

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

Tuesday, March 21, 2017—7:30pm

Council Chambers-2nd Floor

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 DePinto opened the meeting at 7:33pm and lead everyone in the Pledge of Allegiance. Chairman read into the record the Notice Requirement.

ROLL CALL: Mr. Culhane, Mr. Fette, Mr. D 'Agostino, Ms. Russo, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, Councilman Weaver and Chairman DePinto

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

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

ZONING REPORT: Mr. Regan stated on March 10 a pre-judge panel of the appellant division in a 28 page decision upheld the Planning Boards Master Plan Amendment concerning the Shoppes of DePiero Farms. It also upheld the governing body's adoption of the zoning ordinance of the property as well as this board's approval of site plan and single variance. He believes this may conclude the litigation; the appellant has a 20 day period from the date of decision to petition the Supreme Court to grant certification to further appeal. We should know by the end of next week if anything happens. Chairman congratulated Mr. Regan on the decision. Mr. Hipolit gave an update on the DePiero Farm intersection project. We have gone out to bid, received bids, bids are favorable for the project. At the same time they are working with Orange and Rockland Electric to make the utilities inside the limits where the poles will be going. They anticipate awarding the project either at the March 28th meeting or April 11. Then they will have a preconstruction meeting in May and start work soon after.

SITE PLAN REVIEW COMMITTEE: Blue Hill Estates came before the committee-110 N. Kinderkamack Road behind Alayna home. The developer is looking to purchase the property and looking at extending Alayna townhouse.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Chairman De Pinto stated he attended the meeting at the request of the Environmental Commission Chairman, Robert Hanrahan. They discussed the re-introduction of a tree ordinance.

CORRESPONDENCE: placed on the back table

APPROVAL OF MINUTES: February 7, 2017- A motion to approve was made by Mr. D'Agostino and seconded by Mr. Stefanelli. A roll call vote was taken with Mayor Ghassali and Councilman Weaver abstaining.

Mayor spoke about the groundbreaking ceremony at KPMG that happened last week on their newly acquired building of 75 Chestnut Ridge Road. They will be on 44 acres and they are our biggest employer. Mayor said they have been very good for the Boro and they have been involved with the community and he presented them with a Key to the City, a symbolic gesture to thank them for what they have done for our

town. There were approximately 100 people in attendance for the event.

USE PERMITS:

1. **Block 1902 Lot 8-PKH Holdings, Inc.-160 Summit Avenue- (1619 sq. ft.)**-Mr. Klemm representing the applicant Mr. Patrick D. Hunt. Chairman read the application into the record. Signatures were identified. Se was changed to parking in common. Mr. Hunt gave an overview of the business. It is Business Management Company offering over 20 services to buildings snowplowing, interior maintenance, etc. No vehicles will be on the premises. A motion to approve was made by Mr. Stefanelli and seconded it by Ms. Russo all in favor stating aye.

PUBLIC HEARINGS (NEW): Reexamination and Amendment of the Borough's Master Plan. The Reexamination and Amendment relates to properties now or formerly occupied by Mercedes-Benz, which properties are designated as Block 2702, Lot 1, Block 2801, Lot 2, and Block 3201, Lot 6 as depicted on the Borough tax map, being more commonly known as 1 and 3 Mercedes Drive and 1 Glenview Road. Chairman put on the record that Mr. Andy Del Vecchio of Beattie Padovano was present and had submitted a letter to the board for consideration. Mr. Regan asked if the notices were in order, Ms. Hutter stated yes. Master Plan Reexamination was marked as B-1. The letter was marked as Hekemian-1 dated March 21, 2017. Mr. Hipolit and Ms. Green were both sworn in by Mr. Regan. Ms. Green gave an overview of the Master Plan Reexamination. It sits on 30 acres. One Mercedes and Three Mercedes are contiguous as One Glenview sits alone. Ms. Green stated for many years the borough was fortunate to be home to numerous corporate headquarters. However, due to changes in how people work and where they work, involving technologies and down turn in the office market and increase state competitions many of these corporate users have left Montvale over time. Ms. Green stated that in 2015 Mercedes Benz announced that they were leaving to go to Georgia. They would be vacating the three sites. The Master Plan specifically addresses how we repurpose this very visible office site. The report addresses all of the requirements of the Municipal Land Use Law. There are 5 requirements, outlined on Page 3. The actual recommendations for the properties were listed on page 26. It is the recommendation of her office that the three properties first and foremost have the existing office research OR4 stay that in case a single user tenant comes along they would be able reoccupy all or a portion of the Mercedes Benz campus.

