

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, March 4, 2014 7:30pm**

**Council Chambers, 12 Mercedes Drive, 2<sup>nd</sup> Floor, Montvale, NJ**

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 led everyone in the Pledge of Allegiance. The chairman read the Open Public Meeting Statement.**

**ROLL CALL: Present: Mr. Culhane, Councilperson Cudequest, Mr. Fette, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, Ms. Solomon, Mr. Vogt, Mr. Webber and Chairman DePinto**

**Also Present: Ms. Hutter, Land Use Administrator, Mr. Regan, Board Attorney, Mr. Hermann, Acting Borough Engineer, Mr. Preiss, Board Planner**

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER:**

**ZONING REPORT: Mr. Fette stated that he looked into the parking lot at Mercedes Drive, there are a lot of summons that have been issued. He will be having a meeting with Rich Campanelli and getting some better striping. There are two way areas on that exit strip and it confuses people. They will be blacked out and painted with one way arrows and they will be getting signage. Verizon had towers upon 2 Paragon Drive their "E" building. They exceed the height of the existing screening, they were told to come in for site plan review. The meeting is scheduled for March 18<sup>th</sup>. Krauser's on Spring Valley Road is closed and he is trying to get a handle on who the new tenant will be. Ms. Hutter stated that the tenant had called seeking occupancy. Instructions were given but not sure if they understood the entire process. Ms. Hutter is waiting for an application. Chairman Depinto asked that she reach out to them to come in for site plan review committee as there are a number of conditions that will have to be met. Chairman would like the board and the building department together deal with the problems.**

**SITE PLAN REVIEW COMMITTEE: none**

**ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Vogt stated that they have a special meeting on March 10<sup>th</sup> for the Reserve at Montvale on Upper Saddle River Road and on March 17<sup>th</sup> is their regular meeting with the DePiero Shoppes and their landscaping plans will be reviewed.**

**CORRESPONDENCE: placed on back table**

**APPROVAL OF MINUTES: February 4, 2014, January 21, 2014 –carried to March 18th**

**USE PERMIT:**

**Block 2002 Lot 15-Dr. Ronald J. Sollitto-2221 W. Grand Avenue-(1015 sq.ft.)-Dr. Sollitto came forward administrator of Mayhill Medical Group, LLC. Mr. Regan swore in Dr. Sollitto and Kimberly Kopp, counsel for Dr. Sollitto. The use permit was amended to read Mayhill Medical Group, LLC. Chairman read the application into the record. Counsel was change to reflect Ms. Kopp. The application was reflected to state OR3 zone. Signatures were identified. Dr. Sollitto stated that they will be practicing medicine there are 6 specialty doctors in the group all; Orthopedists, physiatrist, physical medicine and rehab, and podiatry. Two rooms will be added with one sink in each room. Mr. Vogt asked if there was any x-ray equipment on the premises and Dr. Sollitto stated no. Mr.**

Webber asked about the zip codes. They were provided. Mr. Lintner asked if this would be there second office or are they combined offices. This will be there second office stated Dr. Sollitto. Councilmember Cudequest asked if there will be only two doctors on site at any one time. Dr. Sollitto stated that there will be only one doctor there seeing patients at any one given time. They do rotate and they have the other office in Saddle Brook. Parking was discussed on the Police Department form. They will need two spots for employees and three for visitors. They have their own transportation for their medical group. In their specialties they won't be generating hazardous waste at that site. If they need it stated Dr. Sollitto he is also the CEO of the surgical center in Saddle Brook so he knows how to contract for it if needed. Mr. Culhane asked about the two employees. There will be a full time receptionist and part-time office administrator. The doctor will be parking on site and he doesn't see more than two patients arriving and using two additional spots with the transportation that they provide stated Dr. Sollitto. Mr. Fette stated that they will need building permits. Mr. Regan stated it is a permitted use within the zone.

A motion to introduce was made by Mr. Vogt and seconded by Mr. Culhane. A roll call vote was taken with all present stating aye.

**DISCUSSION:** none

**PUBLIC HEARINGS (NEW):**

1. **Block 2203 Lot 16-Mr. and Mrs. Pieratos-7 June Lane, Montvale-Variance**  
Application-Front yard setback, side yard setback, aggregated side yard setback, rear yard setback, building coverage and lot coverage-Ms. Solomon and Chairman DePinto recused themselves. The chair was turned over to Mr. Lintner. Mr. and Mrs. Pieratos came forward. Mr. Lintner stated that this is multiple variance application for a construction of an addition to a single family house. Mr. Regan swore in the applicants and Mr. Hermann and Mr. Preiss and the their architect. Mr. Joseph Bruno, architect and his qualification were accepted as a licensed architect in the State of NJ. Mr. Bruno gave a brief summary. Mr. Bruno handed out photographs numbered 1-7 and they were marked A-1 a series of 7 photographs. The notice is in order stated Ms. Hutter. Mr. Bruno stated in the Maser letter it stated that they needed a copy of the survey and he sent it to Mr. Hermann last week. He could not get a signed and sealed copy as the surveyor was on vacation. He does have it now a signed and sealed copy. It was a existing condition survey dated May 2, 2013 and it was given to Mr. Hermann. The site plan was marked A2 by Lantele. The Architectural drawings were marked as A3. On page 3, item 10, of the Maser letter was read into the record by Mr. Bruno. The conflicts of the trees, there are no trees on site at present. He was looking at a google photo that was older. Those trees have been removed. Maser Letter was marked as B1, Mr. Preiss report was marked as B2. In regard to Mr. Preiss' letter dated February 28<sup>th</sup>, page number 3, items 6, he had suggested that they provide the existing building coverage figure and Mr. Bruno will supply that during testimony this evening. At present the existing building coverage is 12.46%.

**Item 7, maximum lot coverage they are at present 28.27%. Mr. Bruno stated that the property is in the R40 zone and the property is severely deficient lot in terms of size. The lot area should be 40,000 sq. ft. Mr. Bruno stated that many parcels in the area are undersized. The applicant is proposing to expand to a two story dwelling. The property has a number of existing nonconforming conditions, including, in addition to lot area, lot width, front yard setback, side yard setbacks, and aggregate side yard setbacks. A new asphalt driveway will be installed as well as a surface water well. Lot size is 12, 338 sq. ft now and the proposed is 12, 338 sq ft not changing. Lot width currently is 100 ft, and will remain 100 ft. Front yard setback is 52, 1 feet where 70 feet is required and proposed is 44.9 creating a new variance and the minimum side yard setback is 18.1 feet proposing 16.4 feet and 15.6 ft proposing 11.4ft. creating a new variance. Aggregated site yard will be 27 feet creating a new side yard. Minimum rear yard setback is 57.9 existing and 38.8ft is proposed creating a new variance. Maximum building coverage is current 12.46% proposed is 26.71% creating a new variance and maximum lot coverage is 28.27% and proposed is 35.42% creating a new variance. Board Exhibit 3 was the Environmental Commission letter dated January 20, 2014. This letter made recommendations as to plantings and screening, which would be a condition of an approval. Three photos taken by the Construction Code Official, Mr. Fette, were marked into evidence as Board Exhibit B4. The photos exhibited the deteriorating conditions of the home which has existed prior to the applicants purchase. Also marked as Board Exhibits 5 and 6 were reports of the Fire Department and Police department, both of which indicated no objection to the proposed addition. Exhibit A-4 were drainage calculations prepared by the applican'ts engineer and dated January 4, 2014. Mr. Hermann indicated that he was satisfied with the calculations. He also stated he had no objection to the plan, and that 4 seepage pits depicted on the site were adequate to handle the roof runoff and water runoff from the northerly portion of the subject property. Mr. Preiss provided testimony concerning his report, B2. He approves of the design. He stated that the existing nonconforming conditions pertaining to lot are and width could not be mitigated, in view of the fact that contiguous properties are undersized as well. Mr. Preiss stated that the variances can be justified under the c(1) standard. Mr. Bruno agreed and also stated relief can be sought under the c(2) as well. A motion to open to the public was made by Mr. Vogt and seconded by Mr. Teagno. All in favor stating aye. Mr. Regan swore in William Asiazea, he lives two doors down. He has lived there for 18 years and that property has been an eyesore stated Mr. Asiazea. No exterior maintenance on the outside has been done in 18 years. He would gladly support what is being proposed and he thinks it will be a great addition to the neighborhood. A motion to approve was made by Mr. Vogt and seconded Mr. Teagno and a roll call vote was requested with all stating aye except Mr. DePinto and Ms. Solomon who had recused themselves earlier.**

**Chairman DePinto took back the chair, and made the announcement that Block 2802, Lots 2 and 3-300 West Grand Avenue, Block 1002, Lots 3 and 5-159-161 Summit Avenue- Montvale Development Associates, LLC-Shoppes at DePieros-** Application for Preliminary and Final Site Plan Approval, Preliminary and Final Subdivision Approval, Planned Unit Development and Soil Moving is a continued public hearing it has been carried to our next regular scheduled meeting of March 18<sup>th</sup>, 2014, 7:30 pm.

**PUBLIC HEARINGS (cont):**

- 1. Block 1505 Lot 1- Rockland Built Homes, Inc., 6 Penn Avenue-Major Subdivision, Major Soil Movement and Variance Application-Mr. Robert Mancinelli, Esq. came forward representing the applicant. Chairman gave an overview of how a public hearing is conducted. Mr. Mancinelli is only presenting the engineer tonight. He has an architect as well but he will present at the next meeting. Mr. Regan swore in the board professionals as well as Mr. Gleassey, applicant's engineer. Mr. Mancinelli stated it is in the OR10, and it is presently undeveloped and it consists of approximately 28,075 sq. ft. or .87 acres in size the minimum lot requirement is 10,000 square feet. Mr. Mancinelli went over the history of the property. The owner acquired the property title by deed in 1971. What is not part of the owner's property is this 20 foot strip, 20 x 200 sq. ft. which goes through the property is not owned by the owner applicant. When he did his research with the title company and the assessor, when the deed was recorded in the 1970's the assessor at that time didn't create a separate lot designation for that property. He will come up later stated Mr. Mancinelli. This project doesn't impact that and they don't own it and they cannot do anything with it and they are not trying to cut it off or development but it needs to be known up front as a result of this application if the board were to act favorable the tax assessor is going to have to create a separate lot designation. The property to be developed is east of the easement. The remaining portion or the third lot is not being developed. It is not a four lot subdivision as that strip is not owned by them. They have two lots, and he has the documentation. He is proposing to divide the lot east of the right of way into two conforming lots. No development is proposed below that easement. In 1959, Bernard and Grace McCue issued an easement deed to the then owner of these properties and they were separate parcels. There was an access right of way was created allowing whoever lived in these lots to cross over and use that property as their driveway to access off of Short Avenue to Penn Avenue. Mr. Kcasala acquired the property in 1971 and that 4000 sq. ft. was not included in the deed description. The property history records show that in 1972 issued three additional deeds again to the Kramers now ownership rights not easement rights. In 1974 the Kramers deed the property back to the McCues but reserved the right of access. According to the title search it is their position that whoever the successor of interests to the McCues are, he doesn't know if they are even alive, they are the record owners of that right of way access that cuts across the middle of the property. The title search was marked, dated February 21, 2013, it was**

marked A1. Mr. Regan stated he has reviewed the documents. Mr. Regan asked if the latest deed in connection with the strip was McCue is that correct. Mr. Mancinelli stated yes. Mr. Regan stated that is when Kramer deeded the fee interest back to McCue. Chairman asked Mr. Mancinelli if the strip is utilized by anyone? It is accessed by the owner Block 1506 Lot 1, the Ratigans. In 1959 it gave the right to several parcel owners as they were all individual smaller parcels at that time. The title company has certified that the easement with the land is the successor of Block 1506 Lot 1 to Kramer. They are proposing to build two new single family residential homes stated Mr. Mancinelli. They will be conforming to the 10000 sq. ft. minimum requirements. There are three associated variances that are existing; one of which is the steep slope limitation, as well as the proposal to the retaining wall with its height and setback to one of the lots. Mr. David Gleassey, engineer was qualified and accepted. Mr. Gleassey stated he prepared the plan dated May 29, 2012 with a revision date of November 12, 2013. His firm also prepared a stormwater runoff building height, soil movement calculation report dated July 16, 2013 which has a revision date of November 12, 2013. Also an Environmental Impact Statement letter that was dated February 20<sup>th</sup>, 2014. Plans were marked as A2, Stormwater report was marked as A3, and EIS letter A4. Mr. Gleassey stated that the subject property is surrounded by three streets, Short Avenue to the south, Penn Avenue to the North and Locust Street on the East. The right of way for Locust and Penn are 33' wide and Short is 40'. The existing lot is undeveloped at this time. It slopes basically from east to west. At the southern end of the 100 x 200 ft lot unsubdivided it drops some 24 feet. On the northerly end it drops some 14 to 16 feet stated Mr. Gleassey. The slope is to the west down to the railroad. There are lots developed in the east and south; north and west the lots are not developed. Mr. Gleassey went over the bulk standards.

2. Block 702- Lots 1 and 39- Ali Enterprises LLC Kinderkamack and Magnolia Avenue- Amended Site Plan Application-

## **RESOLUTIONS:**

Other Business

Open Meeting to the Public

Adjournment-A motion to adjourn was made by  
present stating aye.

and seconded by

with all

Next Regular Scheduled Meeting March 18, 2014