

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

### **Minutes**

**Tuesday, April 4, 2017 7:30pm**

**Council Chambers, 12 Mercedes Drive, 2<sup>nd</sup> 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 led everyone in the Pledge of Allegiance.**

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

**Absent: Mayor Ghassali, Ms. Russo**

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/**

**BOROUGH ENGINEER: No comments**

**ZONING REPORT: none**

**SITE PLAN REVIEW COMMITTEE: none**

**ENVIRONMENTAL COMMISSION LIASION REPORT: none**

**CORRESPONDENCE: placed on back table**

**DISCUSSION: Draft of a Tree Ordinance-**Mr. Hanrahan gave his presentation on the two draft ordinances with a slide show presentation. Everyone was in agreement that simpler would be a better way to go. On the second ordinance it needs to be relooked at. Mr. Regan said it was a good outline to get started with. Mr. Gus DeBlasio, Maser Consulting came forward, and gave his credentials. Chairman stated he believes Mr. DeBlasio's input would be valuable to the Environmental Commission and Planning Board in helping with the Ordinance. Chairman asked for a proposal of the cost on this. Chairman asked Mr. Hipolit on what his opinion of what the cost would be. Mr. Hipolit stated \$5,000. The board to vote on it on the next regularly scheduled planning board of the fees.

**APPROVAL OF MINUTES: March 21, 2017-**minutes were not available. **March 7, 2017** were introduced by Mr. D'Agostino and seconded by Mr. Stefanelli with Mr. Lintner and Councilman Weaver abstaining and all others presenting voting aye.

#### **USE PERMITS:**

- 1. Block 2401 Lot 2- Elitelux Technologies Inc.**-28 W. Grand Avenue-(3205 sq. ft.)- Mr. Mancinelli came forward representing the applicant, Mr. Edward Beller. On 4H explanation was provided for by Mr. Beller. They use to be Sansua America, suite 2 their name has changed as a branch off to Elitelux Technologies, Inc. The square footage is 3205 they are not adding any additional space. Signatures were identified. Mr. Beller gave a brief overview of the nature of the business. Mr. Beller stated it is a sales and marketing. Flat screen Televisions for marketing and sales to Canada. The name change was to do a spin off for the marketing and sales. There is no physical product at the site.  
Mr. Fette stated that you need a cco inspection. A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane with all voting aye.
- 2. Block 3201 Lot 5-Rodman Media-25 Philips Parkway-(13,500 sq. ft.)- Kevin Boris, from Price, Meese, Shulman**  
Judi Carr came forward Vice President of Rodman Media. Chairman read the application into the record. The signatures were identified. Rodman J. Zilenziger, Jr., President of Rodman Media. Ms. Carr stated that the space would be used for office spaces for editors, publishers, and sales representatives to sell advertisements. There will be no printing equipment on site. 5e. Chairman stated that the site doesn't have reserved parking. They amended 5e. to read parking in common. Mr. Fette

stated they would do the CCO inspection after the build out. Councilman Weaver asked about the process on having the parking requirements changed. Chairman stated that it could only be changed by the governing body. Councilman Weaver asked how long of a process to make a change. Mr. Regan stated that it would take approximately 3 to 5 months. Councilman Weaver stated he would bring it to the Mayor and Council for consideration.

**PUBLIC HEARINGS (New) : Block 2002-2-PD 3 Paragon, LLC-3 Paragon Drive**-Amended Site Plan-Ms. Gail

Price of Price, Meese, Shulman and D'Armino represented the applicant. They are here are for landscaping only stated Ms. Price. Ms. Price called her landscaping architect, Richard Zimmer. Mr. Zimmer stated his background. He is a licensed in NJ and NY. He has been accepted as a professional before many other boards. They are not proposing to take down any trees. They will be pruning some of the trees. The evergreens are set back anywhere from 12 to 14 feet from the parking lot. They are proposing irrigation. He had visited the site and he stated that the heights are listed on the plan marked as A1. Mr. Zimmer stated that there are certain ways to plant on a berm. He is proposing a 10 foot wide with a slight incline up. The engineer, Jeff Egarian was sworn in, representative of the property owner David Allen was sworn in. Ms. Hipolit and Ms. Green were sworn in as well. Mr. Egarian gave an over view and he stated that there would be no additional water generated; the water would travel its normal course. Mr. Hipolit stated it is their property maintenance issue for them. Mr. Hipolit review was marked as B1. The Police Department Review Letter was marked as B2, dated March 31, 2017, the Montvale Fire Department review was marked as B3. The applicant was in agreement with the Fire Department comments.

A motion to open to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. No one from the public wishing to be heard, a motion to close was made by Mr. D'Agostino and seconded by Mr. Teagno.

Mr. Fette stated a minor soil movement application will be needed. Mr. Fette asked if the second floor tenant be will be benefitting from the screening Mr. Davis stated those trees will grow. Is the toe of the berm six feet from the property line or do they need to request a variance for that asked Mr. Fette? Mr. Regan read the ordinance.

Mr. Hipolit stated that they can meet the 6 feet and they can handle it as a design waiver if necessary. 128-9.8.1 Ordinance was referenced. They will require a minor soil movement application as it is less than 500 cubic yards that will be moved. Applicant will be able to meet the 6 feet. Councilman Weaver asked how much is a soil movement permit? Mr. Fette stated he believes it is \$150 for a minor. Councilman Weaver asked if he has ever waiver a soil movement fee? Mr. Fette stated that it is up to the Mayor and Council; he cannot waive the fee unless he gets specific instructions or a letter from the Mayor and Council.

Engineers plan was marked as A2. Councilman Weaver asked when the soil movement due is. They would apply for the site work permit and at that time they would also apply for the soil movement permit. Councilman Weaver thanked them for doing work to their property. Motions to have the board attorney prepare a resolution of approval of amended site plan as submitted. A motion was made by Mr. Teagno and seconded by Mr. D'Agostino with all voting aye.

**PUBLIC HEARINGS: (Con't)**

**RESOLUTIONS:**

**Master Plan Reexamination for Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6 known as 1 & 3 Mercedes Drive & One Glenview Road**-Chairman read by title only. He asked Darlene to summarize the changes. The changes occurred in the recommendation section. One change was adding bank and financial institutions as a permitted use. They changed to allow free parking garages subject to the planning board approval. They removed the prohibition of granting access to Grand Ave and it will be left up to the Planning Board when and if we get to site plan review with these properties stated Ms. Green. Under the residential section language prohibits 3 bedroom units in excess of 10% of the total proposed on 1 and 3 Mercedes. The report deleted the prohibition of retail stores over 15,000 gross square feet. Added

was a cap for the free standing pad, they are capped at 15,000 sq. ft. The language was changed for live entertainment and dinner/movie theater. There may have been a misunderstanding about that. Under the retail and personal services section deleted was all drive thrus would be prohibited, the board discussed that we would deal with it at site plan. They are adding education offices as a permitted use. They are encouraging but not requiring offices be located on the upper floors and they removed the 15,000 sq. ft. of conference space. It now says it must be a full service hotel with conference space. Mr. DelVecchio attorney for the contract purchaser came forward. Reference to Mr. DelVecchio's letter from the last meeting with recommended changes. He went over it with his client. Mr. DelVecchio stated that the language reflected in the latest draft doesn't necessarily the change that they requested nor does it match the original language that was in the document that they contacted on. It would be their preference to be that if their change cannot be accommodated that it goes back to the original language that was initially proposed by the board professionals in the original draft. Chairman stated he spoke to the Mayor who could not be in attendance to that provisions contained in the proposed amendment. The Mayor's goal would be have a venue to accommodate live entertainment and he would not object to the movie theater provided that there could be a stage for live entertainment. He would not accept the movie theater alone without the live entertainment element stated the Chairman. He asked Darlene if we went back to the original language as indicated and re-placed the word or with the word an, he thought that would address the Mayor's concerns, that there would be an opportunity to have live entertainment. Mr. DelVecchio stated that this is a planning document, it is not the ordinance. He would prefer it be left open for the governing body when they adopt the ordinance and let the restrictions go a little further and put and/or, his client would feel a lot more comfortable that the use being contemplated by the section that it can be accommodated. Chairman stated he is concerned that if they put and/or applicants may think it is their choice. He is recommending to leave it to the ordinance to set the standards. Mr. Regan stated that the Re-examination Report doesn't need to be exact. An ordinance will state what will be permitted. He didn't have a concern. The board members were polled: and/or was the desire of all except Councilman Weaver didn't like either. It was agreed to change back to the original and adding and/or. A motion to approve was made by Mr. Culhane and seconded by Mr. D 'Agostino. Questions: Mr. Teagno asked what is educational use. Ms. Green replied that is what they will need to define once they get to the ordinance. It could be anything from tutoring to something similar to a Board of Education Office. Mr. Teagno stated that he would like the definition to exclude any type of school as we have had attempts to start other schools where they were not permitted. Ms. Green agreed especially with the ordinance we did last year on schools moving them out of the office zone. Chairman stated at the COAH committee level, it was discussed corporate training would be acceptable. Councilman Weaver asked about the 15,000 sq. ft. conference center. He stated it was listed in the first document but now it is being taken out. Ms. Green stated it was one of the requested the developer had made in their list so that they would have flexibility. Councilman Weaver stated that one of the requests from the businesses is to have conference space and he is concerned that now we are removing something that was specifically asked for. Chairman asked Mr. Regan if it could be put into the ordinance. Mr. Regan stated that the recommendation is for conference space it just doesn't give a specific square footage for conference space and it can be added to the ordinance. Chairman stated that they didn't have enough data to support any specific size. Ms. Green stated that an in depth study has not been done or any type of market analysis. Chairman asked Mr. Regan to go procedures. Mr. Regan stated that the planning board if it votes in favor to make the recommendations to the Mayor and Council to have Mr. Voytus and Ms. Green prepare an ordinance. It would then be come the responsibility of the Mayor and Council to adopt a zoning amendment consistent with the reexamination, or they can do nothing, they can take parts of it. It is at the liberty of the Mayor and Council. Councilman Weaver asked if we haven't done an in depth study or market analysis on this what elements of the plan have we done an in depth study on. Ms. Green stated that no marketing study has been authorized by the Council. Would it be done after asked the Councilman? Ms. Green stated it would depend on the land use component. She stated that in her majority of rezoning for various towns it is not done. Mr. Regan stated that the Council can say to the planner, that they want a marketing study. They can hire what experts they deem appropriate stated Mr. Regan. Councilman

