

REORGANIZATION & REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Tuesday, January 6, 2015 at 7:30PM

MINUTES

Municipal Complex, 12 Mercedes Drive in Council Chambers

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.

PLEDGE OF ALLEGIANCE-Chairman led everyone in the Pledge of Allegiance at 7:35pm
OPEN PUBLIC MEETINGS STATEMENT –Chairman read the open public meetings statement into the record and called the meeting to order.

ROLL CALL: Mr. Culhane, Mr. Fette, Councilman Ghassali, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, Mr. Vogt and Chairman DePinto

Absent: Mr. Webber, board member; Mr. Hipolit, Engineer

Also Present: Ms. Hutter, Land Use Administrator, Mr. Regan, Board Attorney, Ms. Green, Borough Planner

OATHS OF OFFICE: Mr. Regan swore in Mr. Fette, and Chairman DePinto. Mr. Regan stated it was not necessary to swear in Councilman Ghassali.

ALL APPOINTMENTS MADE BY MAYOR FYFE ON 1/5/2015

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|----|-------------------------------------------------|--------------------|
| 1) | Class III – 1 Year
Michael Ghassali | 01/06/15– 12/31/15 |
| 2) | Class II-1 Year
Jeffrey Fette | 01/06/15-12/31/15 |
| 3) | Class IV-John DePinto | 01/06/15-12/31/18 |
| 4) | Class IV-Mayor’s Designee
Chet Webber-1 Year | 01/06/15-12/31/15 |

REAPPOINTMENT OF R. LORRAINE HUTTER, BOARD SECRETARY FOR 2015-A motion was made by Mr. Stefanelli and seconded by Mr. Culhane to reappoint Ms. Hutter as the board secretary. All present voted aye.

NOMINATION OF BOARD CHAIRMAN- Ms. Hutter asked for a motion to open the nominations. Mr. Culhane nominated John DePinto as chairman and seconded by Mr. Stefanelli. No other nominations from the floor a motion to close was made. A roll call vote was taken with Mr. DePinto abstaining and all others present stating aye.

NOMINATION OF BOARD VICE-CHAIRMAN-Ms. Hutter asked for a motion to open the nomination for vice chairman. A motion was made by Mr. Culhane and seconded by Mr. Teagno to nominate Mr. Stefanelli. No other nominations; a roll call was taken with Mr. Stefanelli abstaining and all others voting aye.

RESOLUTION TO APPOINT ANDREW R. HIPOLIT, PE, PP., CME OF MASER CONSULTING PA, AS PROFESSIONAL ENGINEERING CONSULTANT FOR 2015. A motion to appoint Mr. Hipolit was made by Mr. Teagno and seconded by Mr. Vogt. A roll call vote was taken with all stating aye.

RESOLUTION TO APPOINT ROBERT T. REGAN, ESQ., TO CONTINUE AS PLANNING BOARD ATTORNEY FOR 2015- A motion to approve was made by Mr. Stefanelli and seconded by Mr. Vogt. A roll call vote was taken with all present stating aye. Mr. Regan thanked the board members for their votes of confidence.

RESOLUTION TO APPOINT DARLENE GREEN, MASER CONSULTING., AS THE PROFESSIONAL PLANNER TO THE PLANNING BOARD FOR 2015.

Chairman introduced Ms. Green. He stated he has had discussions with her and the Mayor and he feels that she is qualified.

Chairman asked Ms. Green to go over her credentials as a planner. Ms. Green stated she is both a professional planning license which is the NJ State as well as the AICP which is the national license as well. You need to both to practice in NJ. She is a graduate of Lehigh with a bachelor of architecture and then went on to obtain her masters at Rutgers for Planning. Her specialty in the realm of planning is actually visualization for zoning, rezoning, and design guidelines. She is one of a few people in their firm that actually uses a 3D visualization tool which she uses to help her clients understand central zoning impacts or redevelopment opportunities. She has prepared numerous housing plans; she has been involved in building remedy lawsuits on both the municipal and the private side. She is constantly watching the COAH saga unfold and further she is CTM certified. She has done many master plans. Mr. Vogt asked about how reports would be handled. Chairman stated there will be separate reports from Ms. Green and Mr. Hipolit. Not all projects will need Ms. Green's review. Chairman asked her first assignment will be to look at the Master Plan to see in her opinion if it needs some addressing. She will provide the board with a proposal. The chairman also asked for a proposal on COAH. Ms. Green stated she would provide both for the next meeting. Chairman asked Ms. Hutter to supply her with all the necessary documentation she would need. Chairman spoke about how important with major tenants leaving such as Sony who him and the Mayor met with who would like to residential. It is important to have both reviewed. A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Lintner. Councilman Ghassali asked if it was a conflict of interest having both professionals from the same firm. He asked about the financial aspect of both. Ms. Green stated that Maser has represented the planning and engineering in numerous town. An example would be Northvale. She deferred to Mr. Regan. Mr. Regan stated that it is not a conflict. Secondly in generating work from one end to the other, only the board generates the work. A planner or engineer only acts when the board directs the particular professional to act. Mr. Hipolit doesn't tell Ms. Green what to act or vice versa stated Mr. Regan. They are to undertake projects only when directed by the board stated Mr. Regan. Chairman stated that she will not be included in every site plan review committee review only on an as need basis. Such as a redevelopment, subdivision, or development of commercial space she will be called in on. Chairman stated that she will not be called in on the small homeowner projects as to not burden the applicant with the additional fees. It was also stated that the experience of Mr. Lintner and Mr. Teagno who both served on the zoning board before it became one board. The experience for both is over 20 years and is invaluable. They will be a key when we are redoing the bulk standards in assisting Ms. Green in putting together the recommendation together. The Chairman told Councilman Ghassali stated he had already discussed with both professionals that their reports could not be combined. They will both receive their own packets. If when Ms. Hutter is reviewing the technical reviews and sees an overlap or conflict she will reach out to them. This appointment is a one year appointment. It is very difficult to follow in Mr. Preiss' footsteps, he was very proficient in what he did for the borough, and was respected by everyone on the board. We will review it at the end of the year. No other discussion. A roll call vote was taken with all present stating aye.

RESOLUTION TO APPROVE THE PLANNING BOARD MEETING SCHEDULE: Meetings to be held on the first and third Tuesdays of the month, unless otherwise specified, convening at 7:30PM and to be adjourned subject to the call of the Chairman. A motion to introduce was made by Councilman Ghassali and seconded by Mr. Vogt. A roll call vote was taken with all present stating aye.

RESOLUTION TO APPROVE THE PLANNING BOARD BY-LAWS. A motion to approve was made by Mr. Culhane and seconded by Mr. Vogt. A roll call vote was taken with all stating aye.

RESOLUTION TO DESIGNATE THE RIDGEWOOD NEWS AND THE BERGEN RECORD AS THE OFFICIAL NEWSPAPERS. A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all stating aye.

CHAIRMAN'S APPOINTMENT OF MEMBERS TO THE SITE PLAN REVIEW COMMITTEE.
Chairman DePinto appointed to the committee the following: Mr. Stefanelli, Mr. Vogt, Councilman Ghassali, Mr. Regan, Mr. Hipolit and on an as need basis Ms. Green.

CHAIRMAN'S APPOINTMENT OF LIAISON TO ENVIRONMENTAL COMMISSION.
Chairman appointed Mr. Vogt as the Liaison to the Environmental Commission.

Chairman moved into the regular meeting.

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Tuesday, January 6, 2015

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Chairman continued with the meeting and no additional roll call was taken.

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

none

ZONING REPORT: Mr. Fette gave his report. One Conrad complaint was discussed. A letter was sent which was included in the packet. It deals with a home business. He did get a call from Ms. Tornello the homeowner and they are in discussion. She indicated that she is not operating a business even though it is advertised as such and she is not doing it for a profit. Mr. Fette stated he will keep the board informed.

37 S. Kinderkamack Road-He hasn't had any recent calls, but the property has changed hands. It was the old body shop of the Vale Pontiac.

K. Hovnanian Parking-Upper Saddle River Road-The council adopted a resolution creating a temporary restrictions on unnecessary noise. There were a lot of trucks pulling in at 4:30am with back up alarms. Unfortunately, it was right in Councilman Ghassali back door, that didn't help their cause much. He is thankful that the council came up with the resolution he applauds them it makes his job a lot easier. There have no problems there now as far as he is aware.

Mr. Webber had mentioned to him about the fence slatting behind Fresh Market. The slatting of cyclone fencing is not permitted.

Porterhouse-The van parked in front, courtesy van, his intention is good, the van is heavily lettered and it is a sign. He has been sited. Mr. Fette stated that we need to look at the sign ordinances and site plan for business for requesting of parking of lettered vehicles. Not all of these have been addressed in site plans. It makes enforcement down the road easier.

Chairman asked when a commercial tenant leaves then are to remove their signage. The Harris Levy building, Ray's Pizza sign is still there and is illuminated. Mr. Fette wasn't aware that he had vacated. There is a second floor tenant that sign is on 24 hours a day also. Mr. Fette will take care of it. Chairman stated that the Empire bldg. at the end of the block, 25 Philips Parkway recently changed hands, the building is mostly empty the parking lot is full of Mercedes Benz. Mr. Fette will contact the new owner to have the cars removed. Mr. Fette stated he will contact them. Ms. Hutter brought to his attention the gym at 21 Philips Parkway and the grease container that is overflowing behind Fresh Market. Mr. Fette stated he would follow up on it. Mr. Hipolit had brought it to the attention of the chairman and the secretary.

ENVIRONMENTAL COMMISSION LIAISON REPORT: none

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli gave his report. Two applicants came before the board. Mr. Joe Bruno architect for a home to be built on 12 Moulton Drive. They will be moving forward with a variance application for a rear yard. The second applicant was from Verizon Wireless, 118 Chestnut Ridge Road, who is looking to change their sign to a corporate logo sign that is above size in what is allowed by ordinance. He is going to relook at what he can do and come back.

CORRESPONDENCE: on the back of the table

APPROVAL OF MINUTES: December 16, 2014-A motion to introduce was made by Mr. Vogt and seconded by Mr. Stefanelli. A roll call vote was taken with Mr. Culhane and Councilman Ghassali abstaining and all others voting aye.

DISCUSSION: none

USE PERMITS: none

PUBLIC HEARINGS (new):

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 January 20, 2015.

RESOLUTIONS:

1. **Pay to Play-A motion to introduce by Mr. Stefanelli and seconded by Mr. Lintner.** A roll call vote was taken with all present voting aye.
2. **Block 1606 Lot 6–United Way- 11 E. Grand Avenue-Resolution Granting Preliminary and Final Site Plan Approval, Related Variances, Minor Subdivision Approval, A Major Soil Movement Permit and a Waiver from Requiring The Submission of an Environmental Impact Statement**-a motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. Mr. Regan went over the changes. Chairman asked Mr. Regan about the new plans that were to be submitted. He stated he has no new plans. Via telephone Mr. Hipolit stated he didn't receive any new plans either. Mr. Toronto was in the ordinance and said he would reach out to Mr. Eichenlaub to see why we had not received them. Mr. Lintner stated that he read that his mom had passed away. Mr. Vogt stated that he needed to make changes to the landscaping. A condition of the resolution is that the plans need to be submitted before any permits can be issued. Ms. Hutter and Mr. Toronto stated that they would follow up. A roll call was taken with Councilman Ghassali abstaining and all others voting aye.
3. **Block 1606 Lot 6-Resolution Granting Minor Subdivision Approval, to BCUW/Madeline Housing Partners, LLC**- A motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli. Mr. Regan went over the changes. A roll call was taken with Councilman Ghassali abstaining and all others voting aye.
4. **Block 505 Lot 12-Palfrey - 23 Sheppard Drive-Major Soil Movement Permit Application**-A motion to approve was made by Mr. Vogt and seconded by Mr. Teagno. A roll call vote was taken with Mr. Culhane and Councilman Ghassali abstained and all others voting aye.
5. **Block 1202, Lot 1-Resolution Granting a Major Soil Movement Permit to David Agranovich**-A motion to introduce was made by Mr. Lintner and seconded by Mr. Vogt. A roll call vote was taken with Mr. Culhane and Councilman Ghassali abstaining and all others voting aye.
6. **Montvale Development Associates, LLC and Mr. and Mrs. Edward DePiero Request for Interpretation of Provisions of the Affordable Housing Zones for the First Round Fair Share Housing Cycle pursuant to NJSA 40:55D-70b, which permits the Board to hear and decide Requests for Interpretations of the Zoning Ordinance** –A motion to introduce was made by Mr. Lintner and seconded by Mr. Stefanelli. After a small discussion a roll call was taken with Councilman Ghassali abstains and all others voting aye.

Other Business-Mr. Vogt stated he was called in by someone on Pennsylvania Avenue at the end of Locust. He was asked about restrictions on taking trees down. Mr. Ratigan who lives on Short called him also. Mr. Ratigan wanted to put a chain across the easement to stop them. There was a tree cutter coming in. Mr. Vogt told he couldn't do that. Mr. Ratigan harassed the tree cutter by coming in and out of his driveway. He just wanted Mr. Fette to hear about it. Mr. Fette stated you cannot stop people from cutting trees. Chairman said to Ms. Green that there is no tree ordinance. The tree ordinance was discussed. Mercedes Benz was discussed, office space and change in working. The chairman stated we need to be in front of the change that is coming.

Open Meeting to the Public-no one from the public present

Adjournment- A motion to adjourn was made by Mr. Vogt and seconded by Councilman Ghassali.

Next Regular Scheduled Meeting: January 20, 2015

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator