

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, October 6, 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 DePinto opened the meeting at 7:34pm**

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

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

**Also Present: Ms. Hutter, Land Use Administrator, Mr. Regan, Board Attorney, Mr. O'Brien, acting engineer, Ms. Green, Borough Planner**

**Absent: Mr. Hipolit, Engineer, Mr. Fette and Mr. Stefanelli**

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

**BOROUGH ENGINEER:** Mr. Culhane asked about any progress about the circle down on Kinderkamack Road with the County. Mr. Hipolit was to have a meeting about it. Mr. Hipolit was not present but Mr. Carl O'Brien said he would speak to Mr. Hipolit about it. Mr. Webber asked about the impervious pavement that they will be doing for Wegmans will it be the same as Lifetime Fitness. Chairman stated that it is a similar product. Mr. Webber stated that the parking lot at Lifetime Fitness is falling apart and it should be looked at. Chairman stated that there is a maintenance bond in place for Lifetime Fitness for any issues. Mr. Webber would like clarification on the product. Mr. O'Brien would look into it.

**ZONING REPORT: Mr. Fette not present**

**SITE PLAN REVIEW COMMITTEE: Site plan did not meet this evening.**

**ENVIRONMENTAL COMMISSION LIASION REPORT: Mr. Vogt stated that they did not meet this month. However he did a final inspection at PNC Bank which they passed.**

**CORRESPONDENCE: placed on back table**

**DISCUSSION: Block 703 Lot 5- The 3 Counties, LLC-125 North Kinderkamack Road-Interpretation per N.J.S.A 40:55D-70(a) & (b)-**Mr. Francis came forward represented the applicant. Mr. Fintan Seeley was also present. Mr. Francis stated they are here for an interpretation of the letter from Mr. Fette dated June 1<sup>st</sup>, 2015. Mr. Regan spoke about the most recent resolution of 2004. The resolutions state that there will be no more than 178 seats in total including the patio, bar area and dining area. It states in one section 178 patrons which Mr. Francis states that is different than 178 seats. Mr. Francis stated that his client stated on the record that the maximum amount of people he could only service at one time is 178. Mr. Regan asked how many seats are there? Mr. Francis stated that before the 2004 resolution there was an application for the patio and 36 seats. At that time there was 178 seats in the restaurant. Mr. Regan stated that the resolution is crystal clear that there are to be no more than 178 seats where they are inside or out. Paragraph 17 and 27 was discussed; a total of 48 were required. They are arguing the point of do they need a parking variance. Mr. Fette's interpretation is taking the number of seats and dividing by 3 which Mr. Francis stated was incorrect. Mr. Regan stated he believes he needs is 59 spaces and he has 57 spaces. Mr. Regan's question is how many seats are on the premises. Chairman De Pinto stated we are at a disadvantage because Mr. Fette wasn't in attendance. The summons in question is from Mr. Seeley wanting to use a second patio on the roof. It wasn't issued for excess seating. Mr. Seeley was sworn in by Mr. Regan. Mr. Seeley stated that the additional seating was for outdoor seating it wasn't to extend or increase the number. He stated he his kitchen couldn't handle more than 178 customers. He took it upon himself to have the same amount of corresponding seats in the restaurant as outside to insure if there was rain or inclement weather he would be able to move them inside. He cannot move his good furniture outside and he doesn't want to move plastic inside. He

stated that last year, he had a deck roof and holes were being made by heels when people went out on it so he decided he would apply for a variance not for additional seating but for use of the deck. Chairman stated that his recollection that it was clearly understood that the approval that was being granted to him in connection with the construction of the patio would not increase the total number of patrons that they could accommodate. Chairman stated he remembers that there was an "x" amount of tables that could be utilized inside or outside and never to exceed the maximum number of approval. Mr. Seeley stated that he monitors the number during peak hours. The chairman stated that if they are willing to comply with the prior approval of 178 and not to exceed it then this is a moot point. The chairman stated that there has always been an issue with parking that has either overflowed into the south or north of the property.

The Chairman asked about the van being parked on the premises. Chairman DePinto asked that he remove the wrapped van from the premises. Chairman stated it is a mobile billboard. Mr. Seeley asked about the truck being parked next door. Chairman stated he would contact Mr. Fette and find out why it had not been taken care of before. Mr. Seeley was in agreement to remove the van from the parking lot. Board members were polled and all were in agreement that if he is not to exceed the prior approval of the 178 no action needed to be taken by the board. If he wanted to exceed he would need to come back for Amended Site Plan Approval. No need for a formal action. The board affirms what it did in 2004. The board secretary will inform Mr. Fette of what was discussed and what had been testified to.

**APPROVAL OF MINUTES: None at this time**

**USE PERMITS:**

**Block 3004 Lot 2-Sims Mortgage Funding, Inc.-50 Chestnut Ridge Road- Ste 209-(2691 sq.ft.)**-Chairman read the application into the record. Kerri Tomasiewicz represented the applicant. Chairman asked for them to explain the business. They are a FHA multifamily lender who specialized in healthcare. There was a discussion on the parking issues. They do have clients that come to visit and that is why they need the three spaces for visitors. Board members had no questions. No work can be done until permits are requested and issued .

A motion to approve was made by Mr. Webber and seconded by Mr. Vogt with all in favor stating aye.

**PUBLIC HEARINGS:**

- 1. BLOCK 712, LOT 9 – LC DEVELOPERS, LLC – 69 MONTVALE AVENUE**  
**Soil Movement, Zoning Variance Application-carried to October 20<sup>th</sup>, 2015 no further notice will be given**
- 2. BLOCK 403, LOT 2 – BALDANZA CONSTRUCTION COMPANY, INC. - 99 SPRING VALLEY ROAD**  
– Preliminary and Final Site Plan & Use Variance Application. Mr. Flood came forward representing the applicant. Mr. George Cascino came forward and gave a description of the new plans for the 12 unit townhouse development including two affordable units with a revision date of 9/23/15 and was marked as A4. The units are all two bedroom. Two units are affordable and they have a one car driveway all others have two car garages. There are 28 parking spaces. There are an additional 12 spaces. All of them are in the garages or driveways except for 6 spaces for visitors and two will be handicapped. Drainage report was marked as A5. Mr. Carl O'Brien of Maser Consulting was sworn in by Mr. Regan. Mr. O'Brien is the acting engineer for the evening. Mr. O'Brien stated that they have no objections or issues with the report. Mr. Cascino had prepared a Planning Report which was marked as A6. Mr. Cascino is a planner. His testimony said that the property sits with in a mix area of residential and commercial. On the site there is a three family home with an office. They would be required a D1 variance and for the height they would be required a D6 height variance and 5 bulk variances. Mr. Cascino inspected the property on more than one occasion and reviewed the zoning regulations and the Master Plan, and Housing Element for Montvale. The property is in a mixed used area. Mr. Cascino stated that in subsection a of the code to encourage municipal action to guide the appropriate user development of all lands in the state in a manner that would promote the public health, safety, morals and general welfare. Subsection "G" is to provide sufficient space at appropriate locations for a variety of agricultural, residential and recreation, commercial in open space. He believes they have advanced

the purpose of those two reasons and they have met the positive criteria. He believes the site acts as a buffer for the single family house and the commercial to the left. It is located on a county road. He believes the traffic would be increased by one vehicle during peak hours. Mr. Cascino stated the Fair Share Housing Plan references the site 99 Spring Valley Road as a good place for affordable housing. He believes that granting of these two D variances would not be detrimental to the well-being of the commercial or residential neighbors. Any other use would cause more traffic increase.

The C Variances were discussed. Variance for building coverage, applicant proposed a building coverage of 24%. They need a variance for total two side yards. Applicant proposes the total of the two side yards to be 42.4 feet where 60.7 is required.

Third variance is for a side yard setback from a residential district boundary line. The applicant is proposing a setback of 21.3 feet.

Fourth variance for rear yard setback from a residential district boundary line is requested. Ordinance requires 50 feet from residential applicant is proposing a setback on the east side of 25.5 feet.

Mr. Cascino stated that they are not required to submit an EIS. Sidewalk was discussed. Road widening was discussed. Mr. Cascino stated that he spoke to Mr. Timszak in regard to the repaving. Mr. Cascino stated that they spoke about tying in the waterline and gas lines. There will be a very narrow trench and only a small repaving. They will be breaking up the sidewalk and re doing the sidewalk the length of their property. Chairman asked about future road widening did the county say anything. Mr. Cascino stated no. Chairman stated that across the street there was road widening and the county required new curbing. Chairman asked Mr. Cascino and Mr. O'Brien to look at the overall plans of Spring Valley Road. Chairman believes that there is a road widening.

Ms. Green went over her review letter dated October 1. It was marked as B4. Sixth variance is for screening of parking areas. Ordinance requires all parking areas to be well screened to a minimum height of six feet. The applicant proposes landscaping along the frontage, but the landscaping does not meet the parameters of the ordinances.

Variance for location of parking spaces is requested as well. The ordinance states no parking shall be permitted on and along access ways or traffic isles. The applicant is proposing 6 parking spaces along the driveway. They are also seeking a variance for an identification sign. The ordinance allows permitted use in non-residential districts to have signage. The applicant proposes a use that is not permitted in the non-residential district it is located. The use is not permitted a sign. Fifth, variance is for location of parking spaces. The applicant is proposing four parking spaces within ten feet of the proposed townhouses. The ordinance prohibits parking spaces within 10 feet of any building.

Ms. Green said that the parking spaces are within 10 feet of the building requires a variance. It was discussed and the parking spaces would be turned into the additional greenspace. Eliminate the space and make green space. Item no. 6, will be amended for a variance.

The board needs sign details.

Mr. Charles Baldanza, architect was sworn in and qualified. Mr. Baldanza went over the architectural plans dated July 14, 2015 and was marked A7. The affordable units need to be handicapped accessible. The project will be built in one phase. The height of the units will be a little over 27' they rounded it to the 28'. The drivers will be pavers with Belgium block. They will be affordable for 30 years.

Mr. O'Brien asked for a detail on the pavers. They are preambled paver and they are not set in concrete. They would like a cross-section of the detail of the driveway pavers. The proposed roof color is black. The siding will be grey.

It is standard roofing color. Mr. Vogt asked if they are similar to Charlestowne. They are more high end stated Mr. Baldanza. Mr. Lintner would like a height drawing with calculations on the plans. The side elevations that is void of windows. Mr. Lintner would like them to look into adding an additional window on the side where it is.

Opened the meeting to the public was made by Mr. Vogt and seconded by Mr. Culhane. No one from the public wishing to be heard the meeting was closed by a motion made by Mr. Vogt and seconded by Mr. Culhane. The meeting is carried to October 20<sup>th</sup>, 2015.

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

- 1. BLOCK 2001, LOT 4 – MID-WEST PORTFOLIO CORPORATION c/o AVISON YOUNG – NEW YORK, LLC – 100 PARAGON DRIVE - Amended Site Plan, Variance Application.-At the applicant's request this public hearing is carried to October 20<sup>th</sup>, 2015**
- 2. BLOCK 1902, LOT 11 – BANK OF AMERICA – 80 CHESTNUT RIDGE ROAD – Amended Site Plan Application  
At the applicant's request, this application will be carried to October 20, 2015. No further notice will be given.**

**RESOLUTIONS: none**

**OTHER BUSINESS:** The board was asked to check their calendars for a date in November to hold a meeting. It was agreed to look at the date of November 9<sup>th</sup>. Mr. Regan stated that the site plan approval on the DePieros property has an appeal. A brief was filed. The second appeal has been filed. Hekemian is confident that they will prevail and are moving forward. They had a ground breaking last week for the start of construction.

**OPEN MEETING TO THE PUBLIC:** A motion to open to the public was made by Mr. Vogt and seconded by Mr. Culhane with no one from the public wishing to be heard a motion to close was made by Mr. Vogt and seconded by Mr. Culhane with all in favor stating aye.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Mr. Vogt and seconded by Mr. Webber all in favor stating aye.

**Next Regular Scheduled Meeting - Oct 20, 2015 at 7:30pm**

**Respectively submitted by:**

**R. Lorraine Hutter  
Land Use Administrator**