Weaver stated that he believes it should be something done prior to this step. Chairman stated that it could be dealt with on the ordinance level with the governing body. Mr. Regan stated he has been involved with many re-examinations and rezoning and he cannot remember anyone doing a market analysis. Mr. D'Agostino stated that the developer is the market specialist; they would be the ones who would know if it is marketable. Councilman stated that if they are developing a hotel they might find out that it might be more profitable to them to have more rooms than conference space. Chairman stated that the council should say that a hotel is permitted with an X number of rooms and that there be conference facilities to meet the needs of the corporate community, you can require a restaurant. Councilman asked can the ordinance state the number of rooms allowed. Mr. Regan stated yes it could. Chairman stated that when this contract purchaser came to the COAH committee, which consisted of elected officials, planning and borough professionals, he showed us a half a dozen different versions. The 150 room hotel was conditioned upon a lot of things: the borough allowing through the site plan application to be positioned where they want it, through the site plan application they may say they don't want it in the northwest corner of the property we prefer to have it on the south east corner they might not be able to do that. They might have Ritz Carlton come to them and they want 100 rooms but the rooms are larger. We are not mandating the size of the hotel, or the square footage of the office or retail stated the Chairman. The only thing that is cast in stone from the very beginning was the housing units and the affordable elements that come with it. All the uses will be subject to the site plan review and before that the ordinance. Councilman Weaver asked after tonight it goes forward to the council, what is the time frame on ordinance being drafted. Mr. Regan stated whenever the Mayor and Council decide. Realistically it can be done as early as next month or you can do it months from now. It could be done in May but that is being aggressive stated Mr. Regan. A roll vote was taken with Councilman Weaver voting no, and all others voting yes.

Chairman stated he would dictate a cover letter to go to the Mayor and Council tomorrow morning with the resolution and amended reexamination master plan. Hopefully it can be put on their next agenda of the 11<sup>th</sup>.

**OTHER BUSINESS:** Chairman asked Mr. Fette to take a look at the flatbed trucks that were at LukeOil on Spring Valley Road have now been moved to Kinderkamack Road.

**OPEN MEETING TO THE PUBLIC: no public**

**ADJOURNMENT:** A motion to adjourn was made by Mr. D'Agostino and seconded by Mr. Teagno.

**Next Regular Scheduled Meeting - April 18, 2017 at 7:30pm**

**Respectively submitted by:**

**R. Lorraine Hutter, Land Use Administrator**