

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

Tuesday, February 17, 2015 7:30pm

Council Chambers, 12 Mercedes Drive, 2nd 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 at 8:10pm

PLEDGE OF ALLEGIANCE AND OPEN MEETING ACT STATEMENT: Chairman DePinto led everyone in the Pledge of Allegiance and read the Open Meeting Act Statement.

ROLL CALL: Mr. Fette, Mr. Teagno, Mr. Vogt, Mr. Lintner, Mr. Webber, Chairman DePinto

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

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

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

ZONING REPORT: Mr. Fette stated that 240 W. Grand Avenue came in and now wants to do site work and parking. Chairman stated that the plan should show no parking in the access aisle. Mr. Fette stated that it shows 14 parking spaces in the back with no parking along the drive aisle. Chairman stated that Hughes thought they were above the law and would park in the driveway. When the new applicant came before the board for their Use Permit, Chairman DePinto stated that they had reminded them that there is no parking in the driveway. Mr. Fette stated that he will advise them that they need to come back to the board and asked that they incorporate the parking. Chairman stated that if they want to make changes to how they use the property it is not through the building department it is through the planning board. Chairman asked Mr. Fette to advise them to come in for Site Plan Review.

K. Hovnanian project (Del Ben)-Mr. Fette stated that with the rain and snow there was runoff and they needed to replace the silt fence along the whole back property line and they reinforced with the hay bales. They have addressed the problem.

28 W. Grand-The commercial sign is current and it is good until May 21, 2015.

Brook Avenue- Three foundations are in the ground and two of the houses are being framed, a foundation survey on the third house, and they created a four foot bump out that created a side yard variance problem

and he has placed a stop work order on that home. He has spoken with the engineer. He told him he can cut it out below grade or go back to the planning board for a side yard variance.

Verizon wants to place an antenna on Lifetime Fitness as they did at A&P 2 Paragon Drive. They have been instructed to come to the Planning Board. Chairman asked that Mr. Fette reach out to Lifetime Fitness for the outdoor storage of equipment of snow removal. They have a large garage and it should be put away. Chairman stated it is very visible from the parkway. Also 100 Paragon Drive there is huge equipment and a stock pile of salt in the parking lot. Chairman asked Mr. Fette to take a look and site them. Chairman asked about the demolition of the drive-thru. Ms. Hutter stated she had spoken to Mr. Del Vecchio and they will be coming back shortly to the board with an application. Until the equipment is removed we will not accept an application stated the Chairman.

SITE PLAN REVIEW COMMITTEE: Mr. Stefanelli stated that Verizon Wireless on Chestnut Ridge Road came for a new sign that doesn't comply what was previously approved in a resolution for the site. They are now going to conform to the requirements. Second applicant was Chestnut Ridge Shopping Center for signage. They will be coming to the board with their application in April.

ENVIRONMENTAL COMMISSION LIASION REPORT: Mr. Vogt stated that this month's meeting was cancelled due to the snow storm.

CORRESPONDENCE: placed on back table

APPROVAL OF MINUTES: January 20, 2015- A motion to approve was made by Mr. Webber and seconded by Mr. Teagno a roll call vote was taken with all stating aye.

USE PERMIT:

1. **Block 2401 Lot 2-Eduscape Partners, LLC-28 West Grand Avenue (2881 sq. ft.)-Additional Information-** Daniel Steinhagen from Beattie Padovano came forward representing the applicant. This is a continued matter and additional information was sent to Ms. Hutter on February 12. Alex Urrea who is the managing partner of Eduscape Partners came forward to give a little bit of clarification. One of his colleagues was here last meeting, Mr. Hess and had given the wrong information. Mr. Hess is no longer with the company. Mr. Regan swore in Alex Urrea. Mr. Urrea is a managing partner. He gave an overview of the training. He brings employees on site to cross train them on new technology that they are trying to train. They usually fly in and cabbled to a neighboring hotel. Mr. Urrea stated either himself or VP of Operations pick up whoever is there and brings them to the site. These people will not be using the parking on site. Mr. Urrea apologized for Mr. Hess as he had only been an employee for four days before attending the last meeting and everyone else was at the time overseas. The majority of their work is done at schools throughout the country and they occasionally bring in remote staff for cross training stated Mr. Urrea. The spaces on the plan are simulated classroom environments so they

can cross train those people. They fly into one of the airports, get a car service to the hotel and then either himself or someone else pick them up and bring them in for cross training. There are not 20 people coming at one time stated Mr. Urrea. Chairman asked Mr. Steinhagen to convey to his associate to not be as disrespectful of this board to bring in a witness who has only been employed at the company for 4 days to give testimony of their operations.. Chairman stated that the chart will now become an attachment to the Use Permit application. Every time a use permit application comes in for 28 W. Grand Avenue this document must be attached to the application so that we can confirm the adequacy of the parking to the proposed tenancy of the building. It was also requested that a resolution be prepared by the board attorney, Mr. Regan for the use. A motion was made by Mr. Lintner and seconded by Mr. Vogt with a roll call vote 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 March 17, 2015.-Re-notice will be given. Chairman stated that the applicant's attorney did appear before the governing body and they are now willing to vacate Short Avenue. The necessary steps need to be taken by the governing body.

PUBLIC HEARINGS (NEW):

Block 703 Lot 7- EPRYJ, Inc. d/b/a/ A Dollar-139 N. Kinderkamack Road- Zoning Sign Variance Application-Mr. Daniel Steinhagen from the law firm of Beattie Padovano came forward representing the applicant. They had appeared before the board back in November for a Use Permit for this applicant. They are here now for a variance application for the proposed Sign. The Affidavit of Notice was marked as **A1**. Mr. Jack R. Stokvis planner was sworn in. Mr. Stokvis is a licensed NJ Planner for 45 years. He has worked in several NJ communities including Jersey City, Patterson, and East Orange. He has appeared before many boards including his hometown of Haworth. Mr. Regan asked the board to accept his qualifications as an expert. Mr. Steinhagen asked Mr. Stokvis to explain how he prepared for the hearing. Mr. Stokvis stated he reviewed all the documents for the parcel, land use plan, issues on zoning, and master plan and related documents. Mr. Steinhagen asked Mr. Stokvis if he reviewed the letter from Maser Consulting dated January 30, 2015. It was marked as **B1**. He stated he went onto Google maps and he looked at the street view of this parcel in 2008, and 2012. His first impact was that he couldn't read the signs stated Mr. Stokvis. He could read Annie Sez but couldn't make out a lot of the other signs stated Mr. Stokvis, because of some topographical blocking of trees going by the site. After getting an overview he walked the site and looked at the property from different prospective stated Mr. Stokvis. He noticed the amount of vacancies in the shopping center. He asked himself why and he looked at the signage. He stated he had difficulty reading the Rockland and Bergen Surgical Center sign. Mr. Steinhagen asked if he saw a monument sign. Mr. Stokvis stated no there are no monument sign just trees and the buildings are setback. Mr. Steinhagen asked if he had reviewed the plans from Payless Signs, which was marked as A2. Mr. Stokvis stated that the signage being proposed is 24 inch letters, in red color in bold print. It will be 15 feet wide stated Mr. Stokvis. Mr. Steinhagen stated it is less than half of

the coverage. Mr. Steinhagen asked him to describe the signage that is there now. Mr. Steinhagen asked him if it is the intent to make it as consistent as possible while respecting the requirements of the ordinance to what already exists. Mr. Steinhagen asked if Mr. Stokvis had an opinion as to how a 24in high sign why it would be a better alternative to one that would conform to the ordinance. Mr. Stokvis stated that when he looks at signage the most important thing is readability. It doesn't matter what the size is if you are driving by and cannot see it. Mr. Steinhagen asked if Mr. Stokvis could identify any purposes of zoning that would be advanced by a larger sign. Mr. Stokvis stated taxes. If a business is successful because they can find it then more taxes would be paid to the Borough. Chairman asked how does that work? What is the relationship with property taxes and the successfulness of a business? Mr. Stokvis stated in this particular shopping center that he saw today there are several empty store fronts. He is not sure of the history; it looks like there may have been a supermarket. Chairman again asked what the relationship is. Mr. Stokvis stated a healthy business would stay. What is the rationale of the statement related to property taxes asked the chairman? A healthy retail area is an area that people can find and use. If they cannot find it because they are driving by Kinderkamack Road at 35 miles an hour they are not going to stop. In addition to this shopping center the exit and entrance were very confusing to him stated Mr. Stokvis and that is not even the issue. Chairman asked if he had taken the opportunity to review the most recent approvals granted by the board for amended site plan approval. Mr. Stokvis stated he did not see those documents. Chairman stated the approved ingress and egress, landscaping, striping of the parking lot and aisle widths and sensitivity that the board had to the visibility of stores given that application before the board. Chairman asked Mr. Steinhagen did he not provide those documents to his expert. Mr. Steinhagen stated no. Chairman stated that Beattie Padovano represented the owner of the property. Chairman asked why he didn't provide it. Chairman felt that the witness was not prepared to testify, if he is unaware of the site detail that went into the project. He is merely testifying to what is observation is while he drove by or studies Google maps stated Chairman. There is a reason for everything stated Chairman DePinto. Chairman finds it inconceivable that Mr. Steinhagen's office would not provide the witness with those documents. Chairman asked if he would like to continue or would he like to carry to allow his expert to review the necessary documents in order to prepare himself better for this application. Mr. Steinhagen stated that he would like to continue to some extent having the witness continues and if the board would like additional testimony to come back if necessary. Chairman stated that how the board can consider an application for a sign requiring relief from the code without supporting it with the resolution that granted site plan approval which clearly states why the landscaping is where it is. Your witness is testifying that the landscaping is interfering with the visibility of the stores. He is questioning the ingress and egress to the value of the tenancies. The board did not dictate point of ingress or egress the applicant chose it. If there was an error of the rent ability of the stores it was not the fault of the board it is the applicant. Chairman asked Mr. Stokvis what the color of the sign was for Rockland Bergen surgical was. Mr. Stokvis stated he believes it is black. Why didn't his applicant choose to mimic the other major tenant in the shopping center asked the Chairman? Mr. Steinhagen stated he could answer that. The original color was different from both the existing signage on the building. They made the recommendation to pick one that was consistent with the existing signage and he chose red. Mr. Steinhagen stated with the proximity to Annie Sez the recommendation was to go with the red. His first recommendation should have been to take a look at the site plan rather than allow a witness to come in here unprepared to testify. Chairman recommends to the board to carry this hearing to

allow Mr. Steinhagen to allow his professional the opportunity to review a plan before testifying before this board. Mr. Stefanelli stated he thinks it is unfair to the applicant. The witness has advised Mr. Steinhagen that he is not available, he would check his calendar. Chairman apologized to the client, he agrees with Mr. Stefanelli but the witness that he is paying for to testify before this board was not given all the information that he needs to proper his professional opinion. The hearing was carried to the next meeting of March 3. A motion to open the meeting to the public was made by Mr. Vogt and seconded by Mr. Webber, with all stating aye. No one from the public wishing to be heard, a motion to close was made by Mr. Vogt and seconded by Mr. Webber with all stating aye.

DISCUSSION: Darlene Green, P.P. AICP Draft Letter

Council Resolution #32-2015

Planning Board Concerns & Comments –Chairman stated that at the last meeting the board had requested Ms. Green to prepare a letter in response to the Council Resolution 32-2015 to stay the enforcement of the ordinance which would prohibit parking within certain zones. It was imitated by the Porter House purchasing or leasing a vehicle that they had shrink wrapped a bold sign on the truck. They have been parking it 24/7 in the front of the lot. Clearly our ordinance prohibits mobile signs and billboards stated the Chairman. Instead of seeking relief for this they had chosen to go to the Mayor and Council. The resolution is subject to feedback from the planning board and what our opinion was on it. We shared our opinion with Ms. Green and she added her own and came up with the letter dated January 28th, 2015. Ms. Green summarized her letter. Ms. Green stated she summarizes 128-7.10 which is the section of the ordinance that stay refers to. She included the portable sign section as well. She said she has seen this many times and it is growing where enterprising business owners go out and buy a vehicle whether it is a van or truck, wrap the vehicle with large, oversized logo and letters and park it out by the street because now they have a new sign which is probably bigger and better than what is on the store. The big concern is that are they impacting the small business owners such as the electrician or plumber who really only has a sign on the side of their truck with a name and phone number. Ms. Green created a “vehicle Sign” a sign or signs where the total sign area covers more than 10 square feet of the vehicle, where the primary purpose of which is to advertise any product or business, as opposed to a sign where the primary purpose is to intended to identify the owner or operator of the vehicle. She would also recommend the definition of the “Portable Sign” it will clarify the vehicle sign. The prohibited sign list which is under section 128-9.7a.9 add to the prohibited list the following:

- Vehicle signs when the vehicle is not regularly used in the conduct of the business or activity advertised on the vehicle; and where the vehicle is parked within 75 feet of street right of away for more than 2 consecutive hours.
- This prohibition would eliminate the problem of the roadside mobile billboards.
- Change section 128-7.10 to state that commercial vehicles may be parked overnight from

11:00pm to 5:00am in off street parking areas. However, the commercial vehicle shall be less than 20 feet in length and shall not include trailers or construction equipment. Such parking shall be located in the rear yard and will not be visible from the public right of way. Applications including overnight off street parking of commercial vehicles shall designate the location of the overnight parking spaces, which shall be delineated by pavement markings.

This would be helpful for Jeff with enforcement. These five parking spaces are the delineated parking spaces for the company vans.

Chairman stated that the site plan review is dealing with signage on the chestnut ridge shopping center. One of the tenants is a dry cleaner is parking the vehicle in a front parking space fully painted that it is a dry cleaner, clearly using the truck as a mobile billboard. Chairman stated that there is nothing in what she is proposing from prohibiting the dry cleaner guy to move the vehicle every two hours to the next spot along Chestnut Ridge Road. The shopping center has a wide frontage and he could move that van every two hours and there is adequate space behind the shopping center then he has no problem with it being parked behind the shopping center.

Chairman stated limiting to one or two hours is not going to work. The little electrician or plumber having his name on his truck more often or not in Montvale they are in residential zones. They are small service providers who use their truck to drive from home to their jobs. Chairman stated his concern is the commercial enterprises that are cleaning using it for signage for billboard. He would like to see it tighten up a bit. Mr. Stefanelli stated no front yard parking, otherwise it will just grow. Chairman stated he believes that there should be a restriction of day time parking of vehicles, allow overnight of storage of the vehicle. If it was the requirement it would limit people from purchasing these vehicles and making them billboard signs. From an enforcement point of view we cannot expect the police department to monitor this. It is going to fall on Jeff Fette and how is he going to monitor the 2 hour parking and moving to a new spot. Chairman would like to see a stronger position.

Ms. Green has a concern as there are different setbacks for different zones. We need to be clear. Mr. Stefanelli stated that if you prohibit the front yard marking it becomes a moot point. Mr. Vogt asked about the pizza guy who parks his delivery car with the sign on top. Chairman stated that it was not 10 sq. ft.

Mr. Fette stated it is when they wrap the entire vehicle. Mr. Webber asked about Perfect Limo with their

party bus there is no front yard parking but side yard. There is no 75 feet for him to comply. Ms. Hutter stated that he doesn't park that to the front it is always the next to last vehicle towards the back and other vehicles are blocking the logo and he intentionally doesn't use it as a sign. Mr. Fette stated it is not wrapped and it is not multiple colors. The mobile TD banks are not for parking in the lot you see them more on the road stated the Chairman and Mr. Webber agreed. Mr. Vogt asked how you write an ordinance so that Mr. Fette can enforce it. Chairman stated it is the definition of the sign what constitute what is a billboard. Mr. Fette stated that what Ms. Green has written in regard to the 10 feet is fine and he can enforce. He does agree that if we are going to keep them out of the front yard altogether it makes enforcement that much easier. He would like it more definitive of the definition of the front yard parking. Chairman asked if it was the boards desire to maintain this ordinance prohibiting this mobile billboard the deficiency is the definition of a mobile billboard. He would like it included in the letter. Mr. Stefanelli stated that Mr. Seely referenced Hartel parking in the front. Mr. Stefanelli stated that Hartel pulls all of his trucks behind the building and in the morning at 6:00am he pulls them up and is warming them and then they are gone for the rest of the day. Bergen Supply has his van all the time how do you differentiate asked Mr. Stefanelli. Mr. Fette stated if you tighten up the square footage a little bit and make a determination is it 10 sq. ft. per side or 10 sq. ft. per vehicle. The way it is written now Ms. Green stated it is total. Mr. Lintner stated the front yard is key and defining a truck that is being used for a business that established there at the site. Mr. Teagno stated that it is all advertising. Mr. Vogt stated that the State requires signage on commercial vehicle with 4" letters, license number, etc. Any sign on any vehicle to him is an advertisement. Mr. Teagno stated he believes it is a parking issue. Chairman stated that the governing body doesn't want to impact the little guy who is a parking his repair truck in his driveway. The goal is the prohibition of parking on county roads, commercial zones, and commercial establishments.

It was agreed to make the following changes:

- Prohibition of front yard parking in commercial zones of vehicles exhibiting signage in access of 10 sq. ft. in total whether it is front, back, side
- Delete any reference for a time period
- They need to park in the rear or they must abide by the setback for a front yard of the zone
- Definition for Vehicle Sign

Letter will be distributed to board members before going to the council.

RESOLUTIONS: None

OTHER BUSINESS: Mr. Regan stated that the court upheld the zoning amendment and Master Plan. Chairman stated we had Darlene do some research on the Master Plan and COAH. We met earlier and she is working on making some changes and will have reports from her for the next meeting. The COAH report will require additional funding.

OPEN MEETING TO THE PUBLIC: A motion to open to the public was made by Mr. Linter and seconded by Mr. Webber with all stating aye. No one from the public wishing to be heard a motion to close was made by Mr. Webber and seconded by Mr. Teagno with all stating aye.

ADJOURNMENT: A motion to adjourn was made by Mr. Vogt and seconded by Mr. Stefanelli all stating aye.

Next Regular Scheduled Meeting: March 3, 2015 7:30pm

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator