway and north bound access to the parkway was not sole at the discretion of the governing body that it has been a desire of the borough long before he had come to the town. The cost of the improvements was discussed. Mr. Hipolit stated that the costs of these improvements are up in the realm of \$3,000,000. Mr. Hipolit stated that the improvements will make it better than it exists today. Mr. Regan stated that the board could put the requirement on the applicant so the borough is not burden with the cost.

Mr. Lintner stated it is an excellent report. The development of Spring Valley Road as the major north south corridor, Spring Valley Road is truly the only residential street involved and it is also the road that has two schools. He was wondering if another north south corridor could be used to get the traffic out of this area up north to New York State as he anticipates a lot of traffic headed that way and he would have to see it placed on our only residential street plus the street that has two schools. Mr. Hipolit stated that the school traffic in their peak hours doesn't meet the same as retail development. Mr. Hipolit stated because of where Paragon ends up it doesn't function as well as Spring Valley Road but he believes the backup will not exist the way it does today once the improvements are constructed.

The morning peak will have very limited peak from a retail development. The afternoon peak of school is earlier than commercial and retail. The cues will be reduced to a minimum.

They have a model to show stated Mr. Rashed and it will be presented at a later time.. The school will receive a great benefit stated Mr. Rashed. A tremendous amount of capacity will be constructed.

Councilmember Cudequest asked about the widening of the roads and adding extra turn lanes but will anything be done with the signalization. The signalization will be brand new and the signals to achieve efficiency good looks and communications. Mr. Teagno asked about the redirecting of traffic to make a right on Summit Avenue and go Paragon to Summit to keep the traffic away from the school. He has a concern for traffic around the school. Mr. Hipolit stated that they will be completely computerized. There will be a new right dedicated turn on Spring Valley Road stated Mr. Hipolit. The signals will be all high level of smart signals. Mr. Culhane stated the growth rates that they are consistent with the county and is it comparable. Mr. Rashed stated yes it is consistent. He asked about property acquisition. Mr. Hipolit stated that many of the acquisitions have already been completed by applications that have come before the board. The few that have not are included in the cost of intersections and it would be the cost to the Borough of Montvale. Mr. Fette asked where would be the two entrances for the parkways. Mr. Hipolit stated that they have been trying to obtain property and they have it now from DeBeaute for the southbound. The northbound would be on Summit Avenue. If the borough did not own the land the DOT would not even sit down for a conversation stated Mr. Rashed. The ramps will not have adverse effect with or without them in the traffic study.

Mr. Stefanelli asked about the signalizations. Mr. Rashed stated it is all done by communications; the old ones are run by electrical mechanical devices and the new ones are all computerized.

Mr. Vogt stated an excellent report. He is concerned with the signalization. HE stated that they are not smart signalizations as many times after a meeting where there is no one on the road he needs to wait to have the light change. Mr. Rashed stated many of the signals in Bergen are not smart signalization.

New signals can sense the presence of vehicles and can signal for a green and operate the signal based on. The downtown signals will be separate project and they are not included in this improvement stated Mr. Rashed.

Mr. Preiss was called upon to give his presentation. Mr. Preiss gave his qualifications. He has been with the firm 30 years and a principal for 20 years. Mr. Preiss is the author of the Proposed Amendment to the Land Use Element and Housing Element and Fair Share Plan of the Borough of Montvale for Lots 2 and 3 of Block 2802 and Lots 3 and 5 of Block 1002. Mr. Preiss is associated with Phillips Preiss Grygiel LLC/ Planning & Real Estate Consultants dated March 2013. Mr. Preiss stated what a Master Plan is. A Master Plan is a blue print plan and a set of recommendations and a guide for the growth and development of a community in the future. It is necessary in any community in New Jersey which adopts zoning which controls land use as a prelude to adopting that zoning to adopt a Master Plan. A master Plan needs to be adopted or reexamined every 10 years. The amendment which was adopted in July and the amendment which is before the board tonight would essentially be an amendment to the 2008 Master Plan. The Council is desirous for a change of zoning to the properties identified in the Master Plan Amendment stated Mr. Preiss. It is the borough vision for their future development and provides a detailed framework for a potential rezoning of the properties to implement the Borough's planning objectives. The zoning ordinance needs to be consistent with the master plan. It was published and available on the website stated Mr. Preiss. The July Amendment allowed the 32 affordable units to now be located on the 1.6 acre property on Summit Avenue while the lifestyle retail shopping center anchored by a supermarket would be permitted on the DePiero Farm property. The general purpose of the amendment is to realize the development of the 32 affordable housing because the DePiero Farm property has been in the AHA zone for twenty years and it has not produced one unit of affordable housing. The PUD will not compete with the downtown area as it is a rustic theme. In terms of why they have chosen a PUD, stated Mr. Preiss, a plan unit development is a little bit different from your conventional zoning. There are two different uses in two different locations. The PUD does allow you greater flexibility in terms of realizing the development but at the same time greater precisions with regard to the bulk and design standards for larger scale developments where you are talking about multiple buildings being provided on a single property. A PUD Ordinance assures a high standard of planning and design than your typical conventional zoning. It also provides the board and the site plan a review process greater control over the design and layout of the retail development to insure that the goal which are setforth in this master

plan amendment will be achieved. In terms of the revision, back in July after the Master Plan Amendment was adopted, a new AH-PUD Zoning Ordinance was introduced and a public hearing was held in December and it was tabled. In January the Mayor and Council directed the planning board to have the engineer prepare a more detailed traffic report which has been done and has been presented this evening stated Mr. Preiss. His office was also directed to have his office explore alternatives to reduce the density of the 32 units of the affordable housing, which were to be proposed on the smaller 1.6 acre Summit Avenue. The traffic study and the traffic improvements have been identified and have been incorporated into the Master Plan Amendment and are contained on pages 14 and 15. In terms of lessing the density of the affordable housing component, his office worked with the borough and the DePieros who are going to be developing the lifestyle retail center to increase the size of the Summit Avenue Property. As part of the Master Plan Amendment and as will be required if the proposed rezoning continues the adjacent property to the DePiero's smaller property on Summit Avenue is known as the Deim property is also 1.5 acres will be acquired by the developers and the two properties will now amount to 3 acres. They will be deeded to the Borough and the Borough will be responsible to build the 32 units of affordable housing. On page 13 and 14 shows the proposed rezoning of the block 2802 and block 1002 properties. The density will drop to 10 units per acre. There is other affordable housing that has a higher density such as Regan Development being built on Nottingham Court. In addition to lowering the density the neighboring community will be less affected. The height of the buildings will now be two stories, and the setback from the development will increase from a 15 f.t setback to 75 feet. Acquisition of the additional property will have a much lesser impact on the properties. This will help the goal of the borough to meet its obligation.

Chairman asked about the article in the record of the affordable housing that has been created in our efforts to provide the housing. The borough voluntarily it received substantive certification at second round. Mr. Preiss went over the affordable units in Montvale. After the article came out, Mr. Preiss stated he did an analysis, the article stated that only 33 units had been provided in Montvale however the number is 127 units have been approved not counting the numbers built outside of Montvale through the contribution agreements. The borough has been an active participant in COAH.

The third round was received by COAH the rules have been suspended and everything has been put on hold. The constitutional obligations to provide affordable housing will come back after the Supreme Court renders its decision and will be an obligation of the borough. . You need to build within your town there are no longer regional contribution agreements. The legislature has been amended and the opportunities no longer exist. The owner of the property has asked to have the property rezoned for a use other than what the property is currently zoned for stated Mr. Preiss. The action was prompted by the owner of the property not by the planning board nor by the governing body stated Mr. Preiss. However, the request was turned over to the planning board for investigation.

Chairman asked Mr. Regan about the funding of the work that has been requested of Mr. Preiss and Mr. Hipolit offices is it costing the taxpayer any money? Mr. Regan stated the funding of the work is being paid by the proposed applicant and they have posted escrow in regard to the professional reports.

The funding of the work is being paid by the proposed applicant. It is consistent with the municipal land use law stated Mr. Regan.

Mr. Stefanelli asked about the competition between the businesses of the downtown area. How is that accomplished asked Mr. Stefanelli? Mr. Preiss stated that it is accomplished by insuring in the list of uses that are proposed that the focus is on lifestyle retail which is more comparable or specialty goods. The stores in the downtown area provide convenient goods. Those are the kind of goods that purchase by residents because it is close by. The retail that would be permitted in the

Mr. Vogt stated it is a good report.

Mr. Lintner asked about going to 8 units per acre as proposed to 24 instead of 32. Mr. Preiss stated that it is the number in the fair share plan is 32 units. It is based on the fact that the AH8 zone allows 8 units to the acre on 20 acres.

The use permit process would still regulate the uses that go into the project. First the board would need to do be presented the application of a site plan.

Chairman asked Mr. Regan to give his credentials. Planning board attorney since September 1993 stated Mr. Regan. He has been appointed by the court as a master in the Mt. laurel. Mr. Regan stated that he finds this consistent with the Mt. Laurel.

A five minute break was taken.

Chairman gave an overview how the questions from the public would be handled. A motion to open was made by Councilwoman Cudequest and seconded by Mr. Stefanelli.

Public came forward:

John Bongardino, 14 Ellsworth Terrace. Mr. Bongardino asked how many cars will this produce.

From parcel "A" 302 incoming am hours of the peak and outgoing 327 pm outgoing which is the shopping center. Parcel B 73 incoming trips and 79 outgoing pm peak hour time. Mr. Preiss stated it would be a smaller store on parcel B. Mr. Rashed stated a lifestyle retail would generate probably less than half of the numbers he gave us. A furniture store stated Mr. Rashed that would produce less than 10% increase. They used the land use code 820 and that applies to the big box as the worse scenario. Has there been a comparison asked Mr. Bongardino. The 160 units would make it less traffic stated Mr. Rashed but it would not come with the road improvements which are needed. Mr. Bongardino asked what is an example of a Lifestyle supermarkets? Mr. Preiss responded that they do not differentiate between super markets. The definition that they been

using is consistent with what you would anticipate to see in any major shopping center. A supermarket can be any food store that is over 60,000 sq ft that sells food and household goods.

He said the quality of a Wegman's. It offers a coffee; pizza and bagels would compete with the small. Mr. Bongardino stated the traffic during holiday seasons he hopes has taken into consideration and he feels that the traffic will be overwhelming for the roads.

Mr. Art Lavis, 20 Hilton Place, Montvale. Mr. Lavis stated that the ordinance provides for 75% lot coverage and 240,000 sq. ft. of floor area. Chairman stated the ordinance is not before the board and he asked that he limit his questions to the subject at hand which is the proposed amendment to the Master Plan. Mr. Lavis continued with his questioning. The traffic study he believes that a destination supermarket will be built. Mr. Hipolit stated that there is a re-shifting as if Mr. Lavis was leaving Hilton Place to go to A&P to get milk he might go to Wegman's or Stop & Shop instead. They took the worst case scenario stated Mr. Hipolit. The Kinderkamack Road intersection is his concern. The Kinderkamack Road and Grand Avenue have traffic now due to the train. Mr. Lavis asked if there will be more cars in that downtown area. Mr. Rashed stated yes. The county was consulted stated Mr. DePinto. He stated that they asked the county to put them in a prioritized order. Kinderkamack Road and Grand Avenue are not being considered by this application for road improvements at this time. We had four food markets at one time and they didn't survive stated Mr. Lavis. They did not study that point of market. Mr. Lavis concern that the buildings might be empty if it is not successful. COAH regulations are in limbo and they are before the Supreme Court and they are a wild card. Under round three it was a growth share employment. Mr. Lavis stated that he saw on the website that a typical Wegman store has approximately 700 employees and Lifetime Fitness has about 300 so an increase of 1000 employees coming back and forth as well. He asked if those numbers have been included in the report. Employee count has been included stated Mr. Rashed. Mr. Lavis stated that he has heard that the building of this site may lead to a paid fire department. Chairman stated that the proposed amendment to the Master Plan doesn't reference that and at the governing body meetings in regard to the subject he has never heard that being said as a result of the rezoning.

Mr. Lavis would like to stick with the current zoning.

It is a very intense overdevelopment stated Mr. Lavis.

It is not the overdevelopment of the property stated Mr. Preiss. The yield is less.

Mr. James Kimball came forward 20 Franklin Avenue. Mr. Kimball stated he read the amendment and skimmed through the traffic report. The size and scope of the development hasn't been addressed. The developer came in with a more reasonable size project it might be more accepting.

This development is going to stick out and he doesn't believe it is good for Montvale. He disagrees with Mr. Preiss' argument that this piece of property is

suitable for townhomes. Chairman asked if it is based on any data or is it his personal opinion. Mr. Kimball stated he has sat on the planning board and council and has some experience in land use and he believes it is perfectly suitable for townhomes. This project benefits the property owner the most stated Mr. Kimball. Chairman stated that the property has been zoned for this for many years and no developer has come forward for that use.

On the housing side. The required 160 units and 32 affordable is a better alternative stated Mr. Kimball. Placing all 32 units on one lot has never been in Montvale. The solutions will be better if you kept the zoning where it is. He doesn't believe it such a big savings over all. The number of kids is little that the affordable units will bring.

He would like to see the zoning stay.

The inclusionary units are not identified in the units that have been built they blend in beautifully. The intersections have not been improved over all these years. Mr. Kimball is not in favor of the amendment.

This will be the biggest thing in town stated Mr. Kimball.

Linda Bongardino-14 Ellsworth Terrace-Are we legally bound to make the change. She doesn't understand why can't have a mixed use. It is with keeping to the community. Has anyone considered this use? She doesn't agree. She is the owner of a farm of this size. She doesn't see why the residents have to be subjected to the zone change. It will impact the residents. She doesn't oppose change and development. She doesn't want it to turn into Nanuet South. Ms. Bongardino is concerned over the traffic and the size of the project.

Chairman DePinto stated that there are benefits to the development. We are looking to enhance the value of all the properties within the borough.

Councilmember Cudequest stated that she has gotten many more comments in favor of the development.

Ms. Bongardino stated when it is done well everyone benefits. She would like it scaled back. She believes that Fresh Market and A & P will be out of business and then we will have to deal with empty buildings.

Chairman stated he agreed with many of her points that she brought up. However, many of her concerns will be addressed when they file an application for site plan approval. Chairman asked the board secretary to forward to Ms. Bongardino a copy of the Master Plan and its amendments and encouraged her to read them.

Lori Charkey 162 Westwood Avenue, Westwood, NJ-She asked about negotiations that took place between the county and the DePiero's. Chairman stated that he was not present when any offer was made from the county. He was the recipient of an offer that was shared with him by Farouk Ahmad, Planning Dept of the County. He believed that he could gather the funds and to keep the

farm as an operational farm. Chairman stated he tried to assist him and he had reached out for the attorney that did represent the DePiero's which was Jim Beattie. The meeting went nowhere. It was not pursued by the Borough as they were only a facilitator in between the County and the property owner. Ms. Charkey stated she has knowledge from a very creditable source that Farouk underestimated the value and the current administration would have had a different interpretation. Chairman DePinto stated that doesn't surprise him. As the board has been sending monies that they have required from developers on major county roadways and we have not seen any improvements in Montvale. It took a subpoena on behalf of the Montvale planning board to get Mr. Garrison who is now there to get the improvements for the widening of Chestnut Ridge Road. She believes that the project should be scaled back and that it should be as environmentally friendly as possible. Chairman DePinto stated if she could set up a meeting with Mr. Garrison in regard to the farm land that he would be there.

Suzzane Mattheu-Edgewater 1055 Riverwater-She has been a member of the Open Trust Fund Advisory Committee along with Ms. Charkey since 1999 representing Parks and Recreation. She had lived in Edgewater since 1988 there was no supermarkets. The 4 lane highway was put in. Mr. Ahmad was a part of this. He took away the turn lanes in and out of developments. There was no medians and many lights. There are many crashes. She is concerned that it will end up like where she lives in Edgewater. There are unintended consequences with a lot of other negative items. They have a lot of crime, and had to increase their police department. There are many accidents as well. There is all the thru traffic coming through their side roads. The improvements will increase the large truck traffic on the roads that will need to make deliveries. She would suggest that a meeting be made with the county to see if something can be done.

Kurt Kron, 14 Raven Road. Mr. Kron was sworn in. He stated that the traffic report was a response to the governing bodies concern. Chairman asked Mr. Hipolit to respond. There was an inquiry from the governing body through Councilmember Cudequest to have the borough engineer to do an independent traffic report because the developer only provided a traffic report for that site. It was also a request to reexamine the proposed amendment to the Master Plan. Also one of the concerns that the public had which was shared by the council was the density of the proposed development of the affordable housing units on Summit Avenue. It has now doubled the size of the property stated the Chairman. It reduced the density. Mr. Kron stated that the three schools will be in his personal opinion will be impacted. He believes that the increase of the traffic is deadly to the pedestrians. A discussion ensued. Chairman stated that is his opinion and nowhere in the report was that stated.

Kevin Roe, 1 Hearthstone Way, Montvale, NJ- He has attended two planning board meetings and two council meetings on this topic and he has voiced concerns on how the Master Plan amendment was prepared. He is concerned at the conclusions which were stated for this project. He had concerns of the traffic study report. He asked how many parking spaces where the supermarket and the shopping center how many parking spaces. Mr. Regan asked if that was a question. He stated that Mr. Roe is a party plaintiff in litigation against the Planning Board in connection with the July 2012 amendment. This litigation is pending in Superior Court, Law Division of Bergen County; there is a case management conference tomorrow at 1:30pm before Judge Carver. Mr. Regan recommended that the board not answer any questions of Mr. Roe he can make a comment. This will not be a no cost deposition stated Mr. Regan.

Limited to Mr. Roe's comments.

Mr. Roe is represented by counsel. He was allowed to make a comment not to question. He believes the character of the town is being destroyed.

Closed the meeting to the public Mr. Teagno and seconded by Mr. Vogt. Chairman thanked the public for their attendance and the lateness.

The Chairman asked for a motion to have the board attorney prepare a resolution for approval for the proposed amendment to the Master Plan for April 2, 2013. The hearing is now closed. A motion was made by Mr. Culhane and seconded by Mr. Vogt with all voting aye.

PUBLIC HEARINGS (CON'T):

RESOLUTIONS:

1. **Block 1601 Lot 21-Vinari Enterprises, LLC** d/b/a 15 Grand American Bistro-19 W. Grand Avenue-Amended Site Plan resolution was carried to the next meeting due to the lateness of the hour it is already 12:30am

Other Business-none

Open Meeting to the Public- A motion to open was made by Mr. Teagno and seconded by Mr. Vogt. No one wishing to be heard a motion to close was made by Mr. Vogt and seconded by Mr. Stefanelli.

Adjournment- a motion to adjourn was made by Mr. Vogt and seconded by Mr. Stefanelli a roll call vote was taken with everyone stating aye. Meeting ended at 12:45am

Next Regular Scheduled Meeting: April 2, 2013

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator