

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, April 19, 2016 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 opened the meeting and read the Open Meeting Act Statement at 7:35pm

ROLL CALL: Mr. Culhane, Mr. Stefanelli, Mr. Lintner, Mr. D 'Agostino, Mayor Ghassali, Councilmember La Monica, Mr. Teagno

Absent: Mr. Fette, Ms. Russo

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

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/

BOROUGH ENGINEER: none at this time

ZONING REPORT:

- Vision Reel, 2-8 Kinderkamack Road-Tenant failed to appear in court. They have no permit to occupy the space.
- 28 W. Grand Avenue-is in compliance-some tenants have changed names.
- Cheezen mobile truck operating illegally.
- 100 Philips Parkway that during his inspection there are a lot of things that are dead and need to be replaced.

SITE PLAN REVIEW COMMITTEE: no report

ENVIRONMENTAL COMMISSION LIASION REPORT: Mr. Teagno stated that there is still no chairman Mr. Hanrahan was the acting chairman for the evening. Gus DeBlasio of Maser Consulting was introduced and he will be helping the environmental commission with applications. It was discussed that the commission will be submitting information to the MyMontvale with the help of Maser Consulting. A new member Judy Russo was introduced. Town Clean-up is this Saturday at 9:00 am by the fire house.

CORRESPONDENCE: placed on back table

DISCUSSION:

1. Proposal from Darlene Green –Proposal for Professional Planning Services-Master Plan Reexamination and Ordinance for Religious Uses Dated April 11, 2016-was discussed. Ms. Green stated it was her charge to look at religious churches or groups and their bulk standards. The administration has asked to look at bulk standards because many of these large religious groups have huge events that expand upon the one day service and potentially seven days a week activity on the site and she has been asked to look at bulk standards, lot sizes, and the like and that they are appropriately buffered from surrounding uses. The ordinance is quite outdated and does not address the needs of today. She said she would prepare a Master Plan Reexamination report and once it is done it will be delivered to the board for a Master Plan hearing and then sent to the Borough attorney to actually craft an ordinance for approval by the Mayor and Council. A motion to introduce the resolution of her proposal was made by Mr. Lintner and seconded by Mr. Teago with a roll call with all stating aye.

APPROVAL OF MINUTES: none at this time

USE PERMITS:

1. **Block 3201 Lot 5-MAC Trailer Leasing d/b/a PLM Leasing-25 Philips Parkway-(5250sq. ft.)-Arthur Neiss** attorney, from Beattie Padovano and Kevin Puzio applicant came forward. Chairman read the application into the record. CFO signature is Robert Sukovich, and Sebastyan Kopolovich owner of the building signed. Mr. Puzio gave an overview of what the space would be used for; corporate office they lease refrigeration trailers they lease out to major groceries through the United States This location is going to be their corporate e headquarters. . This is just office space for billing, human resources and inside sales and an IT department. Chairman stated that the cars are still parked there and he had a conversation with Mr. Del Vecchio a few days ago and he was told that the owner of the property would make every attempt to have the vehicles removed. Chairman drove through the property and there was 55 cars parked. He asked that he have Mr. Del Vecchio to send a letter to why the issue was not addressed before coming in with a client who seeking a use permit but the utilization. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Teagno with a roll call vote with all stating aye.

PUBLIC HEARINGS (New):

1. **Block 1607 Lot 7-Susie Robinson Frazelle- 21 Waverly Place-Variance Application-incorrect notice will not be heard! Carried to May 3, 2016**

PUBLIC HEARINGS: (Con't)

1. **Block 203, Lot 6-Steve and Dawn Valko-8 Foxhill Road-Variance Application-Height to be determined which is less than what we envisions-** Mr. Regan stated that we have received revised plans and that they have been incorporated into the resolution. It had started off as required a D6 height variance, there were a number of reiterations of the plans submitted and the height of the structure had been modified throughout the hearing process. Based on Mr. Hipolit's letter of April 15th, which was received after the resolution was drafted that the actual height has been determined to be 30.64 feet, which still is a C variance but no longer a D6 variance. The technical review letter of Mr. Hipolit's office dated April 15th. Mr. Dour stated that the applicant had provided additional information that the elevations of the perimeter of the house and they came out with an average proposed ridge height of a number that was actually less than what they had originally proposed. The new calculations are 30.64 feet. They have reviewed the plans and it now corresponds with both the architect plans and engineering plans. The other issue was the soil movement. They are still within the limit of a minor soil movement. They will not need to appear before this board. Ms. Green stated at the conclusion of the meeting last time the board had asked her to look into whether or not the attic constituted a half story. She had a discussion with Mr. Fette, because there are no wall plates in the attic it doesn't meet the definition of a half-story so we don't need to worry about the attic constituting a half story of height whereby triggering any variances. She is in agreement with the resolution. A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Culhane. Mr. Lintner stated that he will be voting no. He is not in favor of granting a variance they have not addressed his concerns. When you drive up Jefferson Avenue where it runs into Main, there is a house there which didn't need a height variance and the house is monstrous, the garage side of the house looks like it is 40 feet and he has similar concerns with this house. If you look at the back yard of this residence, there are sliding doors going out from the back yard, then there are first floor windows, and then the second floor windows and then there are added dormers with windows so you will be looking at four sets of windows. The architect had said that they extended the porch so it didn't look like a three story house. That was in his testimony stated Mr. Lintner. HE doesn't like the ability to plant gardens around the foundation, therefore reduce the overall height because we have the three foot high planting beds. If you take the 18" planters off we are into a "D" Variance again. He used a foot and half across the front of the house to reduce the height calculations. He doesn't

believe they provided testimony to grant a variance. Grant a variance for a height is not because it is going to look better. There is no hardship stated Mr. Lintner. He believes it will be a detriment to the neighborhood. He will be voting no. The resolution reflects the height on page 10 stated Mr. Regan. It is finalized at 30.64ft., which is under the amount for a "D" Variance. Mr. Culhane stated on page 12 the height needs to be corrected. Mr. Culhane stated that Mr. Hipolit's review letter needs to be incorporated. Mr. Regan stated he can put a footnote in there stating a final plan depicts a height of 30.64 feet. Footnote 2 would states, as it will be seen the final plans will depict the heights of 30.54 feet. And he will reference the paragraph. Chairman stated he is going to support the resolution, however, he does agree with Mr. Lintner, he thinks the applicant has taken advantage of the code. There is nothing in the code prohibiting the planting of the planters and then when you strike the average grade elevations in consideration of the planters it lessens the height. Those planters can be gone next week or next year, he believes the code should be amended to reflect that when determining the height of the building, it is exclusive of such planters. A roll call vote was taken with Mr. Lintner and Mr. Stefanelli voting no and all others present voting aye.

- 2. Block 2405-Lots 1, 2 and 26-NJ Energy Corporation-28-30 Kinderkamack Road-Site Plan & Variance Application- carried to May 3, 2016**

RESOLUTIONS:

- 1. Block 3103- 2-Collectis-100 Philips Parkway-Amended Site Plan Application-Mr. Regan stated that a number of changes were requested by the applicant and he went through them. A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with Mr. D'Agostino abstaining and all others voting aye.**
- 2. Block 203, Lot 6-Steve and Dawn Valko-8 Foxhill Road-Variance Application- see above**
- 3. Proposal for Professional Planning Services-Master Plan Reexamination and Ordinance for Religious Uses-Mr. Regan read it. A motion to approve was made by Mr. Lintner and seconded by Mr. Teagno with a roll call vote with all stating aye.**
- 4. Proposal for Professional Planning Services- planning services to assist the Borough in maintaining immunity from builder's remedy litigation and attaining constitutional compliance with the affordable housing mandate;-Mr. Regan read the resolution into the record. -A motion was made by Mr. Culhane and seconded by Mr. Teagno. A roll call vote with all stating aye.**
- 5. Proposal for Professional Planning Services-Amendment to the Master Plan and a Master Plan Reexamination Report relating to Block 2702, Lot 1 and Block 2801 Lot 2 also known as 1 and 3 Mercedes Drive. A motion to introduce was made by Mr. Lintner and seconded by Mrs. La Monica. Mr. Culhane asked if this will be incorporated into the Master Plan. Ms. Green stated it will amend the Master Plan. The one for religious uses will be done first, then the Master Plan for Mercedes buildings will be done second. They are on a slightly different time line and that is why they are being done separately. Mr. Stefanelli asked about the Master Plan. Chairman stated that with respect to the Mercedes Benz property, in order to accomplish what we believe will be in the best interest of the Borough rather than do hear an application that would require "D" Variances and "C" Variances the best way to approach it would be to amend the Master Plan. Mr. Stefanelli is not in favor of all these new zones. Chairman stated that the alternative is a very scary thing. He worries about the defense later on stated Mr. Stefanelli. A roll vote was taken with all voting aye.**

OTHER BUSINESS: Mr. Stefanelli stated that there is a white construction trailer in the second parking space of the Porter House. It has been there for the last week. Ms. Hutter stated in the morning she has seen people working out of the trailer painting the building and fixing lighting. Chairman asked Ms. Hutter to relay the information to Mr. Fette.

OPEN MEETING TO THE PUBLIC: A motion to open by Mr. Teagno and seconded by Mr. Stefanelli no one from the public wishing to be heard a motion to closed was made by Mr. Stefanelli and seconded by Mr. Teagno.

ADJOURNMENT: A motion to adjourn was made by Mr. D ‘Agostino and seconded by Mr. Stefanelli. All in favor stating aye.

Next Regular Scheduled Meeting –May 3, 2016 at 7:30pm

Respectively submitted by:

**R. Lorraine Hutter
Land Use Administrator**