

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, June 4, 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 and led everyone in the Pledge of Allegiance.**

**ROLL CALL:** Mr. Teagno, Mr. Fette, Mr. Lintner, Mr. Vogt, Mr. Stefanelli, Mr. Webber

**ABSENT:** MR. CULHANE, COUNCILMEMBER CUDEQUEST, CHAIRMAN DEPINTO ( arrived late)

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

**ATTORNEY/BOROUGH ENGINEER: none**

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

- 15 Grand American Bistro-Is ready to open. They are awaiting Final Inspections.
- LTF-All interior is done and basketball nets are all set up. Showers are done. They redesigned the café. They are moving along quite rapidly.
- 2 Windsor Road-There was a fire there about a year ago is already a two lot subdivision. The house is coming down and two new houses to be built by the Janovics.
- Montvale Commons-Nottingham Court- Affordable and Handicapped Units- First floor insulations and sheetrock is done. Driveway is going in.
- 25 Philips Parkway-Overnight parking violations and property maintenance violations for asphalt crumbling. The building is in foreclosure. The attorney is looking to try and get some of the leases vacated. Some of them are in there without certificates of occupancies. Empire had left in the middle of the night.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Vogt gave his report. Mr. Vogt stated that the tree ordinance committee has come out of hibernation. They are looking for some members from the environmental commission. He sent copies of the tree ordinance which they wrote years ago and he sent to the board members. There are two members that have come forward.

Michael Marano 45 North Avenue-They have asked for an inspection. He received a telephone call from the builder of 2 Arthur Court. Ethan Homes has sold the lots Revision date on the plan was not in compliance with what was approved by the board. He wants to terrace the steep slopes. The DEP requested 11 shade trees to be planted in another town. There are no shade trees along the road on his plan. His plans

are much different than what is approved. Mr. Regan stated that they just signed a developers agreement.

**SITE PLAN REVIEW COMMITTEE: none**  
**CORRESPONDENCE: placed on back table**

**APPROVAL OF MINUTES: May 21, 2013- A motion to approve was made by Mr. Lintner and seconded by Mr. Vogt with all stating aye.**

**DISCUSSION:**

**USE PERMITS:** none

**RESOLUTIONS:**

**Block 2701-4- AEP- 95 Chestnut Ridge Road-** parking reconfiguration-Amended Site Plan- Vice Chairman Stefanelli read the resolution into the record. A motion was made by Mr. Lintner and seconded by Mr. Teagno Mr. Regan went over the changes There was some clarification needed for the 25 foot sewer easement as an access easement . A roll call vote was taken with all stating aye. A roll call vote was taken with all stating aye.

**Block 2002, Lot 1-Benjamin Moore 101-** Paragon Drive-Amendment Site Plan Generator – Vice Chairman Stefanelli read by title only. Mr. Regan went over the changes. There is a condition in this approval of the sheds the applicant is going to have to require a submission of evidence to Mr. Fette that the sheds received a municipal approval or they are going to have to come back for another approval. A motion to introduce was made by Mr. Teagno and seconded by Mr. Vogt. A roll call vote was taken with all voting aye.

**Chairman DePinto arrived at 7:58pm and came forward and took over the chair.**

**PUBLIC HEARINGS (NEW):**

**Block 1301 Lot 17-Anthony Pucciarelli-**32 Donnybrook Road-Major Soil Movement Application-Mr. Mark Martins of Mark Martins Engineering, Inc. and Mr. Anthony Pucciarelli, homeowner came forward and were both sworn in. Notice was checked and confirmed. Mr. Regan recommended that Mr. Martin be deemed qualified in the field of civil engineering.

Mr. Martins stated that the applicant lived on the block and is now renting. The applicant is looking to construct a single family home. It is an irregular size lot and they plan to ingress and egress the site via a circular driveway off the cul de sac. There will be a three car garage. They are also proposing a pool and a cabana situated more on the westerly side of the property. The previous house was removed. In regard to the soil movement application is related to the excavation of the foundation of the proposed building. There is a total movement of 2402 cubic yards. The total cut will be 1535 cubic yards and fill will be 867 cubic yards with a net soil export of 668 cubic yards to be removed. The increase in run off due to the development of the site which conforms to

the borough's requirements a drainage system is being proposed. Seepage pits shall be maintained on a periodic basis at a minimum the seepage pits are to be inspected twice a year or after rainfall events greater than 2" in 1 hour. Debris and obstructions shall be cleared and all necessary repairs made. Maintenance and repairs are the responsibility of the property owner. A landscaping plan has also been submitted stated Mr. Martin and it was marked as A1 revised 5/6/13, sheets 1 through 4. Landscaping was discussed. They are also looking to plant some shade trees along Donnybrook Road in the front. It is a screening plan.