It is Masers recommendation that the OR 4 stays the same and maintains it as it sits today. The second main recommendation they realize the limitations of attracting a one single tenant or multiple tenants to occupy that large of an office space. They recommend a mixed-use planned unit district overlay zone. It allows for someone to use the overlay for a mixed use development or to use it as is. The goal in this overlay is make sure this property remains viable. Utilizing the Shoppes of DePiero Lifestyle Complex to help create a Village that becomes a real destination for Montvale residents.

Ms. Green stated refurbishing this site gives us the ability to satisfy a portion of our affordable housing obligation that every community in the State is struggling to deal with.

The recommendations of 3 of the following uses; Multi-family Residential, retail/personal service, office and hotel. Ms. Green spoke about page 27 in the report. A zoning ordinance would then develop the regulations for the overlay. It would be developing design guide lines, a pedestrian friendly environment and require a public space such as a park or plaza to add to the Borough's existing inventory, and to create a public space where residents could come to gather at.

The bulk parameters would be refined in the actual ordinance. It is normal for a Master Plan not to specify those bulk standards at this point stated Ms. Green. On page 28, the multi-family residential section. It gives a general parameters for the number of market rate units that could be constructed on the site as well as the requirements for the affordable units that would be required if any market rate units were

constructed. The next session on Retail and personal service section outlines the retail uses.

Recommendations of free standing pads and drive through facilities being prohibited. Page 29 discussed the market of office space was discussed next. The office space is going through changes everywhere. This would give Montvale new state of the art modern office space. Montvale's office space is reaching there 30 years and is no longer state of the art. The last item is a hotel.

Ms. Green stated that many corporations are interested in having conference space to assist our existing corporate tenants. We want to make sure that we are making the existing and new uses viable.

Page 29 Lists the Borough Goals and Objectives was discussed.

Chairman asked Mr. Regan to outline the boards responsibility with respect to maintaining an accurate Master Plan, and if the board finds it to be acceptable what is the course of action follows this presentation moving forward. He also asked him to share with his dealings in other towns in regard to affordable housing challenges. Mr. Regan began with the process. The MLUL requires that each town have a Master Plan Re-Examination at least every 10 years. Obviously the board acting consistently with this as it has taken a number of reexaminations just in the past several years. It is a first step in the process. It is a multiple step process in consideration of an Amendment to the Master Plan for the 32 plus acres at 1 and 3 Mercedes Drive and 6 acres at One Glenview Road. If the Master Plan Reexamination is approved by the planning board after the public hearing this evening, It will then be referred to the Mayor and Council for them to determine whether to accept the recommendations of the planning board in adopting the Master Plan Reexamination by adopting an amendment to the Borough's Zoning Ordinances which would implement the recommendations for this mix-use plan unit development zone that is referred to in the draft reexamination.

If the governing body act to amend the zoning ordinance to create an overlay mixed use plan unit development zone for the OR4 zone formerly Mercedes Benz sometime there after possible a site plan application will be filled for a mixed use development consistent with an amended rezoning. Tonight is really the first step in the process stated Mr. Regan. Notice was given to all the contiguous towns as well as the County Planning Board and County Clerks Office.

Mr. Regan stated that the Master Plan Amendment recommends an overlay for a mixed use. Mr. Regan stated that is important to point out that the overlay of the OR4 will continue and that any corporate user could come in occupy the property after appropriate approvals or redevelop the property.

Mr. Regan stated that he can say none of us would like to be here and would like to have Mercedes Benz continued. It is not realistic stated Mr. Regan. The Borough has a considerable housing obligation. He doesn't personally agree with it. Fair Share is saying 586 units of affordable housing to build.

If you do nothing if a residential use is proposed it will be a very high density and will probably be 25 to 30 units per acres. That could generate 640 residential units and if it is 30 units per acre it can generate 960 units. He stated the board is faced with two options. Either consider a mixed use or risk a very high risk a multifamily probably rental property. Mr. Regan stated he represents seven other communities and they are all facing this. The courts are continuing to put pressure on municipalities and our Supreme Court has not decided one affordable housing case favorable to the municipality. It is an awful way unfortunately it is the law stated Mr. Regan.

Montvale has a number of 586. What the board has before them with the Master Plan Reexamination, it will allows you to control to the extent possible of the redevelopment of the property. If the town sticks their head in the sand and does nothing they will end up with a 640 or 960 or so number in between of housing units on the property. He personally feels that the mixed use development is a better option for the municipality.

Mr. Hipolit stated it is a difficult situation for Montvale. Everyone wants the corporate to stay but however with vacant buildings the developers see this as an opportunity to build high density housing. They are proposing it all over the State, Mr. Hipolit said. Most developers are asking for much higher density to cover the cost of building the 15 or 20% set aside for the affordable units. The cost to build those set asides to get their units. He believes that Montvale taking a very proactive approach, he has other clients not doing this and they open themselves to high density housing. Mr. Hipolit stated that the board has the opportunity here to control it, leave it as an office so if a tenant comes around or to have it as a multiply uses on the same property some residential and some commercial and office. It gives the borough the most flexibility.

IT is a dangerous place; if you do not do anything you will be challenged. He personally would recommend it.

Mr. Regan explained to the board and public if they were to adopt it and forward it to the Mayor and Council they could accept, reject or modify it.

If the governing body accepted the recommendation then they would do an amendment to zoning ordinance. An application for site plan approval could be filed thereafter. The process is outlined in the Municipal Land Use Law and that is what we would be following an application for site plan would have to file and it would come before the planning board. The board would address it probably in many public hearings stated Mr. Regan. Chairman asked Mr. Regan if the board were to act affirmatively on the application or the proposed master plan amendment is there any potential exposure for the borough. Mr. Regan stated no. Master Plan Amendment is a comprehensive reexamination of the properties and how the land maybe developed. Then it would go to the governing body to enact a legislation if it so chose in a form of an amendment to the zoning ordinance. That would be the last piece before any site plan application being filed stated Mr. Regan.

A motion to open to the public was made by Mr. Culhane and seconded by Mr. D'Agostino. Mr. DelVecchio came forward. He stated that the board has a copy of his later dated March 21, 2017 and would like to have them consider it as they review this report. If the board finds that a mixed use development is a vision to the board for these properties, his client brings to the table as a contract purchaser a set of expertise in the market place on how to develop, what to develop and what works stated Mr. DelVecchio. He stated that item number 2 and they would like to have a permitted use of banks and financial institutions. Mr. Del Vecchio stated that you are creating a mixed PUD. They think some of the limitations are difficult so they are asking for these 13 items. He asks that they favorability vote on the master plan reexamination.

Chairman asked Ms. Green if she had reviewed the 13 items. Ms. Green stated some are very minor in nature. Item number 1 was an over site, she is okay with 2, 3 she deferred to Mr. Hipolit for number 4. Mr. Hipolit has no issue they will deal with at site plan review. Item 5 deals with the parking garages. She believes that at the site planning stage if and when they get to it they will deal with it in detail. Item 6 they need to refine that the intention was that in excess of 10% of the total units proposed, that particular bullet is talking about the market rate units not the entire development. Under the affordable housing component of the plan stated Mr. DelVecchio they would have to comply with the COAH bedroom mix. In the market rates units they will agree to the 10% of the market rate. Ms. Green said she doesn't have a problem with that as it potential would only be 27 -3 bedroom units. Item 7 no problem. Item 8 is a policy decision of the board to make. There has been in the past prohibiting big box retail, she deferred that to the board. Items, 9, deferred to the board and the items 10 to 13 Ms. Green was fine with.

Under COAH bedroom mix. In the market rates,

Mr. Regan stated he has an issue with item 11. He doesn't like the word encourage. Mr. DelVecchio stated that the document being proposed it is an overlay, so in the OR4 zone it is perfect to have office on the first floor, under the use is being forced to the second. Chairman stated that the approach that the borough took with the Shoppes of DePiero they did a very detailed before any of the steps. This is not same approach; it is being approached more consistently. The board should have the vision of the future growth of the borough as incorporated in the Master Plan. Any preliminary drawings that this contract purchaser has shared with the public or the borough is merely a concept. It does not constitute site plan approval nor does this proposed amendment stated the Chairman. None of which can happen until the governing body amends the zoning ordinance and then a formal application is submitted for both preliminary and final site plan approval.

Chairman opened to the rest of the public. He asked that they come forward and state their name and address.

