

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, January 20, 2015**

**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 opened the meeting and led everyone in the Pledge of Allegiance.**

**ROLL CALL: Mr. Culhane, Mr. Fette, Mr. Lintner, Mr. Stefanelli, Mr. Teagno, Mr. Vogt, Mr. Webber and Chairman DePinto**

**ABSENT: Councilman Ghassali, Mr. Hipolit, Engineer**

**ALSO PRESENT: Ms. Green, Planner, Mr. Regan, Board Attorney, Ms. Hutter, Land Use Administrator**

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/  
BOROUGH ENGINEER: none**

**ZONING REPORT:** Mr. Fette stated he was receiving a lot of telephone calls from real estate people in regard to office space in town. He would like to get a feel from the board how he should proceed with the calls. Chairman DePinto stated that some of the requests have been coming to the Mayor's office or to himself. They have had some informal meetings with these so called suitors. The properties run the list of Winebow, Mercedes to Kinderkamack Road properties. He suggested that to have the developer or realtor to contact Lorraine Hutter and she will reach out to make an appointment. He has told of them that the Montvale Planning Board is very progressive in its thinking to future development, however, there has to be a reason for it. Not just because we can fit 50 or 100 condos on a specific property and they think that it would be a good rateable.

If they want borough professionals to be at the meeting they need to post escrow. The professionals will not be attending for free. If they want to meet with the chairman and the Mayor that is a possibility also. They should be coming in with a fully engineered plan to show the benefits of rezoning the property or doing an overlay for the borough. Also that there will be no commitment on the Borough's part that they will be getting what they are looking for stated Chairman DePinto. Just today they had someone come in about the Butler property wanting to build townhouses. Chairman DePinto asked about the lights. Mr. Levy is making arrangements to taking the sign down and the other one shut off. 25 Philips Parkway was discussed. Mr. Fette stated that he had a conversation with the facilities director of Mercedes. They are in the process of moving them out. He had asked for a date. They said definitely by July hopefully by May. Chairman stated that doesn't cut it. The cars need to go. He asked Mr. Fette stated that he should be ticketing the cars. Chairman also stated that Mr. Fette should be in contact with the property owner. It is in a new owner and now it has become a storage area for Mercedes Benz. Chairman asked about the chaining off of the access from Grand Avenue from the Mercedes parking lot. It still is not done. Chairman asked that he reach out to the facilities director again and have them chain off the One Mercedes. The Mercedes employees are using the exit which is supposed to be for emergency. Mr. Hipolit is also aware. Chairman DePinto spoke about the Sony building where they want to knock down the building and put up 190 apartments on the property. Seven acres of the property sit in Montvale.

**SITE PLAN REVIEW COMMITTEE:** The new owners of the Gas Station on Kinderkamack Road. They want to knock down the existing building and maintaining the pumps where they are and access drives, two on Kinderkamack Road and Wayne and creating a new building of 2600 sq. ft. for the sale of convenience items and 14 parking spaces, outdoor vending of propane and ice and also a large sign. The applicant was instructed no vending propane or ice or large sign. We asked him to reach out to Ms. Green for some consulting directly. Mr. Lintner stated that there was a lot of opposition from the neighbors when it was before the zoning board. Borcher's property is the next property up and there are many property issues and they were unable to contact Mr. Borcher. They reached out to the brother. He has agreed to sell the property. He was going to reach out to the gas station stated Mr. Fette.

**ENVIRONMENTAL COMMISSION LIASION REPORT:** Mr. Vogt stated that the next meeting is on February 9<sup>th</sup> not the 16<sup>th</sup>.

**CORRESPONDENCE: placed on back table**

**APPROVAL OF MINUTES: January 6, 2015-** A motion to approve was made by Mr. Lintner and seconded by Mr. Teagno. A correction to the title of Ms. Green, a roll call was taken with Mr. Webber abstaining and all others in favor voting aye.

**USE PERMIT:**

1. **Block 2401 Lot 2-Eduscape Partners, LLC-28 West Grand Avenue (2881 sq. ft.)-**Mr. Del Vecchio came forward representing the applicant. Mr. Regan swore in the applicant, Justin Hess. They are a current tenant in the building. There is some tenant fit-up. No outdoor sign will be required. Signatures were identified. Mr. Hess stated they are an educational technology development company. They provide workshops to educate teachers how to use Google, Microsoft applications, etc. They run workshops across the country. The space is office space and a small classroom to train the instructors who lead the workshops. The hours of operation were questioned by the Chairman, Monday through Friday 8:00am to 10:00pm. Mr. Hess stated that they do business across the USA and they need to keep office hours that are not standard for this part of the world. There space is not entirely occupied by all during those hours. The managing people run their own hours. Mr. Hess is the marketing coordinator. Questions from board members: Mr. Vogt asked about parking spaces. The application states 9 parking spaces in total and it states 8 for employees and 2 visitors. The eight employees are not on site at the same time. Mr. Hess stated they rarely have visitors maybe once a week. Mr. Del Vecchio stated there is space in the building. Mr. Webber asked about the training classes. How many teachers would be attending? Mr. Hess stated ten to twenty. Mr. Webber stated that there are only 2 parking spaces for visitors. Mr. Hess thought that they would be able to park in the general area. Mr. Del Vecchio stated that the training has not occurred on the site as of yet this is something new. Mr. Del Vecchio stated if parking becomes an issue they would need to make arrangements to bus them in. Mr. Culhane asked that training be listed on the application. Mr. Fette stated they would need permits for the carpeting, lighting and HVAC adjustments. Chairman stated that their winding us with 2881 sq. ft. and if we are using a ratio of 4 parking spaces per thousand, that is 12 parking spaces if you are bringing in 20 students and 9 employees it seems that the use that they are proposing is greater than their proportion share of the site, why should the board grant the approval? Chairman stated that the numbers are not making sense. Chairman asked for analysis to be done on their part as to the availability of the parking on site. They need a breakdown of the total square footage of the building, that space that is leased or to be leased, the parking spaces that have been approved, parking spaces that are currently being used, and parking spaces available for the site before the board can make a decision. The board is in agreement. Mr. Del Vecchio stated he will get the information and come back at the next hearing. The application was tabled to the next hearing.
2. **Block 2401 Lot 2-28 West Grand Avenue, LLC-28 West Grand Avenue-(3,139 sq. ft.)-** Mr. Del Vecchio represented the applicant. Mr. Regan swore in the applicant, James David Hayden, Jr. Chairman read the application into the record. Signatures were identified. Zip codes were provided. Chairman asked about occupancy. They currently occupancy 4200 sq. ft. and they are downsizing and they are vacating the 4200 sq. ft. They have been there for ten years and they are moving into the 3,139 sq. ft. CACH is a managing agent for the building owner and will be coming in with a use permit. How many parking spaces were they approved for 10 years ago. Mr. Hayden stated he doesn't remember. They have down sized from 12 employees to 9. The nature of the business is CPA's. They would have only one or two visitors stated Mr. Hayden. Mr. Lintner stated this application makes more sense and he felt that this applicant shouldn't be penalized by the previous applicant and he is okay with moving forward if the board decides to. Mr. Culhane doesn't see it as an issue and agreed with Mr. Lintner. He is already a tenant in the building. 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.

**PUBLIC HEARINGS (CON'T)**

**Block 1505, Lot 1 – ROCKLAND BUILT HOMES, INC. 6 PENN. AVENUE –**

**Major Subdivision, Major Soil Movement and Variance Application-applicant has requested this application be carried to February 3, 2015.** Chairman stated that we have carried it several times and when they decide to be re-heard they will need to do another notice.

**PUBLIC HEARINGS (NEW): none**

**DISCUSSION:**

1. **Proposal for Professional Planning Services-Master Plan Document Review**
2. **Proposal for Professional Planning Services-Municipal COAH Status and Obligation Evaluation**

Chairman stated prior to Ms. Greens appointment, he attended a presentation along with Lorraine Hutter that Darlene gave in regard to COAH. We were quite impressed with her knowledge of COAH and her dealings with COAH. In light of the change within the Borough the person who had the best handle of this was Richard Preiss and we relied heavily on Richard. Obviously now that Richard is gone we really can't move forward with making decisions relative to COAH until we had Darlene brought up to speed and in turn bring us up to speed, and that is why we asked for this proposal. Ms. Green gave a description of COAH and her work that she has done previously. She has worked on or assisted on 10 housing plans, she had written about 4 or 5 2008 Plans. She recently wrote one for Dumont in 2014. She has been involved with both builder remedy lawsuits for municipal clients as well as other clients. She also does a lot of the online monitoring. She finds it helpful in seeing how much monies you have and how many credits you have when you are figuring out strategies. She deals with every third day of her work week. Even though COAH is not functioning presently it is still a "Hot" topic Ms. Green stated. Every municipality is wondering how it is going to affect its community. When will courts issue an opinion no one knows. Mr. Regan stated it is pretty scary. Chairman stated in light of changing market conditions, the demand on the Borough right now for overlay zoning, and vacant buildings, we have some real issues. Fortunately we carried over some monies so we are in a good position to get a lot of planning work done this year stated Chairman DePinto. Mr. Lintner stated that the report can only be 90% complete until COAH makes a decision. Chairman agreed and stated we need to move in the right direction and get us an update. Mr. Culhane asked what the time schedule was. Ms. Green stated one month. She believes this is more important than the Master Plan as if we are short it can change our vision and where we focus on rezoning. In her opinion the COAH research is more important but the two do impact one another. A motion was made by Mr. Webber and seconded by Mr. Culhane with all voting aye to accept Ms. Green proposals and to get the work done.