Mr. Hipolit, Board Engineer, review letter was marked as B1 dated May 22, 2013. Mr. Hipolit went over his review letter. Mr. Hipolit stated that Mr. Culvert, DPW Superintendent had comments on having only one driveway location. His letter was dated March 27<sup>th</sup>.

Mr. Culverts review letter was marked as B2. Mr. Hipolit stated he spoke to Mr. Culvert about this and he wants curbing due to the run off. He wants only one access because of the small area and Mr. Hipolit agrees with him. There is a tree area in the middle of the cul de sac that Mr. Culvert references the circular driveway and if that is approved he would like the tree area in the middle of the cul de sac to be removed. It prevents the movement and especially if they are putting in the circular driveway. Mr. Hipolit stated that he would like just the one access point and leave the middle island. He is in agreement with the soil movement calculations. Item number 8. His office is familiar with the property and the property that sits southwest. He had asked for an LOI. The applicant has filed for an LOI with the DEP. They do not have it as of yet. If the LOI has certain restrictions it could change their entire applications stated Mr. Hipolit and they would then have to come back before the board. Mr. Pucciarelli stated he is aware of that fact. Item 9 around the pool and the patio there are grades in there and he would like to see more detail in the grading. All the neighbors to the north and to the west and the south will not see any increase in water due to the additional seepage pits on the property and the drain being directed back towards to the southwest wetland area. The southwest area of the property where the grade is being directed back toward the neighbor properties they would like to see the water continuing on to the existing path which is along the westerly property line. It should be a requirement of the approval. Item 10 The plan does not show the drainage system within the easement location on the property. They want more detail. Item 11, Mr. Hipolit stated that they just paved the road. Mr. Martin stated that they would like to use the existing lateral. Mr. Hipolit stated that they would like them to do it with all their connections including sewer and gas. Mr. Hipolit stated if they don't then they will need to improve the road. They want to use the existing lateral if it is feasible. You will need to infrared red it as they just improved the road. Mr. Pucciarelli stated he is okay with that. Mr. Hipolit stated that numerous trees were removed before this application was even filed. There are a number of new trees going in also stated Mr. Hipolit. He asked for testimony on the tree situation. Mr. Pucciarelli stated he took down 40 to 50 trees of all sizes. He stated that he had called to Mr. Vogt when he took out his demo permit inquiring if there was a tree removal permit. He was told that there were no permits required. Anything located within 10 feet of the curb would have to stay and that is what he did Mr. Pucciarelli stated. Mr. Hipolit

finished his report. The private inlet would need to be maintained by the applicant. The easement on the eastern property line there is a pipe there that you will be connecting to it. There should be some investigation between the borough and the applicant before construction starts. Applicant agreed to the rest of Mr. Hipolit's review. The applicant shall be aware that any work performed on the site cannot alter any existing drainage patterns or drainage patterns proposed by the above reference plan.

They will comply with all the recommendations. Discussion of Mr. Culvert's letter marked as B2. They agree with the curbing.

Environmental commission report B3. Mr. Vogt went over his report dated May 14, 2013. One tree in the cul-de-sac is clinically dead the southern one. It should be removed. It is an oak tree. B4 dated February 28<sup>th</sup>, 2013 first environmental review letter. There is no tree ordinance. There are some restrictions of 10 feet off the curb. If you are disturbing more the 5000 square feet you need a major soil movement application and this requires a permit from the County Soil Conservation District. Mr. Vogt stated that he was never told that he was taking down 50 trees. Mr. Vogt stated that 50 large shade tree stumps had been removed which are bigger than six inches and there are many smaller than 6 inches which have been removed.

The area which is a triangular area in the buffer of the wetlands was discussed.. There was a machine there digging out stumps in the buffer area. There were 10 large trees in the buffer area which needs to be restored stated Mr. Vogt. The applicant doesn't have anything on the plan showing that he is restoring them. There are some large trees removed. It is needs to be approved by the DEP. There is going to be an enforcement action by the DEP.

The planting of the evergreens was discussed. They are in agreement to do what Mr. Vogt has asked. Before construction they will be placing silt fence should be put up by the next day. The next report dated May 31 police report was marked as B6. It was read into the record.

Mr. Fette stated he sent notice to the applicant that he was doing work in the wetland areas and work needed to stop. Soil Conservation is needed. When you removed that amount of trees they need permission from the DEP. Mr. Hipolit stated that there will be an enforcement action by the DEP which the borough has no control over.

Mr. Hipolit asked that a condition be in the resolution that in the event is not started that the silt fences need to be maintained and installed immediately. Mr. Pucciarelli is in agreement. A bond should be posted to keep them in place. Amount of the bond will be determined by the engineer. He did place a stop work order and it was removed from the site and that is against the law. When it is posted it is posted for a reason. It should not be removed until the violations are satisfied. Mr. Fette stated going forward he will be looking for a lot of cooperation from the applicant. Mr. Fette stated that the applicant claims he has built before then he should know about not disturbing the area in the wetlands. Mr. Fette asked about the inlet by the driveway. It is 6 pvc pipe it goes to the inlet at the curb. That whole street has been resurfaced, if they are intending on removing

the two trees and tearing up the island they should then be required to resurface the entire new cul de sac assuming that they cannot tie in. That would be Mr. Fette's recommendation.

It was recommended to do away with the southern driveway.

Mr. Stefanelli asked if there is a demolition permit and why would we give a demo permit? Mr. Fette said yes. Mr. Stefanelli said he has a problem with that because if we want to address the situation that we are currently in why would we give a demolition permit if we do not have a complete plan? Mr. Hipolit and Mr. Regan stated that you cannot stop that. By law they can stated Mr. Hipolit. He feels that additional information should be included on the demo permit. If the state law allows property owners to demolish any structures that may currently exist on a property then so be it, provided that they file for the acceptable permits. However it is what happens thereafter stated the Chairman. Chairman stated that there is a deficiency in our code wherein there is no ordinance of demolition of the trees in connection with development or redevelopment of property. It needs to be address stated the Chairman because we are now in a stage in Montvale where there is a considerable amount of redevelopment occurring. The mayor and council will need to determine how to address this. A better demolition permit with guidelines would be Mr. Stefanelli's recommendation. Permitting and the code were discussed.

Mr. Teagno asked about removing the two driveways and the radius of the cul de sac. Mr. Marks stated that there is a 30 ft radius. Mr. Teagno is concerned with the turn in and out of the driveway to access the garage. Mr. Marks stated they would need to make a K turn to get into it. Applicant stated that he would be willing to eliminate the one driveway.

A motion to open to the public was made by Mr. Vogt and seconded by Mr. Stefanelli. All in favor stating aye.

Betsy Haley 30 Donnybrook Road-They are concerned about the water from the property. A letter was read into the record. The drain and culvert cannot handle the additional runoff.

Concern of the driveway and the height of the landscaping were mentioned as well. Concern the water running off into their driveway. Concern of the NJDEP they spoke to Maria at the NJ Wetland Enforcement Division. She took all the information and said that Michele Anoli would be the case manager and an inspection of the property would be performed within the next couple of the weeks and that her husband would be called with the results. She never heard anything. May 28<sup>th</sup> she finally reached them and they had spoken to Mr. Hipolit and that she would be coming to inspect the wetland area. She doesn't understand why the left hand doesn't know what the right hand is doing.

Rita Purcell 17 White Oak Court came forward and was sworn in. Two concerns about the drainage. She looks out her window and sees a mess she is concerned about water coming into her basement.

Chairman asked Mr. Hipolit to explain the process of surface water runoff to the public. They must maintain the water runoff on their own property.

Brad Luff – 36 Donnybrook Road- Mr. Luff is concerned with the height of the driveway and the headlights and making the turn into the driveway and garage. The lights will be reflecting into his homes bedrooms. The height of the home is a concern and would request screening. Topography of the house was discussed and the trees A motion to close the meeting was made by Mr. Stefanelli and seconded by Mr. Vogt. All in favor stating aye.

Chairman polled the board about keeping the island. The island remains. The one tree is clinically dead and needs to be removed. Mr. Hipolit is going to communicate with Mr. Culvert to remove the tree. The driveway was polled. It was agreed one cut only except for Mr. Webber. The majority of the board was the one driveway. They cannot change for less seepage plants.

The sensitivity of the environmental concerns the applicant was requested to appear before the environmental commission. It was recommended and accepted. They can get on the agenda in two weeks. Landscape architect will be hired.

Application was carried to another date June 18<sup>th</sup>, 2013 if they are not ready to come before the board then we will make an announcement that it will be carried to the July 16<sup>th</sup>. Chairman made the announcement and that the hearing would be held in the high school auditorium.

### **PUBLIC HEARINGS (CON'T): none**

Board went into closed session to discuss litigation.

**Other Business-**Tentative meeting scheduled for DePieros for July 16<sup>th</sup>. It will be held at the high school with a second meeting on July 23<sup>rd</sup>. RTKL will be their first witness. Then the design architect. Chairman stated that they will be strictly adhering to the curfew hour of 11:15 pm

**Open Meeting to the Public** A motion to open to the public was made by Mr. Webber and seconded by Mr. Lintner. No one from the public present; a motion to close the meeting was made by Mr. Stefanelli and seconded by Mr. Lintner. All in favor stated aye.

**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 June 18, 2013**

**Respectively submitted:**

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