

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, March 18, 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 called the meeting to order at 8:17pm and led everyone in the Pledge of Allegiance.**

**ROLL CALL:** Mr. Culhane, Councilmember Cudequest, Mr. Vogt, Mr. Lintner, Mr. Webber, Ms. Solomon and Chairman DePinto Mr. Stefanelli arrived at 8:45pm

**Also Present:** Ms. Hutter, Land Use Administrator, Craig Hermann, as acting engineer, Mr. Regan, Board Attorney and Mr. Preiss Borough Planner

**Absent:** Mr. Teagno

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

**ZONING REPORT:** Mr. Preiss stated that he is meeting with the Tree Preservation Committee Thursday evening and he will then hopefully put together a final draft of a Tree Preservation Ordinance and will bring it back to the board before sending it on to the Council.

**ZONING REPORT:** Mr. Fette stated they are putting together a form for the Tree Preservation.

**SITE PLAN REVIEW COMMITTEE:** Ms. Cudequest gave the report. Two applicants came before the committee. The current tenant of the Krauser's came in and wasn't aware of some of the regulations of the borough and is now seeking counsel for his summons.

A & P came before the committee in regard to putting an antenna to help service there database in the building and they are looking for ways to screening. They will report to Mr. Fette's office to move forward.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Vogt stated that on Monday, March 0, 2014 the environmental commission held a special meeting with Hovnanian at the Reserve at Montvale and their landscaping was approved. Mr. Del Vecchio and their applicant Shoppes at DePieros came before the commission and their landscaping plans were not approved. They will need to revise and come back. Mr. Vogt stated that the landscaped roof on one of the buildings will not be part of the approval process before the commission. Mr. Vogt stated that the Planning Board should act on the green roof. It is more involved than landscaping. They will revised the plans and come back before the EC. He stated that one of his members wanted to speak about the lighting. He didn't let that member speak as he felt that it wasn't under the jurisdiction of the Environmental Commission and there was no one except the landscape architect and the attorney to answer those types of questions. He just wanted the planning board to know what transpired in case there is a complaint.

**CORRESPONDENCE:** placed on back table

**APPROVAL OF MINUTES: October 30, 2013** – a motion to approve was made by Mr. Lintner and seconded by Mr. Culhane. A roll call vote was taken with Ms. Solomon and Councilmember Cudequest abstaining and all others voting aye.

**USE PERMIT:**

1. **Block 2602 Lot 1-Valley Chabad Center for Jewish Life=210 Summit Avenue-(881 sq. ft.)**-Samuel Mallin, Esq. representing the applicant. Mr. Orenstein is a representative of Valley Chabad and was sworn in by Mr. Regan. Chairman read the application into the record. Parking in common. Signatures were verified by Mr. Orenstein. Mr. Fette that a CCO and building permits will be needed from his office. Mr. Orenstein stated that they conduct services at the place in Woodcliff Lake. Montvale will be only for administrative purposes only stated Mr. Orenstein. They will be doing marketing and publicity stated Mr. Orenstein. There will be no courses or classes being held there stated Mr. Mallin. The applicant stated that they might have one visitor. Mr. Regan stated that it is a permitted use within the zone as long as it office and administrative. Chairman stated that he believes a resolution needs to be prepared and memorialized. The board and the applicant were in agreement. The board will act for an approval and the board attorney Mr. Regan stated that he can have the resolution ready for the April 1st meeting. Chairman asked for a motion to have the board attorney prepare a resolution setting forth the permitted uses as presented to the board and the testimony that was given by Mr. Orenstein. Mr. Vogt made the motion and seconded by Mr. Stefanelli. All present voting aye. Chairman DePinto stated that there is another use permit that is not on the agenda but appeared before the Site Plan Review Committee. They are represented by counsel.
2. **Block 1102 Lot 4- Montvale Snack Shoppe Inc- 108 Spring Valley Road-(3500 sq. ft.)**-Michael Austin, of Rubenstein, Meyers, Fox and Mancinelli represented the applicant. Ossining Snack Shoppe Inc. will be the name d/b/a. Mr. Samar Jamal and Ibrahim Jamal were both sworn in. The name on the application, the name was changed to read Ossining Snack Shoppe Inc. The application was marked as Montvale Snack Shoppe. The parking was discussed 5d should have 20 and 5E should read 0. Chairman read it into the record. The zone is B2. The landlord is Michael Rosenblum. Mr. Fette stated that the applicant took occupancy of the property before getting a use permit. He has had a number of visits with the applicant, discussed the signs and the occupancy of the premises without a use permit. Mr. Fette issued summons on excessive signage in the windows which he asked them to remove and they have agreed to have them removed by tomorrow morning. The other summons is the occupancy of the building without obtaining a use permit. Mr. Fette stated that they will need to appear before the judge in two weeks. The debris in the back yard needs to be addressed. There are overloaded dumpsters and no crates, pallets that need to be cleaned up. They need to contact the landlord and Mr. Fette stated he would send a letter as well as the sign is unsightly and there is an ordinance that deals with unsightly signs and peeling paint and the sign needs to be maintained and he will send the landlord a violation on that. Mr. Vogt asked if they were aware of the front parking spaces that they will lose when the road widening occurs. Mr. Austin stated that it was just brought to their attention at the site plan review meeting. They entered a lease agreement without the landlord telling them that would happen. They will be addressing it with the landlord. Mr. Webber stated that the police department form needs to be corrected with the right name. Ossining Snack Shoppe, Inc. Applicant d/b/a Montvale Snack Shoppe. Zip codes were discussed. Zip

codes will be 10710 and 10520. Ms. Cudequest asked about the sign. Applicant stated that they will be changing the name on the sign. Chairman stated they allowed then to come before the board this evening and that a lot of time was spent going over what is permitted and what is not in Montvale. Chairman hopes that they will be a good neighbor in Montvale and abide by the rules. They need a board of health approval and a cco from the building department and that they cannot operate until such approvals are granted. Chairman stated they better leave this meeting and take down all the illegal signage that is there now as he will be driving by on his way home. The applicant and his attorney both agreed that they would be removed. No illuminated signs. A motion to approve was made by Mr. Webber and seconded by Mr. Vogt. A roll call vote was taken with all voting aye.

### **PUBLIC HEARINGS (NEW):**

Chairman DePinto turned the chair over to Mr. Lintner.

1. **Block 1508 Lot 4-Costelloe, Anthony-11 Myrtle Street-Variance Application-** Mr. Costelloe came forward and was sworn in. Mr. Preiss and Mr. Hermann were also sworn in. They are looking for a rear yard setback. Mr. Costelloe wants to add a small bathroom to the rear of the house. His present bathroom is currently in disrepair and is literally 5 feet from his refrigerator. He is extending the footprint but just squaring off the house as he is not going beyond and of the property boundaries. He is moving the bathroom 8 feet. He had begun the construction and the footing and siding was on. He wasn't aware that he needed the permits. The contractor had told him he didn't need one because he wasn't going beyond where his house was now he was just squaring off the corner. He would have been more than willing to get a permit if he knew he needed one. He received a stop work order. He had a new site plan survey which was discussed. The rear is not extending any further than where the house is now. There were 4 sheets of the detailed work. Mr. Fette stated that is what has happened. It was a neighbor complaint. He hasn't been inside the house so he cannot attest to the interior. Mr. Fette stated they require the homeowner to excavate the footings for inspections to measure. If it is deficient the addition will need to come down. Board exhibits-Montvale Fire Department-B1, Police was marked as B2, Environmental B3, no comments. B4 was Maser's Consulting review. Mr. Hermann stated there is nothing out of the ordinary. He asked that something be provided stating the increase of lot coverage. He asked if there was a concrete pad. Mr. Costelloe stated no it was dirt and grass. He asked for an as-built when he is done. Mr. Preiss stated he reviewed the application and they are squaring off the home. They are carrying the line of encroachment into the rear yard. He doesn't see it as a substantial impact on the neighbors since the remained of the house is exactly that same distance. The site plan was marked as A1 and the set of 5 construction sketches was marked A2. Mr. Culhane asked if the measuring is from the roof rafter or the wall. Mr. Fette stated it is to the wall. Based upon the site plan the applicant requires a 30 feet rear yard and he has a 18.1 feet existing. He needs a 11. 9 feet variance. A motion to open to the public Mr. Vogt and seconded by Mr. Stefanelli. No public came forward. A motion to close was made by Councilmember

Cudequest and seconded by Mr. Culhane. A motion to approve the request was made by Mr. Webber and seconded by Mr. Culhane with all present stating aye.

A five minute break was taken. Board member Kari Solomon recused herself from the hearing.

**PUBLIC HEARINGS (cont):**

1. **Block 1505 Lot 1- Rockland Built Homes, Inc., 6 Penn Avenue-Major Subdivision, Major Soil Movement and Variance Application-carried to April 1, 2014-7:30pm**
3. **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-see attached Transcripts.

**DISCUSSION: UPDATED ZONING MAP-**Map had been revised. There are changes. OR4, streets that have been added and the AHPUD, Montvale Commons, Low/Moderate-Income Senior Citizen Housing District. The governing body would need to make a change to the name taking out Senior Citizen. The RCO Retirement Community Overlay is the K. Hovnanian development on Chestnut Ridge Road-Four Seasons. Also BMW Plaza needs to be removed. The correction should be that the road continues as Van Riper. Chairman stated that off of Middletown Street are they marked correctly. The three houses are in RiverVale. The flag lot is in Montvale and the driveway comes out to 42 Middletown Road. The houses on the left side are RiverVale and on the right are Montvale. The zone changes of Jules Lane and the townhouses on Kinderkamack Road were discussed but never changed stated Mr. Preiss. Mr. Lintner stated that Middle Road needs to be changed to Donnybrook. We need to check the street map to see if it is there and the street map would need to be changed and adopted. Mr. Hermann will note the change and the map will be revised again and brought back to the board.

**RESOLUTIONS:**

**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-Chairman read by title only. A motion to introduce was made by Councilmember Cudequest and seconded by Mr. Fette. A roll call vote was taken with Chairman DePinto and Ms. Solomon abstaining and all other all stating aye.

**Other Business-**none

**Open Meeting to the Public-** no one present

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

**Next Regular Scheduled Meeting April 1, 2014**  
**Special Meeting March 26<sup>th</sup> at 7:30pm-Shoppes at DePieros**

**Respectively submitted:**

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