**3. Resolution Directing a Stay on Enforcement of Borough Code Section 128-7.1(0) and Requesting that the Borough Planner and the Planning Board engage in a Review of this Section of the Code and Other Related Code Sections**

Chairman read the resolution into the record. Apparently it was brought to the Mayor and Council's attention, by Fintan Seely, the proprietor of The Porterhouse. Fairly recently, he has purchased a small van which he has shrink wrapped with the name on it. Our code treats it as a sign, it is a movable billboard. He parks it 24/7 at the front parking space and it is in violation of our code. Mr. Fette advised him of the fact; his response was that he moved the truck to the rear of the property. He has sighted to the governing body all the other examples in town of commercial vehicles parked overnight stated Chairman DePinto. He used as an example the Hartel trucks, he cited the limo company, with their party bus and having its name on it, the dry cleaners on Chestnut Ridge Road, which has now put it behind the building, the council asked the borough attorney to come up with this stay to allow this parking until the planning board could give advice of the board's planner and counsel. Chairman DePinto stated he is out ranged because you can take every single business in the borough of Montvale would now be permitted to take one of these trucks get it painted or shrink wrapped and park it out in front of their property to advertise. That is not what the code envisioned. It would allow, retailers, gas stations, and anyone else in those commercial zones would have the right to do this. Chairman stated that he believes there can be a compromise. If you need to store it on your property, it needs to be screened or set back then you are not violating the intent of the law of prohibiting signs. It is a good thing to want to take people home at night who cannot because they have drank too much, but to have it parked out front 24/7 it is a sign. Ms. Green stated that in another town they have to designate a spot when they come in for site plan review or a use permit if vehicles need to be parked overnight. The spot is usually behind the facility or to the rear. Chairman stated we did that with the Blood Bank and they are designated. They are parked in the corner that abuts the hotel. You cannot see them from the road. Mr. Regan stated that they should have forwarded the applicant back to the board. They have asked the zoning officer to hold the issue until the governing body has an opportunity to review the regulations and determine if they should be amended. The board was polled:

Mr. Webber doesn't want the vehicles out at the front, he knows some of the properties are smaller like the limo company, but he does place the van with the logo to the rear of his property. He doesn't have it out front as it. He believes that Mr. Seeley parked it up front to use it as a sign. He mentioned the hours from 11:00pm to 5:00am-

Porterhouse is open to 2:00 am

Mr. Lintner was surprised that they came up with this resolution. I would we not want to inforce this because of one location. He believes we need to do a quick letter discussing and indicating our displeasure or get a quick review done and say what we like or don't like.

Mr. Teagno is surprised of the stay. He feels that by asking them to place it behind the building with screening is inviting vandalism. He would be in agreement to have it placed to the rear of the lot without screening.

Mr. Culhane stated that Ms. Green has had previous experience and maybe she can draft something up that can be reviewed and we can respond to the council.

Mr. Fette stated it becomes difficult from an enforcement point of view as to someone's lettering on the side of their truck is it 50% or 25% covered. Off hours need to be included and he believes it is a quick fix.

Chairman believes the stay could have been avoided if an application was submitted to the board. Mr. Fette stated that he told him that exactly in his letter.

Mr. Regan stated that you cannot repeal an ordinance by a resolution. It is a temporary measure. They need to amend the ordinance or repeal it.

Chairman stated it deals more with the commercial zones.

Mr. Stefanelli he knows why we don't want front yard parking. The parking at the Porterhouse is right on the sidewalk. Hartel is never right in the front. He is concerned that others will follow. Right now Bergen Supply is doing it also. The van is parked there every day stated Mr. Stefanelli.

Mr. Vogt was surprised of the stay and is in agreement with the others.

Chairman stated that based on the opinions that we just shared, he asked Ms. Green to do a letter on behalf of the planning board, addressed to the governing body and have that prepared for our next regular meeting. He also asked Mr. Regan to do the same. A motion to make this request to have letter drafted.

## **RESOLUTIONS:**

**Theresa Cudequest Recognition-** Chairman read by title only. A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Webber. A roll call vote was taken with all stating aye.

## **OTHER BUSINESS: None**

**Open Meeting to the Public-** A motion to open the meeting to the public was made by Mr. Teagno and seconded by Mr. Webber. Neil Tuli, 4 Serrel Drive. Mr. Ghassali had told him to come to inform the board about some flooding that he experienced Sunday night. There is construction which is happening behind his home. In order to start the construction they took down many trees, they put up a tarp separating the ground from his property. On Sunday, the condition of the weather, and how they constructed the tarp the tarp broken and a waterfall was created from their property to Mr. Tuli on front and back as well as water in his basement. He has been living in the house for 18 months he never had any of these problems. He did take some pictures. He has emailed Mr. Hipolit on Sunday night. One of his associates was out to his house. Mr. Vogt stated Mark Post is the field inspector. Chairman stated he will bring it to Mr. Hipolit's attention tomorrow morning. He asked that he share his telephone information with Ms. Hutter and we will have Mr. Hipolit call you. He will have Mr. Hipolit do an inspection of his property and it will be rectified by the builder. Chairman asked if hay bales would help. Mr. Fette stated they do have them but not in that section. Mr. Fette will communicate with Mr. Hipolit. A motion to close was made by Mr. Teagno and seconded by Mr. Culhane with all in favor stating aye.

**Adjournment-**A motion to adjourn was made by Mr. Webber and seconded by Mr. Vogt with all stating aye.

**Next Regular Scheduled Meeting: February 3, 2015 7:30pm**

**Respectively submitted:**

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