John Ryan 44 Huff Terrace-Vice Chairman of the Economic Development and Retention Committee – was sworn in by Mr. Regan. He was happy to see that there is a recommendation of a major conference center as they had significant feedback from our corporate tenants about the lack of those facilities in Montvale. He asked how the 15,000 sq. ft. number is calculated. Has there been input from the various entities from around here. Chairman stated they are working off the recommendation that they received from the meeting with Economic Development and with KPMG. KPMG stated that they would love to see it built. There was no extensive study stated Mr. DePinto. Mr. Ryan stated it will be very valuable in maintaining corporates in Montvale. He is concerned with Item number 12. He would like it to stay with the 15,000 sq. ft. of conference center space. Chairman stated that the governing body will seek more input from the planner on this. Mr. Ryan stated he believes that a medical office space is a good thing. They would like some thought of transportation from in and out of the area, and access to the rail lines if there is any way to work that into this. They think it is important for long term viability. Personally he is not a fan an item as number 7. The dinner theater approach is a concern as he does not want to allow a 200 seat movie theater. Chairman stated that they wanted to encourage live entertainment. Chairman thinks with the dinner/theater is a new wave. The ordinance will not allow for a 200 seat movie theater. Chairman stated that transportation is a major concern. He stated that we need to get everyone involved, major corporations, borough officials, county officials and sit with NJ Transit, to try and convince them to change the schedule so people could take the train to get here. We have tried in the past.

Steven Slackman-7 Edgren Way-He was sworn in by Mr. Regan. He asked what the vision is. He is new to the area. Chairman explained what is being proposed. He asked about the qualifying of the people for the affordable units, can it be limited to Montvale residents. Mr. Regan stated that it is an equal opportunity and they must qualify and borough cannot discriminate. It is done by lottery once people apply.

Greg Pinkwater-26 Terkuille Rd came forward and sworn in by Mr. Regan. He asked if Mercedes Benz did they market it for leasing. It was brought to the Borough's attention long after Mercedes made the decision to go to Georgia. They didn't immediately put the property on the market. They made it specifically clear that they were not in the real estate business. When in fact they advised the borough that they put it on the market, the borough received a number of inquiries both commercial and residential developers who saw the opportunity to get a very nice piece of property along the garden state parkway to meet their business needs. No sign was ever placed on the property. It was available on the market through the real estate brokerage community. Chairman doesn't believe there was a real active campaign to rent it because they wanted to sell and get a return on their investment. Mr. Pinkwater has heard of the viability of the office market. He believes that it could have been marketed and maintained its designation as an office space. He referenced A&P property. Chairman stated that the property is privately owned. It is not owned by the Borough. The Borough of Montvale has no right to dictate to them or anyone else who owns

property what or who you can sell to or market your home.

Second question. What about taxes. Chairman stated they are continuing to collect taxes. Chairman stated that they could decide once both buildings are empty that they are tired of paying taxes on the building, they could demo the buildings and pay a lot less in taxes in vacant land. You also run the risk if the buildings remain and the buildings remain vacant and they undertake tax appeals from the borough and what will ultimately happen is that they will be granted tax relief because they will demonstrate to the property authority that they cannot rent out the space. If the borough couldn't replace the tax revenue it would get shifted on to all other properties both commercial and residential. The financial impact on the borough of doing nothing and waiting, it could be risky. Chairman stated that they continue to get inquiries from large multi-family developers, who have but one goal. To come to Montvale knock down the buildings and look to replace it with 600, 900 or 1000 apartments. He believes that would be a greater negative impact on the community as you will be increasing your housing stock by almost 35%.

Mr. Pinkwater stated that no matter what is developed there it is going to be impacting, the police, fire, school system and infrastructure will be impacted. Chairman stated that they have an obligation to provide affordable housing. The way the law is written it doesn't give any consideration to the schools, classroom size or anything else that adds to the expense of maintaining a school. The state has said it is our problem and to figure it out. That is the greatest cost to the Borough, it is not the roads, police or the fire department it is educating our children stated the Chairman. It is the biggest percentage of the tax budget. Chairman stated that a true analysis has not been undertaken for the amount of children. Chairman stated that they are planning on building 275 units of high end apartment units, smaller in size, primarily one and 2 bedrooms except of what is outlined in the report-10% can be 3 bedroom. They tend to believe it is not going to be people with multiple children. They tend to believe that these may be the people that are hopefully attracted to the area that will be working at Sloan Kettering, and in other corporations that are expanding in Montvale like KPMG.

Al Krampert- 12 Forest Avenue was sworn in by Mr. Regan. He stated that the planner did a fantastic job on the report. He is concerned over the mandate from Trenton, the affordable housing. He stated if the town is required to put up all these units what about the infrastructure is being hit. There are a lot of county roads, state is not doing anything about transportation, and he would like to know moving forward if the state is not helping where is this all going to go. Chairman asked Mr. Hipolit to give an overview.

Mr. Hipolit talked about the traffic and intersections of the borough in regard to the Shoppes of DePieros. They did a large traffic and infrastructure study about 5 years ago. In this study they did a future build out of Montvale. There are 7 intersections which will be improved. May they will start to the improvements.

Mr. Krampert also stated that the town needs to look at Kinderkamack Road and Grand and access to the parkway. He asked about the water, will United Water be able to service all these new additions. Mr. Hipolit stated that Montvale has adequate water and sewer.

A motion to close the meeting to the public was made by Mr. D'Agostino and seconded by Mr. Stefanelli.

Chairman went to board members for questions.

Ms. Russo stated she finds it acceptable and has no questions.

Chairman asked In regard to Mr. Del Vecchio's letter, Ms. Green asked for feedback on Number 8-. She stated it should have some number in there if not the 15,000 some specific number. Mr. Del Vecchio stated the number of the 15,000 would be fine if it is a stand-alone building –however it becomes inconsistent if we use the dinner theater as an example. That may be bigger than 15,000 sq. ft. in order to accommodate

that use. She asked could it be worded that way. Mr. Del Vecchio stated he had no problem with that change. Number 9-she is not in favor of a drive in. She thought the board didn't want drive through; she understands that maybe a bank drive thru would be acceptable but no restaurants. Chairman stated he personally thinks a drive-thru pharmacy is a good thing, if someone sick and they need to pick up they don't have to take that sick child or person in to pick up they can just drive up to the pick-up window. He has no use for a drive-thru restaurant. Through the site plan review process and use permit process, we do have good control stated the Chairman and would recommend dealing with it there.

Councilman Weaver – He is extremely frustrated. By the comments that we have heard everyone else state he doesn't want to mislead our residents. With all due respect to Darlene, Bob and Andy, some of the comments he heard were "potential developer could come in, it is possible a site plan may be submitted, we are giving ourselves the most flexibility of control of the uses". By all readings, Councilman Weaver feels that this is what the developer is coming in to do. He believes this is all misleading. He believes it is the Developers vision. It is our response to a bad option and a worse option and we are choosing the bad option. Councilman Weaver stated as the chairman stated as we would love to have Mr. Google come in and occupy the building.

Second point he would like to make is at the Council meeting last evening they passed a resolution in support of Assemblywoman's Schepisi's bills that she has sponsored. She did have follow conversations today with some politicians in different towns –both at the municipal and state level and those conversations led him to believe that her moratorium bill is receiving support from the League of Municipalities and from both sides of the aisle of democrats and republicans. So given that do we need to be in a rush to approve mixed use changes now that work is being done which the courts have directed and asked for.

Chairman asked Mr. Regan, Board Attorney, if he was aware of Assemblywoman's Schepisi's bills. He asked him to share what he knows. Mr. Regan stated he knows Assemblywoman Schepisi very well, on a personal note she is a friend of his and he supported her election efforts in the past. It is particularly telling when you look at the legislation, he doesn't believe it will be enacted, his opinion is that you would have a better chance of winning the lottery. If you look at the first page of the legislation it particular telling. Normally when you see a bill that is going to have legs you have a listing of legislators from both sides of aisle, usually 20 to 30 names. It is Holly on both. She is one of 28 republicans in the state assembly; there are 52 democrats. He doesn't believe it will get out of committee. The intent of the bill is very good stated Mr. Regan. He knows towns are passing probably the same identical resolution. Councilman Weaver stated he is hopeful and optimistic. He is curious to see if it gets legs.

If it passes Mr. Regan will buy dinner for all.

Councilman Weaver asked whose vision is it really. How much of the document that we are reviewing and recommendations that are within it come directly from the developer what percentage, asked Councilman Weaver. Mr. Regan stated not 100%, that John, Darlene, Andy, the Mayor and himself and from different people. He could not quantify in terms of precise percentages stated Mr. Regan. Councilman asked is it significant? Mr. Regan stated it depends on how you would define significant. If it were up to the developer he would probably want to do more residential. Mr. Regan stated at one time it was over 400 units being proposed. Mr. Hipolit stated it was 450 units being proposed. That change was a direct result of people having discussions with the developer and telling him that kind of number would not fly. Mayor Ghassali stated that the day that they saw this document was the same day we all saw it. Councilman Weaver asked if there has been direct communication between the developer and the planner in developing the document. Ms. Green stated no, there have been no direct telephone calls or meetings with her directly. Mr. Hipolit stated the same. Mr. Regan stated that there has been a meeting here at borough

hall with the developer and the committee. Mr. Regan stated yes but also significant by the committee that met with the developer. Mr. Hipolit stated that is the normal process. Councilman Weaver stated it speaks to his point that it is not necessarily our vision alone. Mr. Regan stated that their vision would be to have Mercedes not leave. Councilman Weaver doesn't want to insult our residents by making statements that are misleading. Councilman Weaver stated we know that a potential developer is going to come in. Mr. Hipolit stated well they are the contract purchaser. Chairman stated that if the recommendation was to the governing body to trash the underlining zoning he could not agree with him more that they would be adopting the vision of someone else. The mere fact that it is an overlay zone is that we are stating on the record our first choice is for Mr. Google to come but if Mr. Google doesn't come this could be an alternative. Chairman stated to Councilman Weaver that we didn't abandon the existing zoning, and that is what is so critical in this document. Councilman wants to be forthcoming to the residents.

Councilman Weaver asked do we know what the demand is for retail and hotel is? Mr. Regan stated that they have been told in the past that the occupancy rates are quite high 78%. What is the local standard for stories asked Councilman Weaver? Ms. Green stated that the height limitation proposed would be 4 stories on 1 and 3 Mercedes and 3 stories on Glenview; that reflects the surrounding developments. Ms. Green Stated that Valley View is actually 4 stories on the backside this would be the same concept as 1 and 3 Mercedes slopes where you would see the 4 stories would be on the downhill side. Councilman stated that some of the feedback that he has gotten from residents already is that when you look at the wall and factor the height of the building and coming up west it is overwhelming. Then if you are going to have 4 stories across the street from that that will exceed the height he has concerns with the total height.

Councilman stated would all residential development be more acceptable to them, it is something the council needs to work towards. He has a concern with it being called a village destination and then has drive-thru banks.

Mr. Del Vecchio stated it is a 32 acre site and if you lived on one end you would want to drive your car there on your way out as well as the people that frequent the center.

Councilman has a concern with safe walkways. He believes it is not pedestrian friendly and there is a lack of sidewalks on travel areas. He would like to see sidewalks on Chestnut Ridge Road. Mr. Hipolit stated he agreed.

He feels that there should be a discussion on open space outside the village. There are large recreation demands especially in the winter with gym time. How do we continue to provide programing for children and adults, between the recreation department and outside groups competing for space and then adding additional children and adults.

Councilman Weaver stated that we need to think of what Frank Banish said what we need as a town. As we look at this developments, and reexaminations he doesn't want to just get stuck on that site and that we take a global look at it and that we are working towards both at the same time rather than building up a site then worrying about the infrastructure after.

Mr. Lintner stated he feels we need to be pro-active and that we cannot sit around and wait. If you are familiar with the communities around us who are having significant problems with developers or who have developers come in like Apple Ridge, he feels we are trying to do the right thing with this by being proactive. He is in agreement with Master Plan. He likes the fact that open space is indicated in there. In terms of Mr. Del Vecchio's letter he would like to have clarification in using in terms of a 15,000 big box on a single pad he believes we can get around it.. He would limit drive- thru to not include restaurants he believes we could move forward.

Mayor Ghassali said he agrees with all the comments. He will not support anything with a movie theater. He thanks the two economic retention committee members who were present this evening. They are working hard to contact new businesses to come to town. They have been in contact with a company from England that is looking to move here they will be letting us know in May. They have been very active in trying to promote Montvale as pro-business stated Mayor Ghassali.

He believes that their hands are tied behind their backs and they are being slapped around by different fronts. One by the courts, and the chaos of affordable housing. He stated that is mindboggling not knowing what are numbers are; they can be from 200 to 500. The NJ Law Makers and the cost of living that is driving corporations away is difficult to deal with stated Mayor Ghassali. Our tax incentive requirements have been very strict. It is hard to compete with Georgia and North Carolina. Without the large big companies moving in the owners have no choice but to demolish or redevelop.

Seeing the situation that we are in and looking at all the options stated the Mayor, including speaking with a European Luxury carmaker last year to move into this property. He spoke to the developer and they put everything on hold as this carmaker was looking serious into the three buildings but we didn't stand a chance competing with the other states. We had a Chinese company commission directly by the President of China contacted us. They also decided to not to move here. It has been very frustrating. This plan seems to fit being the right side of town near the parkway. It gives new options for the current corporations and for the community to live and shop and eat in town. The hotel and conference center is a plus and needed by our current corporations. It will generate tax revenue and jobs. It will add 69 affordable housing units and it will help us avoid the broken window syndrome were they state vacant. He fully supports this plan stated the Mayor.

Mr. D' Agostino it is important that we recognize that One and Three Mercedes are functionally obsolete. The very few that toured those buildings they could not use them at a reasonable cost. He believes the real path for us of a mixed use, this Master Plan Reexamination is very appropriate and it goes with the existing uses in the area and it is in the right side of town. It is a starting point for further control of site during review. It might not contain everything but it is not supposed to, stated Mr. D'Agostino. Mr. Del Vecchio's letter he is fine with all the thirteen and he would go along with number 8.

Mr. Culhane stated that he was on the board earlier when the citizens of Montvale were expressing their view points on affordable housing. Earlier in the meeting you asked if were to vote in the affirmative would it have negative impacts on Montvale, what would happen if we didn't pass it what would be the negative impacts..

Mr. Regan stated that he believes that there is a strong likely hood that the site would be redeveloped with high density residential development alternatives. There is a market for it stated Mr. Regan. If not from this developer he can flip it to someone else. This is the best possible alternatives to a series of not very likeable alternatives. One or two of those other developers would have done 20 to 30 units per acres. There has not been one Supreme Court decision that he is aware of that has gone in favor of a municipality on this issue. There was an appellate division decision in the summer of 2016 on the GAP that was quickly reverse 4 or 5 months later. It is a nightmare stated Mr. Regan.

At the League of Municipalities it was determined that towns have spent just in trying to comply with the third round rules 18 to 20 million. He would like to say on the record that the planning board in doing the plan .

Mr. Fette stated that Darlene did a great job on the report. Item number 6 is 10% a locked in number. Ms. Green stated that some towns do not limit. Some of the more desirable towns where they are sought after for their school system, which she puts Montvale in that category, they have been amending their ordinances to cap the number of 3 bedrooms because what they are seeing is that they are bringing school

children because of the desirable school district stated Ms. Green. She believes 10% is a reasonable number to ask. A three bedroom will be a maximum or 27 based on the numbers.

Item number 8. What is the retail component asked Mr. Fette of Mr. Del Vecchio. Mr. Del Vecchio stated it is 115,000 sq. ft. including the pads and first floor retail. Mr. Fette stated that Mr. Del Vecchio had said they are trying to create a millennium village, so his question is if you don't limit the square footage you may end up with a couple of tenants with large uses instead of having more tenants with different types of services. Mr. DelVecchio stated that the prominent area of retail to be created is under the housing, the only retail on the site is single pad for about 5,000 and one slightly under 15,000 sq. ft. That is the only stand-alone retail stated Mr. Del Vecchio. They do not lend themselves to the big box uses that everyone find less desirable. However the dinner theater which would be considered retail might need a 20,000 sq. ft. to have the movie theater, kitchen area, storage area and seating to create the use, the intent is not to limit. You cannot have a Lowes or a Home Depot as you would not have the ceiling height required. They are envisioning a dinner theater. They are not looking for a multiplex.

Additional comments from Mr. Fette: Item number 9 the drive through should be looked at a site plan. Montvale has been very progressive in how we do development and thinks they should move forward. He is in support of the reexamination.

Mr. Stefanelli comments: He remembers Eagle Ridge. by putting our heads in the sand we would be in trouble. He would not want to leave it up to the courts to make a decision for us. He would like to see a rail system on the parkway, and that we should look at it along with the other towns.. We should take a look at the rail service again. In regard to office space he sees many buildings getting knocked down it is very unlikely that we are going to get a Goggle.

We are not going to be getting a Goggle. If you get 30 years out of a building you are lucky stated Mr. Stefanelli.. He has a concern with Park Ridge because we have not had a decision yet. This development will surely impact Mercedes Drive. Mr. Stefanelli stated he walks everywhere and how are people going to cross from Mercedes to Wegmans? Mr. Hipolit stated that there would be a light. He has a concern with people walking. He feels that we will be having more traffic because of the development in Park Ridge that we also need to be concerned about as well. He would like to see some open space, he would like to see a sports field. HE would like to see two acres of fields for all the families that will be here. Dinner theaters is a good thing. It should have movies and live entertainment. The limit of 15,000 he is flexible. Number 9 he is okay with a drive-thru except for a restaurant.

Mr. Stefanelli stated that an enrollment study should be done. He believes it should be made part of the Master Plan. Mayor Ghassali stated that there are charts and the enrollment has been going down. Chairman agreed that the enrollment study should be made part of the plan. Mayor Ghassali agreed as well.

Councilman Weaver asked about the percentage of bedrooms to Ms. Green. She stated that there is no limit on the market rates. The affordable units are controlled by COAH. It should be part of our Master Plan.

Chairman stated that its members goes through great pains to the best of their abilities to go over the plans to have them designed and executed properly, that have the least impact on the community and the greatest benefit to property ownership and to our residents as well. By approaching the proposed development by amending the master plan and doing the rezoning of an ordinance and leaving it broad enough so that we are not legislating the colors of the flowers in this document or the zoning ordinance, but set the guidelines in the Master Plan Amendment and the Ordinance so that the developer can look at it and say, this is what we can do as of right subject to site plan approval and then come in with their professionals and then talk about drainage plans, lighting, ingress and egress and the mix of the various uses and what is appropriate and inappropriate. Chairman stated that he believes that in the proposed

amendment it doesn't directly reflect what they want it reflects what we believe through the eyes and thoughts of our planner and the experience of this board of what should be done. Chairman believes that the document should be amended to reflect the changes that were agreed upon and forward it as an approved document to the governing body for their consideration to amend the zoning ordinance to allow for the use. It can reach the governing body and they can say thank you but we are not doing anything or they can recommend having the planner and borough attorney craft an ordinance. A motion to have the board attorney to prepare a resolution of approval was made by Mr. Lintner and seconded by Mr. D'Agostino, a roll call vote was taken with all voting aye.

PUBLIC HEARINGS (CONT): none

RESOLUTIONS:

1. **Block 1201 Lot 31-Laurie Slackman-7 Edgren Way-Major Soil Movement Application-** A motion to approve was made by Ms. Russo and seconded by Mr. D'Agostino a roll call vote with Mr. Lintner, Mayor Ghassali and Councilman Weaver abstaining and all others present voting aye.
2. **Block 2702, Lot 1 and Block 2801, Lot 2-Resolution Modifying Conditions in Prior Approvals Granted to Mercedes-Benz USA, LLC for Premises designated as Block 2702, Lot 1 and Block 2801, Lot 2** A motion to approve was made by Mr. Culhane and seconded by D'Agostino. Mr. Regan went over why this was needed. A roll call vote was taken with Mayor Ghassali, Mr. Lintner and Councilman Weaver abstaining and all others voting aye.

3.

DISCUSSION: Tree Ordinance- Chairman stated to the Mayor that Mr. Hanrahan wants to come before the Mayor and Council on the 28th. Chairman stated they created a list about a dozen priorities; one of which is the tree ordinance. Chairman stated maybe he should wait to put Mr. Hanrahan on the agenda until the planning board has time to discuss it. Mayor stated he might have the liaison meet with him first as well.

Other Business- Mayor Ghassali asked about the sidewalks being cleaned off were discussed with Mr. Fette. If he needs help in getting out to enforce Mayor said he would find him help. Mr. Fette stated he has issued summons. Some residential it has been six days. Councilman asked how much is the summons? Mr. Fette stated about \$50 plus court costs. Councilman asked do we have regular offenders in high traffic areas? Mr. Fette stated yes. He stated some of residential foreclosures does it. Mr. Fette stated that as a last resort he will call DPW to clear the side walk and charge back to the bank. Councilman Weaver stated at the Mayor and Council meeting they discussed the sidewalk from the high school to Fieldstone Middle School. What is procedure on that he asked Mr. Hipolit. Mr. Hipolit stated once the Council awards the contract, he will ask for a change order to replace sidewalks from Akers to Fieldstone. Then again past the two homes and up the hill from Hilton to where the Baldanza project is. The homeowners up the hill are not receptive to having the sidewalk and the trees disturbed. Mr. Weaver asked if you met with the homeowners. Mr. Hipolit stated they have met with them over the years and they were not in favor of it but it doesn't mean that we cannot revisit it. Councilman Weaver stated he was told that there is an ordinance that states the asphalt sidewalk DPW is responsible for and concrete it is the homeowner. Chairman stated that the asphalt sidewalks were negotiated with those homeowners by Councilman Gazzoli back in the 1970's.

Open Meeting to the Public-A motion to open to the public was made by Ms. Russo and seconded by Mr. Stefanelli no one from the public wishing to be heard, a motion to approve was made by Mr. D'Agostino and seconded by Mr. Culhane.

Adjournment-A motion to adjourn was made Mr. D 'Agostino and Seconded by Mayor Ghassali.

Next Regular Scheduled Meeting: April 4, 2017

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator