

**REORGANIZATION & REGULAR MEETING OF THE MONTVALE PLANNING  
BOARD  
MINUTES**

**Tuesday, January 5, 2016 at 7:30PM  
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 DePinto opened the meeting at 7:30pm and led everyone in the Pledge of Allegiance.

**OPEN PUBLIC MEETINGS STATEMENT**-Chairman read into the record the Open Public Meetings Statement.

**ROLL CALL:** Ms. Hutter, Land Use Administrator did the roll call.

**Present:** Mr. Culhane, Mr. Teagno, Mr. Fette, Mr. Lintner, Mr. Vogt, Mr. Stefanelli, Mayor Ghassali, and Chairman DePinto

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

**Absent:** Councilmember LaMonica and Mr. Hipolit, Board Engineer

**OATHS OF OFFICE: Mr. Regan swore in the following:**

**ALL APPOINTMENTS MADE BY MAYOR GHASSALI on January 3, 2016**

- |    |  |                   |
|----|--|-------------------|
| 1) | Class III – 1 Year<br>Leah La Monica, Councilmember        | 01/05/16-12/31/16 |
| 2) | Class II-1 Year<br>Jeffrey Fette                           | 01/05/16-12/31/16 |
| 3) | Class IV-Frank Stefanelli                                  | 01/05/16-12/31/19 |
| 4) | Class IV-William Lintner                                   | 01/05/16-12/31/19 |
| 5) | Class IV-3 years-Environmental<br>Liaison<br>Wolfgang Vogt | 01/05/16-12/31/18 |

**REAPPOINTMENT OF R. LORRAINE HUTTER, BOARD SECRETARY FOR 2016** – A motion to approve the reappointment of Ms. Hutter was made by Mr. Lintner and seconded by Mr. Vogt. A roll call vote was taken with all stating aye.

**NOMINATION OF BOARD CHAIRMAN**

- 1) Ms. Hutter called for a motion to open nominations. Mr. Culhane nominated Mr. DePinto and seconded by Mr. Vogt. No other nominations were made and a roll call was taken with all voting aye.

**NOMINATION OF BOARD VICE-CHAIRMAN**

1) Secretary called for motion to open nominations by Mr. Vogt and seconded by Mr. Culhane to reappoint Mr. Stefanelli. No other nominations were made and a roll call was taken with all voting aye.

**RESOLUTION TO APPOINT ANDREW R. HIPOLIT, PE, PP., CME OF MASER CONSULTING PA, AS PROFESSIONAL ENGINEERING CONSULTANT FOR 2016.** A motion to reappoint Mr. Hipolit of Maser Consulting was made by Mr. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with all voting aye.

**RESOLUTION TO APPOINT ROBERT T. REGAN, ESQ., TO CONTINUE AS PLANNING BOARD ATTORNEY FOR 2016-**A motion to reappoint Mr. Regan was made by Mr. Lintner and seconded by Mr. Culhane. A roll call vote was taken with all voting aye. Mr. Vogt commented and thanked Mr. Regan for being one of the most professional and knowledgeable attorneys and thanked him for his guidance.

**RESOLUTION TO APPOINT DARLENE GREEN, MASER CONSULTING., AS THE PROFESSIONAL PLANNER TO THE PLANNING BOARD FOR 2016.** A motion to appoint Ms. Green was made by Mr. Teagno and seconded by Mr. Lintner with a roll call vote with everyone 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 approve was made by Mr. Stefanelli and seconded by Mr. Vogt, a change was made for the date of November 15<sup>th</sup> to the 14<sup>th</sup> and a roll call was taken with all stating aye.

**RESOLUTION TO APPROVE THE PLANNING BOARD BY-LAWS.-**A motion was made by Mr. Lintner and seconded by Mr. Vogt with all stating aye.

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

**CHAIRMAN’S APPOINTMENT OF MEMBERS TO THE SITE PLAN REVIEW COMMITTEE.**

Chairman appointed the following to Site Plan Review: Mayor Ghassali, Mr. Vogt, Mr. Hipolit, Mr. Stefanelli, Ms. Green, Mr. Regan, and himself.

**CHAIRMAN’S APPOINTMENT OF LIAISON TO ENVIRONMENTAL COMMISSION.**

Chairman appointed Mr. Vogt as Liaison to the Environmental Commission.

Mayor Ghassali asked to speak to the Board. He stated that during his campaign he spoke to literally thousands of people. He stated that the residents would like to keep the small town feel, they like the tree lined streets, they don’t want to see big, big, buildings, big garages, or any more traffic. He believes that this board has the control. Secondly, he asked about certain items which he wasn’t sure were state mandates or legal reasons but he believes it is always good to pause and ask questions of why we are doing things. Why should a one person office who wants to lease 500 sq. ft. office needs to come before the board, and go through the cost and an application compared to a business coming in to take 3,000 or 30,000 square feet? Why do we collect the zip codes, if we don’t do anything with them, he stated he didn’t know what we do with them. Is the reason for the application for a small business still valid he asked? He thinks new questions

should be asked on a regular basis. He would like to challenge the status quo of things and how the board operates just because it was done like that before. If there are reasons for it so be it he stated but he wants the board to take a look at the process and is it necessary and valid. He would like the board to be more small business friendly. The time of big businesses moving in is no longer but it will be smaller businesses coming and we should be more business friendly. He would like to have the board meetings start on time and finish on time to respect the people who are here. He will be reminding the chairman he stated. He stated he has an open door policy and his door will be coming down. He checked with the code official and it is not a violation and it will be coming next Tuesday.

It will be more of a reception area than an office. He will be in his office every Tuesday from 5 to 7pm for anyone who would like to stop by and talk. When there are meetings he will have to cut it short he stated. He thanked the board for all they do and he realizes it takes a lot of time. He is honored and proud to be in his position, he asked for it and he will do the best that he can and he asked for feedback or any questions. Mr. Vogt wished him good luck in his new position.

Chairman responded to some of the comments. Chairman stated the reason for the zip codes is that the board had instituted a traffic study that took many hours to determine where people live and how they commute to work. We now have an ongoing study where we collect these zip codes. From the zip code studies we were able to determine that 65% of the people that were traveling to the Montvale –Tri-Boro area were coming from point south and smaller percentages from the north, east and west. We committed ourselves to keep track of those zip codes which the board secretary keeps in an excel spreadsheet so that when we do the next analysis when we are looking to make improvements to infrastructure we could say this is what we know. They won't be 100% accurate but it will be close. With regard to the police report that was a request from the Police Department, to keep them aware of what was going on and it was done on a form that police department designed and that they required. Ms. Hutter stated it is also for the alarm systems and for emergency use if there was a break-in, emergency or situation in the area they have a contact person to reach out to. The chairman stated in regard to the Use Permit Application process through the years there have been applicants who come before the board seeking a use permit and it was determined that it was not a permitted use within the zone. That what they were proposing to do, though it stated one thing on the form when questioned at a board meeting it didn't match what was on the form. It is our way of catching what could be potentially an illegal use. Traditionally we have always used the Use Permit Application process as a tool to assist the construction code official with property maintenance issues. So when someone is looking to occupy space and any of us are aware of a problem on the property we can hold back that approval to help Mr. Fette in getting the property owner to do what they have to do. The unfortunate thing is we have one form and one ordinance that say what you need to comply with. Maybe we can take a look at it and say a business of a lesser number of employees goes into an expedited or less expensive process. Chairman stated in regard to the timeliness of the meetings, he agrees. The starting late is usually because of Site Plan Review. We can try to have it start earlier but then sometimes it is a burden on the members getting there. In regard to the meetings going past the curfew, often that is done so that we can cancel the next meeting or to lighten the next agenda.

# **REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

## **MINUTES**

**Tuesday, January 5, 2016**

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**ROLL CALL: Chairman opened the regular meeting at 7:57 pm and asked for a roll call.**

**Present:** Mr. Culhane, Mr. Teagno, Mr. Fette, Mr. Lintner, Mr. Vogt, Mr. Stefanelli, Mayor Ghassali, and Chairman DePinto

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

**Absent:** Councilmember LaMonica and Mr. Hipolit, Board Engineer

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

**ZONING REPORT:** Mr. Vogt asked about the old library. He wanted to know why they haven't started. Chairman stated that they needed the approval for their funding and that is why we moved quickly for them. Mr. Fette stated they have they are doing interior demolition at this time. Mr. Fette was asked about the old 7-11. Mr. Fette stated they are working on it and that a lot of the material that he is purchasing on line and he waits for it to arrive. He searches out his items on lines for purchases. Mr. Fette stated at the last meeting they talked about the diesel fuel being sold at Shell Station on No. Kinderkamack Road. He sent Ali Enterprise a letter. He went through the resolution and it doesn't have specific any time line of what they can do before doing something else. He tried to structure his letter to state that it was the intent of the planning board to allow the diesel fuel but as part of the renovations as proposed. He hasn't received a response as of yet. Chairman stated that he was told that there were large trucks getting fuel and he recalls the resolution had prohibited the dispensing of fuel to those types of vehicles. Mr. Stefanelli stated the fencing has not been done. They have not started the work yet Mr. Fette stated but building permits have been issued. Mr. Fette also talked about the George Ali property which had received an approval for a restaurant which was to be called the Black Parrot. He received a telephone call from the attorney that is handling the sale. He asked if the property could be used for anything else besides a restaurant. Mr. Fette stated that going through the resolution is all based on a restaurant. There is still an outstanding \$500 escrow shortage that we have been trying to collect. He told the attorney that until the escrow shortage is made good no information would be forthcoming. The attorney is Ted Ten Hoeve. They had received a final and preliminary approval stated Mr. Regan and the approval is still valid.

**ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Vogt had no report.**

**MASTER PLAN COMMITTEE: none**

**CORRESPONDENCE: on the back table**

**APPROVAL OF MINUTES: n o n e**

**DISCUSSION:** Mr. Culhane would like an update on road improvements and asked that Mr. Hipolit give us a timeline of events in the order that they are to happen. Mr. Fette said that a lot of the utility work will be starting first. Mr. Vogt asked about the fiber optics wiring from their number 1 building down to the Glenview Road, what will happen to those lines. Chairman stated he thought there was an agreement with the governing body to allow for that and he would think in the agreement it addresses the discontinuation of that service if they vacate the building. He doesn't know. Chairman asked the Mayor if he had any recollection on it. He will look into it.

USE PERMITS: none

**PUBLIC HEARINGS (CONT):**

1. **Block 2405-Lots 1, 2 and 26-NJ Energy Corporation-28-30 Kinderkamack Road-Site Plan & Variance Application- CARRIED TO January 19<sup>th</sup> 2016**

**PUBLIC HEARINGS (NEW): NONE**

**RESOLUTIONS:**

1. **Pay to Play-** A motion to introduce was made by Mr. Culhane and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.
2. **Block 1702 Lot 11-Joseph Aschenbrand, 8 Rutherford Place-Granting of a Major Soil Movement Permit and Variance Relief-** A motion to introduce was made by Mr. Vogt and seconded by Mr. Lintner. Mr. Regan went over the changes. A roll call vote was taken with all stating aye.
3. **Block 712 Lot 9-LC Developers, LLC-69 Montvale Avenue-Granting of a Major Soil Movement Permit and Variance Relief-** A motion to introduce was made by Mr. Teagno and seconded by Mr. Lintner. Mr. Regan went over the changes. A roll call vote was taken with all stating aye.

On the above resolutions they are both short escrow and permits should not be issued. Mr. Regan brought to Mr. Fette's attention page 15 where the appropriate bonding and an amount needs to be prepared by Mr. Hipolit needs to be posted to assure the improvement of Montvale Avenue. The resolution doesn't require a developer's agreement but does require a bond. Mr. Fette said he will note that.

**Other Business-none**

**Open Meeting to the Public-** A motion to open to the public was made by Mr. Vogt and seconded by Mr. Stefanelli. No one from the public present a motion to close the meeting to the public was made by Mr. Vogt and seconded by Mr. Culhane.

**Adjournment-** A motion to adjourn was made by Mr. Vogt and seconded by Mr. Teagno. All in favor stating aye.

**Next Regular Scheduled Meeting: January 19, 2016**

Respectively submitted:

R. Lorraine Hutter, Land Use Administrator