

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

Tuesday, April 7, 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.

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

ROLL CALL:

Present: Mr. Culhane, Mr. Fette, Councilman Ghassali, Mr. Lintner, Mr. Teagno, Mr. Webber, Mr. Vogt and Chairman DePinto

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

Absent: Mr. Hipolit, Board Engineer

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

ZONING REPORT: Mr. Fette gave his report: 240 W. Grand Avenue-former Hughes building, Sign location has been submitted they are 40 feet from the center line.

10 Brook St a 3 lot subdivision, they had submitted a plan for the 3rd home with a bump out which would have caused a variance. They have removed the bump out and have resubmitted a new foundation location.

Lifetime Fitness has submitted plans for antennas on the roof and they had submitted plans without screening, they were told they have to submit plans with screening. Chairman asked about the original 7-11 he asked if there has been a stopped work order on that property. Mr. Fette stated no. They had to stop because of money. The chairman asked if they could remove the material or fence it in. Chairman believes there is a dangerous situation as many children walk that way to school.

SITE PLAN REVIEW COMMITTEE: Mr. Stefanelli gave his report. One applicant, Accordia Realty representing 305 W. Grand Avenue came before the committee. They are looking to place a monument sign to give identification for their tenants. They will be submitted plans to the board shortly.

ENVIRONMENTAL COMMISSION LIASION REPORT: Mr. Vogt stated the April meeting has been cancelled.

CORRESPONDENCE: placed on back table

DISCUSSION:

APPROVAL OF MINUTES: March 17, 2015- A motion to approve was made by Mr. Lintner and seconded by Mr. Vogt. A roll call vote was taken with Mr. Webber abstaining and all others voting aye.

USE PERMIT:

1. **Block 1102 Lot 1- Kurt Versen Co. 1 Paragon Drive, Suite 157-(10,092 sq. ft.)-** Mr. Robert Mancinelli came forward representing the applicant Stacy Morena, who is the representative for Kurt Versen Co. Chairman read the application into the record. Signatures were verified. Nancy Stathes signer is an officer of the company. Mr. Mancinelli asked Ms. Morena to give a description of the business. They are a commercial manufacturing company of lighting and they are moving their administrative office from

Westwood to Montvale. There will be no sales from building. Mr. Vogt asked about the showroom. It is not for the general public stated Ms. Morena. They will have a few showings with groups of people. They provide the transportation for them. The training room will be used about 6 times a year. Mr. Mancinelli stated there are no parking issues on site. He is a tenant of this building and on any given day there are 100 to 150 available parking spaces. It may be five cars stated Ms. Morena when there is a training session. Councilman Ghassali asked about the testing room. Ms. Morena stated it is a room to test heat, thermal readings on the fixtures to abide by a UL testing. Mr. Culhane stated that the parking should not be a problem. They are occupying 10% and the parking request is only about 6% he doesn't believe parking will be a problem. Mr. Fette stated that they will need building permits and a CCO inspection. Chairman asked about product and how often will they be taking delivery? Ms. Morena stated maybe once a month. It will be more like a UPS delivery. Chairman stated there is no loading dock. Chairman asked about company vehicles. Ms. Morena stated no. There will be no vehicles left over night on the property. A motion to approve was made by Mr. Lintner and seconded by Mr. Culhane with a roll call vote with all present voting aye.

2. **Block 2602 Lot 1-Finest Physical Therapy, LLC- 210 Summit Avenue- (600 sq. ft.)**-Theodore Kaplan, Esq. represented the applicant Finest Physical Therapy, LLC. Ms. Brenda Kaplan and Mr. Timothy Norum represented the applicant. Chairman read the application into the record. They need to supply a police department report. Chairman stated that he has noticed a fleet of blue and white vehicles. He asked that someone contact Joanne McCoy to contact him. Those vehicles need to be removed immediately. Mr. Kaplan stated that he would contact Ms. McCoy first thing in the morning. Chairman also asked Mr. Fette to contact the owner of the vehicles to have them removed. Chairman stated that he is asking the board to move forward on the application. A Motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.
3. **Block 1001 Lot 2-Summit Advisory Group, LLC-155 Chestnut Ridge Road (1330 sq. ft.)**-Gail Price, Esq. came forward representing the applicant. Mr. Shawn Danziger was present representing Summit Advisory Group, LLC- Chairman read the application into the record. Signatures were verified. Police and zip codes were acknowledged. Mr. Danziger stated that he is a financial advisor for retirement planning. He sees his clients through out the year. There is one staff member currently. He usually meets his clients at their offices. Mr. Webber asked about the number of employees. The application was amended to read three employees. Councilman Ghassali asked if they had any connection to the Summit Advisory in North Carolina. Applicant stated no. Mr. Fette stated they will need a CCO inspection. A motion to approve was made by Mr. Vogt and seconded by Mr. Culhane. A roll call vote was taken with all stating aye.
4. **Block 2701 Lot 3-Media Directions, Inc.- 85 Chestnut Ridge Road (2077 sq. ft.)**- David Paertz, Esq. represented the applicant, Scott Miller. Chairman read the application into the record. Signatures were identified. Police department and zip codes were submitted. Mr. Miller stated the company is direct response firm. They are media brokers. The offices will be used for general administration, clerical and accounting. Mr. Lintner asked what direct media was. Similar to an advertising agency. They direct people to different mailing lists; they are like an advertising firm that supplies mailing lists that are specific to a company's business. . 5f needs to be addressed the number of parking spaces on site. Mr. Fette asked what location this office would be located at. Mr. Miller did not know the suite number only that it will be on the upper level. Mr. Paertz stated he would supply the number of parking spaces to the board secretary immediately. A motion to approve was made by Mr. Vogt and seconded by Mr. Teagno. A roll

call vote was taken with all 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. Re-notice will be given.-Chairman stated that what is holding up the application is the vacating of Short Avenue. It is now before the governing body.

PUBLIC HEARINGS (NEW):

1. **Block 3101 Lot 1-Ub Chestnut, LLC-Chestnut Ridge Shopping Center-Amended Site Plan Application**-Ms. Gail Price, attorney from Price, Meese, Shulman and D' Armino came forward representing the applicant. Mr. Regan stated that the notices are in order and that the board has jurisdiction and can proceed. They are here for a sign package and façade with new dumpster enclosure. Ms. Price stated that they are non-conforming as they exist today. The ordinance requires conformity, they are trying to conform as much as possible. They have taken out the pylon sign and will be back for that at a later date stated Ms. Price. They are showing new dumpster enclosure. Chairman stated that they had a number of meetings with the committee and that the recommendation was made for the bigger picture not just looking at each individual sign. The chairman asked the board to look at it as a package.
George Williams, planner and Mr. John Montoro. Architect, Ms. Green, Borough Planner were sworn in by Mr. Regan, board attorney. Exhibits were marked as follows: A1 is architectural Montoro Group drawing, dated 8/19/14, 2/28/15 revision date. Consisting of PB1, PB2, PB4, PB5a, PB5b. A2 was marked as partial site prepared by Montoro dated 4/2/15. A3 is addendum site plan prepared by Montoro Group, 4/2/15 of the dumpster plan Drawing No. AD-16. A4 is addendum number 1 light plan and elevation, prepared by The Montoro Architectural Group, dated 4/2/15-drawing No. AD-1c. A-5 Two photos-(a) existing conditions phot, rear dumpster area at The Fresh Market ;(b) existing compact area. Exhibit A6-six page spec sheet on the Lakeland Ila vinyl white fence details for trash enclosure. A7 nine page spec sheet package for the proposed 250 watt black 16 ft. light pole fixture with house side shield.. PB5a revised dumpster plans were marked as a2, a3, and a4. Mr. Montoro stated that he redid the center in 2001 with the new façade with the green coping and it has aged. There is presently white brick on the inside of the box sign, which is recessed and during the day there is a shadow over the façade that overhangs that walkway and the signs are hard to read because of the shadow stated Mr. Montoro. The canopy and its façade is starting to show some wear and tear. The columns have been hit and they are painted two different colors. It is time for an upgrade stated Mr. Montoro. He did a chart of height and widths of the signs existing. Mr. Montoro stated he took a lot of time trying to have signs look different but that work together. He referenced PB4 that shows signs from the Tice Farm Shopping Center. They liked the CHICO, and Black and White, Bath and Body Works. These signs are back lit. Mr. Montoro stated that they have now attracted some national tenants. California Tortilla is a new tenant. The Running Company is also new. PB2 showed the metal coping and the crown molding. It will go across the entire center stated Mr. Montoro. The crown will be white color and the façade will be done in a buckskin color. The other color is pearl camel. The crown will be a smooth finish. The brick below the canopy will be recoated with the buckskin color and below the windows a tile is being used. Ms. Price stated that the record should reflect is identify a tile named ceramic tile pearl and it comes in a 12 inch x 24 in. It will look like travertine stated Mr. Montoro. The columns will be recoated with white in a smooth finish. The windows will stay. There will be blade signs added under the canopy. It will give additional identification for the

