

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**Minutes**

**Tuesday, May 21, 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.

**Vice Chairman Stefanelli opened the meeting at 7:40pm. Ms. Hutter did a roll call.**

**ROLL CALL:**

**Present:** Mr. Fette, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, Mr. Vogt, Mr. Culhane, Mr. Webber, arriving late was Chairman DePinto

**Also Present:** Ms. Hutter, Land Use Administrator, Mr. Regan, Board Attorney (arrived late), Mr. Hipolit, (arrived late), Mr. Hughes, Acting Planner

**Absent:** Mr. Preiss, Borough Planner, Councilmember Cudequest

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD**

**ATTORNEY/BOROUGH ENGINEER:** Mr. Culhane asked if anyone knew if any improvement is going to be done downtown on Kinderkamack Road. The county road backs up blocking side roads and at one time there was mention by Mr. Hipolit about the county widening the area right outside of 22 Railroad Avenue. Vice Chairman Stefanelli asked Ms. Hutter if Mr. Hipolit could report on that at the next meeting.

**ZONING REPORT:** Mr. Fette gave his report.

- 110 Summit Avenue-there are no numbered spaces on site on the property.
- 100 Philips Parkway site issues. 2/3 of parking lot has been resurfaced and they have cleaned up the property.
- Chestnut Ridge Shopping Center-An ongoing investigation of the noise was discussed. Mr. Fette stated that Montvale Surgical over exceeds the limit of sound by two decibels. The acoustics reports were done and they will install acoustic blankets on their equipment and will reduce the noise by 5 decibel's. When all of the equipment is on the decibel are over the limit. Mr. Fette has reached out to the new owners of the shopping centers.
- The old vale Pontiac building on Kinderkamack Road. ETD Tire Store is looking to take over the site. It is not a permitted use within the zone doesn't have the right and they will need a use variance.

- 2-8 So Kinderkamack Road Yugi Restaurant. The old site plan shows the dumpster enclosure in the back and it was never installed before. He is not sure that there was ever one there. Mr. Levy the property owner was sent a letter. There is a time frame for him to install the enclosure. He is also looking to do some façade work.
- 155 Chestnut Ridge Road- was inspected for release of bond money. Mr. Fette stated he did an inspection and there is a picnic area and brick paver sidewalks which are not on the plan. There is a new property manager and he has been directed to obtain an amended site plan application. No escrow or bond will be released.
- Porterhouse numerous complaints, video sent to him with the lights on. New colored lights have been installed and the candle foot is over the limit and intrusive to the neighbors. Mr. Fette stated we are expecting an application for amended site plan in. They have reached an agreement with Orange and Rockland for leasing the property next door for additional parking. The outside lights need to be addressed now it was agreed. A summons will be issued by Mr. Fette's office.

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli gave the report. The committee had several applicants; 68 Summit Avenue the church behind the Luke Oil station. He is in an R 40 but the property size is more an R-10 zone. It was agreed that if the homeowner came in with a site plan with the guidelines of an R10 it would look better.. Victoria Lane applicant came forward for a two lot subdivision off of Elizabeth Street in New York. This had been before the site plan previously for a three lot subdivision with a cul-de-sac. The plans have been revised However, the property is in the c1 zone it is believed and they would need DEP approval first. Western Union came before the committee. They are looking for a smoker's shelter to be installed. Chairman DePinto stated that he would be willing to grant some relief in exchange for a right of way for Krauser's once the road widening takes place. Last before the committee was The Shoppes of DePieros. They came with preliminary site plan for the shopping center. Fire and Police department representatives were both present to voice their concerns and suggestions.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Vogt stated they approved AEP landscaping. The environmental commission was asked for the Woodmont also known as Enclave for final inspection. Mr. Vogt stated they are not in compliance. The tree ordinance committee was discussed. Amazing Grace plans were rejected by the environmental commission and need to resubmit..

**CORRESPONDENCE: placed on back table**

**APPROVAL OF MINUTES: May 7, 2013-** A motion to approve was made by Mr. Culhane and seconded by Mr. Fette, a correction was made to the last paragraph, it was changed to how the pool is being filled. A roll call vote was taken with all voting aye.

## **DISCUSSION:**

Chairman DePinto arrived late 8:10pm and took over the chair.

## **USE PERMITS:**

**Block 2701 Lot 3- Solid Benefit Guidance**-85 Chestnut Ridge Road- (2827sqft.) Mr. Del Vecchio came forward representing the applicant. Chairman DePinto read the application into the record. William Guerci applicant was sworn in. Chairman read the application into the record. They will provide the parking spaces on site. A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane with voting aye.

## **PUBLIC HEARINGS (NEW):**

**Block 2002, Lot 1-Benjamin Moore 101-** Paragon Drive-Amendment Site Plan Generator – Mr. Del Vecchio represented the applicant. Notice was provided and marked as A1. Our Board Professionals as well as Mr. Steve Napolitano were all sworn in.

A3 was marked SNS Architects and Engineers report dated January 28, 2013. Mr. Steve Napolitano came forward. The generator will be enclosed with a 6 ft board on board fence. There will be landscaped plantings along the southern end. The pad will need a DEP permit. The generator will be placed on a concrete pad of approximately 1,152 square feet. It will be fueled by natural gas. Lot coverage presently is 39.5% will be slightly increased to 39.7%. It is still less the 45% maximum permitted. The generator is ten feet tall. The footing detail on drawing No Y3 indicates the foundation height to be various. The placement of the pad will not result in the removal of any existing parking. Two generators will be placed on the pad. The generators will be fuelled by natural gas and connected by conduit to the existing building service and are 400 kilowatt natural gas generators and it is intended to power the data center in the event of an emergency only. The generators will have sound attenuated enclosures. The landscaping will be planted along the southerly end of the concrete pad having a height of 3 ½ ft. to 4 ft. The board was advised by Mr. Napolitano that the proposed generator use is regulated by the DEP, that a permit is also required by them. The applicant is requesting an exemption from submitting an Environmental Impact Statement. The board members were in agreement. The Borough Engineer, Mr. Hipolit and Mr. Hughes were both in agreement to make the recommendation that the board members waive the EIS. The board members were polled and it was agreed to waive the EIS.

The county requests that properties having emergency generators adjacent to a traffic signal on county roads to encourage applicants to allow connection to their generators connect in case of the power outages. County traffic signals exist at the intersection of Paragon Dr. and West Grand Avenue. Mr. Hipolit asked the applicant if they would consider the request and coordinate with Bergen County to determined requirements and conditions. Mr. Del Vecchio stated at this time they could not give an answer without finding out more information on responsibility of connection and access. Mr. Hipolit stated that an air quality permit will be required as well. No requirement to come before the environmental commission. They are willing to sit down but need additional

information on the connection. . Chairman asked Mr. Hipolit to conduct a meeting or conference call to obtain the additional information that Mr. Del Vecchio and his client are requesting and to report back to the board. B2 Mr. Preiss' letter was marked dated May 15, 2013. Keenan Hughes was acting planner and stated there is no visual impact it is in a remote location with vegetation to help screen along with the fence. The proposal is a six foot high fence and there will be some exposure as the generator is nine feet. They are willing to increase the size of the skip laurel planting of 7 to 8 feet. Mr. Vogt stated that the smaller one is better for planting. He doesn't like the larger fence. Taller vegetation will be 7 feet. The applicant is willing to comply  
B3 Montvale Fire Department review letter was marked. Their response is no comment.  
B 4 DPW report was marked stating they had no objection. B5 Police Dept. review was marked dated April 2 2013. It doesn't impede any public safety. A4 was the applicants report from Cooper Power Sources.

Mr. Webber asked about the garbage fencing. It is 8 feet stated Mr. Napolitano. Mr. Webber has a concern with the garbage truck moving carefully into getting the garbage. Mr. Napolitano stated that he doesn't see it as a problem. Mr. Teagno asked about if there is a concern with the generator pad getting wet. Mr. Napolitano stated no this spot is not wet.

Mr. Culhane asked about the required height of the code 12 feet is it measured from existing grade. Mr. Regan stated it is from the average grade. He stated that the testimony was 10 feet above the concrete pad.

There is not sufficient information stated Mr. Culhane. The grade varies stated Mr. Culhane. The grade area is 285 stated Mr. Napolitano. The slab is at the 287 and would like it shown. What is the side of the pad, asked Mr. Culhane. Mr. Napolitano stated on the side there is a rim that is five feet wide. That is a ramp that brings you up to the top of the pad. A confirmation of what is the average grade was determined. Mr. Napolitano stated he will confirm the average grade and submit it to Mr. Hipolit.

Mr. Culhane stated that it states to show if they are approved the two sheds. He asked if the sheds were on the approved site plan. Mr. Del Vecchio stated he is not sure.

Chairman asked to have some research done on the sheds to see if they are approved.

Mr. Culhane asked if the De Piero site will be having a generator to hook into. Chairman stated that they asked them and that would be at the rear of Wegmans.

The plan shows both generators on the plan. Will they need both generators in an emergency? Will a new service need to be provided asked Mr. Stefanelli. He would like it on the plan and he would like to see an approval from the service. A copy of an approval for the service from the gas company was requested. An inspection from the environmental commission will be done when it is finished.

It was determined that the generator will be tested once a week. Mr. Hipolit stated that they have a flood plain on the property. He asked that the number be placed on the plan. A motion to open to the public was made by Mr. Vogt and seconded by Mr. Stefanelli no one willing to be heard a motion to close was made by Mr. Culhane and seconded by Mr. Teagno. A motion to have the board attorney prepare a resolution was made by Mr. Vogt and seconded by Mr. Stefanelli with all stating aye.

1. **Block 1301 Lot 17-Anthony Pucciarelli**-32 Donnybrook Road-  
Major Soil Movement Application-carried to June 4, 2013

**PUBLIC HEARINGS (CON'T):**

**RESOLUTIONS:**

**Block 2701-4- AEP- 95 Chestnut Ridge Road- parking reconfiguration-**  
**Amended Site Plan-Resolution has been carried to the June 4, 2013**  
**meeting as new plans were not submitted in a timely manner.**

**Other Business-none**

**Open Meeting to the Public-** A motion to open to the public was made by Mr. Stefanelli and seconded by Mr. Culhane.

A motion to go into close session was made by Mr. Stefanelli and seconded by Mr. Fette to discuss litigation. No one from the public was left in the room.

**Adjournment-**A motion to adjourn was made by Mr. Vogt and seconded by Mr. Culhane.

**Next Regular Scheduled Meeting June 4, 2013**

**Respectively submitted by:**

**R. Lorraine Hutter**  
**Land Use Administrator**