people who are walking on the sidewalk. PB2, the blade signs were discussed. The lettering will have a serif font. The style face is a times new roman. The blade signs will be illuminated from the top. The blade signs will be in consistent with each other stated Mr. Montoro. They are indicated on PB1 exhibit. Mr. Montoro stated the blade signs will assist pedestrians so that they don't need to leave the sidewalk. Mr. Montoro moved on to the exhibit A1, PB5a. The amendment to the plan is from Dynamic Engineering plan. The dumpsters for Fresh Market were not supposed to be chain link fence. Mr. Montoro referenced PB5a show the dumpster of Fresh Market and compactor. The site plan was not the approved site plan from Fresh Market. This plan is the approved site plan for Fresh Market of the back area. The handout reflects the corrections. The plan that was originally submitted was not the final approved plan for Fresh Market stated Ms. Price. This revised plan being submitted now is. The dumpster layout has been revised as requested by the site plan committee to demonstrate the new enclosure of Fresh Market, compact area and the new enclosure that will self-contain the additional dumpsters. The three sheets, marked as 2,3, and 4 have the corrected information. Mr. Hipolit did his review on the old plan, so it is important to note that a lot of his comments will not be relevant because of the revised plan stated Ms. Price. They are providing dumpster gates enclosures and vinyl solid fencing. Mr. Montoro referenced the plan for the Exhibit A-2 replaces number 1 of PB5a stated Mr. Montoro. It is the plan split in two. The top is the left and the bottom is the right. They are adding two dumpster enclosure and a compactor gates. One dumpster enclosure will house 4 dumpsters instead of the 14, and the other the Fresh Market dumpster and compactor. The enclosures will be all vinyl solid fencing. To make up for the two parking spaces that they will lose, they have added two parking spaces at the south end of parking lot. It will be just restriping involved. Where Fresh Market has their dumpster location at the bottom of the sheet, that dumpster enclosure is 6' 2" high chain link fencing and will be replaced with vinyl solid slat fencing. Two photos were passed as exhibits as A5(a) and A5(b). A six page spec sheet package on the Lakeland Ila vinyl white fence details for trash enclosure was marked as A6. A light bulb at the backside of the dumpster will not shine to the rear stated Mr. Montoro. It will be a shielded light pole and it will be 16 feet high. It will give safety to the rear of the property. At the new dumpster location the lighting is all wall packs on the building. All the building lighting is shining towards the adjacent properties stated Mr. Montoro. They are proposing a light pole at the back of the new dumpster that will shoot light only on the dumpster and its surrounding area not to the rear. It will be a shielded light pole. It will be 16 feet high. A nine page spec sheet package for proposed 250 watt black 16 ft. lightpole fixtures with house side shield was marked as A7. Ms. Price stated that the refuge center will be consolidated in the rear as testified to by Mr. Montoro. Ms. Price went back to the signs. All the present signs are two feet tall they are proposing to exceed 16 inches with the new signs. The proposed sign area 30 sq. ft to 38 sq ft. for single stores and Special Surgery are allowed 60.29 sq. ft. and they are proposing 72 sq. ft., and the Gen Sushi is a double store and the permit able is 43 sq. ft. they are proposing 35 sq. ft., for one store even though it is a double stores. If tenants were to change the variance area would pertain to the next tenant and they would know when it comes in that will be the number that they will need to work with stated Ms. Price. Mr. Montoro stated PB6 lists the allowable window sign coverage. The town will now have a record of the square footage of the facades to regulate and to limit the amount of signs that a tenant can put into a store front area. Ms. Price stated that they measured each glass front to obtain the exact percentage of what can be covered per store. Ms. Price reassured the chairman that her client will not allow any sign trucks in the parking lot. Chairman stated that future controls are important on signage. The language of the resolution must be clear. If it is a double store it is still one sign. If the space gets subdivided then it is permissible to have an additional sign. Chairman stated that he would like when a new tenant applies for a use permit that they bring their sign application so that the board can compare and make sure it is.

Ms. Green went over her review letter dated March 30th, 2015 and was marked B1. She has a concern on

the Post Net Sign size. Mr. Montoro stated he can shrink the overall sign by 12%. It will be 34 sq. ft. stated Ms. Price. The Silverman sign is 33 sq. ft. and the Chase sign is 35.sq.ft. The dimensions would be 2.4 inches high and 12.10 inches long. A revised page PB 6 will be submitted. The fence color has been resolved stated Ms. Green in the testimony given. . The chairman stated even though Mr. Hipolit's letter which was marked as B2, is based on the original plan and is not applicable obvious as there has been an amendment to the fencing. Chairman asked Ms. Green about the fencing. Ms. Green stated that the fencing that is addressed in Mr. Hipolit's letter dated April 1, 2015 was marked as exhibit B2 is much better and now with the solid vinyl. Item number 10, is being addressed by the owners and Fresh Market, stated Ms. Price, a discussion ensued. Chairman asked if Mr. Fette had an issue with the grease pits. Mr. Fette stated that it is an issue on Chestnut Ridge Road. The grease on Chestnut Ridge Road has been a major problem. They have not been able to locate the perpetrator. The DPW has been out on numerous occasions snaking the line. The clogs are massive. Mr. Fette stated that they had a meeting with the Health Department last year, Maureen Iarossi, and Rich Campanelli, DPW, to discuss the matter. They are not sure where the problem lies. The Board of Health is supposed to go out and do grease trap inspections. They stated they only need to have the tenant hand a certificate that states his grease trap got cleaned out it is good enough for them. Mr. Fette stated he believes that there is a possibility that people are just getting receipts and the work is not getting done and the Borough is ending up paying for massive snaking and anti-clogging of the sewer mains in the street. There are many business on the street, Fresh Market, several other restaurants, Fire and Oak Grill, the hotel, High School, all of these places have kitchens that generate grease. He has reviewed it with his plumbing inspector, they take the capacity of the equipment that listed in the kitchen plan for the restaurant and they size the grease trip according to the equipment that is on the plan. If at any point of time the equipment is changed and doesn't require a permit or a plumbing permit but changes the amount of grease that goes into the trap then the trap is then undersized stated Mr. Fette and will not function properly. Chairman stated they can only control what is on this property, Fresh Market, Gen Sushi, Phil's Pizza, Food Evolution, California Tortilla, A & J Bagel Shop, they need to have their tenants comply with the regulations of these grease traps. Chairman asked Ms. Price if the owners are going to commit to make certain that the retailers that their grease trap equipment complies with code. Ms. Price stated yes, she had this conversation with them in her office. They are willing to comply, and if they can do anything further to assist they will. Mr. Hipolit wanted a representation from them Ms. Price stated that they would ensure that their site maintaining pursuant to requirements and that they would confirm that. Mr. Fette confirmed that it is the plumbing inspector who looks at the plans and determines if the size of the trap is big enough to handle what is being proposed.

Chairman stated included in the resolution of approval there should be something to the affect that the property owners will certify to the Borough that the grease traps that are installed are sufficient to meet code requirements pertaining to the equipment to the various stores. Mr. Stefanelli stated he believes that Mr. Hipolit's review is not the grease trap size it is the maintenance of them. If we leave it up to the tenant that is the issue stated Mr. Stefanelli. Mr. Stefanelli stated he believes the owners should have a contractor come in make it part of the tenants' fee to have a maintenance agreement. Ms. Hutter asked how many times the Board of Health is supposed to be going out to do inspections. Mr. Fette stated he wasn't sure what the contract was between the Borough and the Board of Health and they are a third party agency. It was suggested that a confirmation from the owners of the building to provide a maintenance agreement. B3 is the Montvale Fire Department Review dated 3/17/15, as part of the renovations of the complex the "no parking or standing" fire zone signs that were previously on the trash cans along the curb line which were removed must be mounted to the existing columns. Chairman asked if it was a requirement. Ms. Montoro stated that he is not sure that they would want to do that. Chairman asked if the curb line was striped. Mr. Montoro stated yes and he would rather paint it on the macadam. Chairman asked to hold off

on the request and they will talk to the Fire Department on that. B4 was marked as the Police Department Review dated 3/20/15, indicated that the police department has no problem with the proposed.

Mr. George Williams, Planner, came forward and gave an overview. Founding principle of Nishuane Group, LLC, located in 105 Grove Street in Montclair, NJ. He completed his graduate studies in city and regional planning at Rutgers. He focused his career primarily on land use and economic development, his firm and he have other disciplines including master plan, zoning ordinances, etc. He has testified before numerous planning boards and the first time before the Montvale Planning Board. He serves on his hometown Zoning Board of Adjustment.

Mr. Williams stated that he had review the Master Plan, Sign Ordinance, and land use code. He agrees with Ms. Green's recitation of the relief that is being sort. In his review of the application, visiting the site and looking at the case law and the planning literature, it is his professional opinion that the proofs are replete in support of the request of relief and he would look at them as an aggregate looking at C2 a flexible C variance and to some extent the C1 particular in the undue hardship stated Mr. Williams.

He believes the aggregated C2 and the C1. The Master Plan specifically references the shopping center and states that it should be modernized and looks to providing a more attractive frontage to the plaza. The context is perfect for this application. Looking at the big picture and what the site plan review is trying to test its legs in a different approach for this sign package. It goes directly to the C2 variance specifically to a better zoning alternative than a strict application to our code.

The C2 the relief of the height and uniformity and number of signs, per business he is applying his comments collectively to those variances for C2 and C1. The benefits are a better alternative that what the code allows stated Mr. Williams.

This application has been tailor made for a C2 relief.

The size of the sign needs to be legible for the vehicles because of the setbacks. Mr. Williams reference Valenti case law. The blade signage below the canopy helps without having people step out into traffic for location of a specific store.

Proofs for a C2, the purpose will promote general public safety and health, for motorist and pedestrians.

The signage package is to make it competitive with other shopping centers.

Mr. Williams stated there are no determinants that he can find. It will be significant improvements. The benefits out way the detriments stated Mr. Williams. Holding the applicant to the strict sign ordinance would be a detriment.

There is no impairment to the site or the Master Plan.

Questions:

Councilman Ghassali thanked the witnesses for giving a very comprehensive presentation. He asked Mr. Montoro about the blade sign, there are a two ring connection, are they affixed or will it move with the wind. He would like it to be welded. Mr. Montoro stated that is not a bad idea and he agrees with it.

Mr. Teagno asked if the blade signs are attached to the building. Mr. Montoro stated yes He likes the fact that it has a theme but has still have individuality to each store.

Mr. Culhane asked about drawing on PB 2. The mount does it give you flexibility for changing the sign.

Mr. Montoro stated yes. The detail is for individual letters, with recess light or surface illumination. It can be changed stated Mr. Montoro. They are not using a raceway mount stated Mr..

A second question of concern was the dumpster area lighting. Wall mounting light will it be eliminated.

The wall mount lighting will remain and it is necessary stated Mr. Montoro.

Mr. Fette has property maintenance issues. Back in September of last year, the applicant had come to the building department to take out permits for air conditioning units. The plans were approved and contacted the applicant in September, October and November and they didn't come in. The air conditioning units on the roof were done without permits. There is an outstanding fee of \$608.00 for inspections called. There

is now \$8,000 in penalties for work without permits. Mr. Fette stated he doesn't believe this board should be acting on this application when we have a situation like this. The work was done without permits for the air conditioning units. He asked that they have their contract come and pay for the permits that were approved. There is no reason why his office has to wait four months, send out notices to a project like this numerous times. Ms. Price stated that her client has no idea of any outstanding permits. She said this would have been very helpful if she knew this before tonight. She has no notice of this. She doesn't know who the notice went to. Mr. Fette stated it was just brought to his attention a couple of days ago. Chairman stated he would like Ms. Price to give assurance from her client that the matter will be taken care of before the resolution. The resolution will be done for the May 5th meeting. Ms. Price stated that they have no knowledge of any permits not paid for. Mr. Fette stated that the contract is Indoor Climate Systems in Garfield. The owners stated that the Gym had taken out permits on their own not them.

Ms. Price stated that she will look into the matter and it will be taken care of in a short period of time. The notice was sent out March 31st, there is a \$2000.00 penalty for each sub code which is \$8,000.00, that needs to be paid and inspections done by April 20, 2015 after that it is a penalty of \$1000.00 per week. The notice was sent to UB Biddle Property Owner.

Mr. Fette has other concerns with the Site plan, PB5a. The old site plan, that they were using the new dumpster closure he wanted to know, what is the aisle width and the parking. Mr. Montoro stated it is recessed back from the parking.

Mr. Fette stated the garbage trucks are long and wide he doesn't believe that it is wide enough for them to enter and turn around. It is about 24 feet. Mr. Fette stated the 18in drain he believes needs to be removed. It was requested that the property maintenance issues to be share a copy with counsel of the owner property,

The garbage will be going to one hauler. The chairman made a request that the board engineer, Mr. Hipolit, Mr. Fette, and Mr. Montoro along with the owner and counsel meet at the site. Mr. Fette would like to see a plan with a turning radius. A discussion of the new plan ensued.

Mr. Fette stated that there are still sandwich signs out there again. Ms. Price believes that when the new sign package is approved she believes that the illegal signs will be eliminated. Along the back there are catch basins that he believes people are dropping grease in them. They are covered with grease. The 18 in reinforced pipe is not being changed stated Mr. Montoro. Mr. Fette wants it to look good in the back as well. There is a drainage problem back their stated Mr. Fette. He would like to know where the 18 in pipe leads to and if it leads to nowhere it should be removed so people don't drop grease in it. Mr. Fette asked if there was any plan to repave the rear parking lot. They will re-top it but not now it is not part of this application. Mr. Montoro stated he agrees with Mr. Fette that it needs to be done. Mr. Fette also asked if the front lot would be repaved. Ms. Price stated that the site plan application which is before the board doesn't incorporate that. Ms. Price stated she wished she would have been contacted with a list of these issues before tonight's hearing and then she would have been able to address them.

Chairman stated that he believes the applicant has cooperated with the site plan review committee with a design of the signs that they felt were acceptable and is recommending to the board as a whole to accept. The other side of the application deals with the rear of the property relative to the dumpsters. They were concerned about the number of dumpsters as a committee and that there had to be a better way to control it. They are scattered in the back yard. They are taking up designated parking spaces which numbers are included in the overall site parking.

In regard to the property maintenance issues in the interest of time, the chairman asked that if he does have a prepared list to send it to Ms. Price. When they reappear they will have the advantage of that list to state what has and hasn't been addressed and what and when it will be addressed stated the Chairman. Mr. Fette

was in agreement. The chairman made a request that the board engineer, Mr. Hipolit, Mr. Fette, and Mr. Montoro along with the owner and counsel meet at the site. Mr. Fette would like to see a plan with a turning radius. Ms. Price stated all tenants had been noticed of signage, tent signs, etc. She walked door to door with her client to speak to each tenant and they did comply. She will have her tenant revisit for inspection to make the corrections. Parapet section is the existing condition stated Mr. Montoro. They are keeping the blocking.

Chairman asked about the HVAC equipment does the permit state where the installation occurred? Once it is determined where it is he would like to make sure that they are in compliance of the code of the HVAC. Mr. Fette stated they were replacing the units. So they were using all the existing mounts and plumbing and electric.

Mr. Stefanelli stated no questions.

Mr. Vogt stated that we had spent a large amount of time on the signage.

He would prefer a beige fencing instead of white; the applicant will look into the color choices.

Mr. Webber asked about PB1 and 6 it states the size of the tile and it is different it needs to be changed.

Mr. Lintner stated that the PB 6 needs to reflect. Mr. Montoro stated his recommendation would be 32 feet.

Open meeting to the Public: A motion to open to the public was made by Mr. Vogt and seconded by Mr. Lintner.

Lin Ito, 25 Diane Court, Woodcliff Lake, NJ, came forward she lives directly behind the shopping center. She stated at looking at the plans she believes the dumpsters would be located right behind her home. She has concerns about the placement of the dumpsters because of the smell, dragging of garbage pails. The light from the back of the Fresh Market is consisting with the approved plan stated Mr. Montoro. There should not be that spillage stated Mr. DePinto and asked that Mr. Hipolit take a look at it. Mr. Montoro will look at where they are being placed in relationship to her home. He doesn't believe that she directly behind the dumpsters. He believes the lighting will not affect her home. She also stated that there is a dead tree on the applicant's property that needs to be looked at or taken down for safety reasons.

Chairman stated that the new owners are very cooperative and believe that they will do everything possible to be considerate neighbors.

A motion to close the meeting was made by Mr. Vogt seconded by Mr. Stefanelli.

Poll of members:

Mr. Teagno stated it is well done. It has flexibility for the future.

Mr. Culhane is in agreement. Mr. Fette stated it is a good plan. Mr. Stefanelli stated it has been over a year and it is a good piece of work and will be happy to see it completed.

Mr. Vogt stated Mr. Montoro need a good job. Mr. Webber stated it is a good plan.

Mr. Lintner asked about the pylon sign. They will be coming back to this board for that application.

Chairman stated that he believes it has worked out well. He believes it will be something that the borough can be proud of. The applicants working with the borough and the public present is a

Chairman asked that the applicants' attorney work with Mr. Fette in scheduling for the site inspections.

Mr. Vogt would like to be included in the site meeting.

A motion to prepare a resolutions subject to the applicant amended plans to the board members and board professionals that were agreed to upon the record, blade signs, Post Net façade sign relocation sign and examination of the surface mounted lighting as it is directed to the dumpster and subject Mr. Fette, Mr. Vogt, Mr. Montoro, Mr. Hipolit site visit on the relocation of the dumpster area.

The chairman stated that an amendment to the schedule, and tile size and coloration of the fence needs to be submitted on the new plan. The new plans will be sent out to the board members when plans are

received.

A motion to have the board attorney prepare a resolution was made Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.

RESOLUTIONS:

1. **Block 811, Lot 8- Peter and Christine Ciano**-34 N. Middletown Road-Variance Application-Chairman read by title only. Mr. Regan went over the changes. A motion to approve was made by Mr. Teagno and seconded by Mr. Vogt. A roll call vote was taken with Mr. Stefanelli, Mr. Webber and Chairman DePinto abstaining and all others voting aye.

OTHER BUSINESS: none

OPEN MEETING TO THE PUBLIC: no public present

ADJOURNMENT: A motion to adjourn was made by Councilman Ghassali and seconded by Mr. Stefanelli all in favor stating aye.

Next Regular Scheduled Meeting April 21, 2015 7:30pm

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator