

+REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

Wednesday, June 21, 2017 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 led everyone in the Pledge of Allegiance. The Open Meeting Act Statement was read into the record.

ROLL CALL: Mr. Culhane, Mr. D’Agostino, Mr. Lintner, Ms. O’Neill, Ms. Russo, Mr. Stfanelli, Mr. Teagno, Councilman Weaver and Chairman DePinto

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

Absent: Mayor Ghassali, Mr. Fette

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/

BOROUGH ENGINEER: none

ZONING REPORT: Mr. Fette was not present.

SITE PLAN REVIEW COMMITTEE: Mr. Lintner gave the report. KPMG came in regard to starting their second Phase with their parking garage and have some revision to their soil movement and will be filing for a public hearing on August 15th. Trailing Ridge came in regard to the Major Soil Movement that has previously been approved by the board. As the technology of the systems has changed for the sewer system calculations are different and will be dealt with through Mr. Hipolit’s office as a di minimis change. Also BPO Wine which will be before the board for a Use Permit. They are a tenant within the Wegman’s building and they need to relocate a fire door to the side of the building as a primary access point. Signage will also be discussed. The committee felt that the door relocation was di minimis in nature and didn’t require reappearance before the entire board.

ENVIRONMENTAL COMMISSION LIASION REPORT: Mr. Teagno stated that they welcomed a new member Melinda Kelly who is also a member of the Economic Development Group. There was a presentation from ANJEC. The field use of School No. 2 was discussed with ideas of what kind of uses could be done there.

CORRESPONDENCE: placed on back table

DISCUSSION: Chairman stated that Mr. DePiero passed away with in the past few days. There has been some discussion in regard to Mercedes Drive and the renaming of Mercedes Drive. It is a municipal street not a county road and it is under the jurisdiction of the Governing Body of Montvale. Chairman stated he believes a more appropriate name for the road would be DePiero Drive rather than Mercedes Drive because everyone new and frequented the DePiero Farm property and the change of address would be on 3 properties. One would be Coining, Borough Hall and the third one would be the Mercedes Benz property. He had asked the board attorney to prepare a resolution making the recommendation to the Governing Body for consideration of the name change if the members were in agreement. By code, when new streets are installed, there is a list that was passed many years ago by Ordinance that a developer can choose a name off of. The list consists of names of deceased Mayors and other recommendations from the Historical Preservation Committee. Chairman stated it is an existing street and he felt that they could offer no greater tribute to the DePiero family and it would be a great way to identify the property. He asked for a motion. Mr. Stefanelli made the motion and it was seconded by Mr. Culhane.

Discussion: Mr. Stefanelli stated it is a great tribute and he was all for it. Ms. Russo thought it was a great idea. Mr. Weaver stated he had no comment at this time. Mr. Lintner stated it was a wonderful idea when it was **mentioned**

previously and the resolution summarizes it. Mr. D'Agostino stated he thinks it is a wonderful idea and he has no objection. Ms. O'Neill stated she is in favor of the name change. Mr. Teagno stated he is in agreement. Mr. Culhane stated he was in agreement with everything that was said. Mr. Regan stated that the Borough has the right to change the name and the Planning Board has the right to make the recommendation to the Governing Body. Mr. Hipolit stated he has seen many towns change names and it is a function of the Mayor and Council. They will discuss it and evaluate it publicly and vote yes or no on it or make a different recommendation. It is the normal process stated Mr. Hipolit for 25 years. Ms. Green said she believes it is a nice tribute. A roll call vote was taken with Councilman Weaver abstaining and all others voting aye.

Ordinance No. 2017-1428 Am Ordinance of the Borough of Montvale Amending and Supplementing Chapter 128 of the Borough Code to Establish the Mixed-Use Planned Unit Development Overlay District and to Set Forth The Standards and criteria Applicable Thereto- Chairman stated that the Montvale Planning Board had amended the Master Plan recently and requested the governing body to prepare a resolution amending the zoning ordinance reflecting the recommendations that were set forth in the Master Plan Amendment. The Governing Body authorized the Borough Attorney with the assistance of the Borough Planner to prepare a Proposed Ordinance which has been distributed to board members electronically and with a hard copy. Chairman asked Ms. Green for the consistency of the Ordinance to the recommendations set forth in the Master Plan Amendment. He also asked for a general overview.

Ms. Green stated that in reviewing the Ordinance it is consistent with the Master Plan, it implements the vision that was set forth in the Master Plan Amendment. This Ordinance is the teeth to provide us with the rules and regulations that would guide any development on the site. The Ordinance is quite lengthy but it is a sizeable property stated Ms. Green. The spring board for this Ordinance was actually the existing AHPUD Ordinance that was used for the Shoppes at DePiero's property. There are a lot of great standards in that ordinance so there was no need to reinvent the wheel especially on some of the design standards and that the fact that the two properties are across the street from each other. Ms. Green stated she would want them to reflect each other not look like two separate distinct sites that are in contradiction to each other. She referenced the permitted principal uses section that started on Page 5. That section provides the uses and divides them between One and Three Mercedes vs the One Glenview Road property. On the One and Three Mercedes Drive it will need to supply all of the following: Multifamily residential, 40,000-50,000 sq ft. of office space, a hotel with 150 rooms and 8500 sq. ft. of conference space and a retail component with at least 50,000 sq. ft. consisting of one or more of the uses that are listed on page 6. In crafting the ordinance they believed it was vital to create this vibrant mixed-use village. This ordinance not only permits the mixed uses but requires a certain number of uses so that we insure that we get the mixed used village that we are seeking stated Ms. Green. That is why the requirement is listed for the 4 uses. Under item 6, dinner theaters and banks are also allowed. The Glenview Road property permits municipal facilities, playgrounds, parks, open space and affordable housing. Part of the Ordinance requires the developer to donate one Glenview road to the Borough. She wanted to provide the Borough with options with regard to the property. If there was space needed for a municipal service or soccer field you could use the property for that. Not knowing what our obligation is for affordable housing, Ms. Green said the property could be used for that as well. Ms. Green stated that section E lists all of the prohibited uses so we detail specifically what we do not want on the property. Bulk standards were discussed. They are allowing 4 stories and 65 feet on one and three Mercedes and two of the buildings can contain a fifth story only on the rear half of the building stated Ms. Green. So if you were driving down Mercedes two buildings would contain 5 stories but it would look like 4 from Mercedes. This was done to accommodate the shifting of the affordable from One Glenview Road to the 1 and 3 Mercedes location as to not segregate the affordable units. The impervious coverage standards are based on the AHPUD zone. Glenview mimics the OR district. One and Three Mercedes would be at a maximum of 300 units stated Ms. Green and at least 25 of the units need to be affordable. There is a cap on the number of 3 bedrooms to be built. Compliance must be met with the affordable housing units. Sign standards were adopted from the AHPUD. Chairman stated to the public that a public hearing is scheduled for the Ordinance next Tuesday before the Mayor and Council.

Opened up to Board Members for Questions and Comments:

Ms. Russo had no questions.

Councilman Weaver stated he had one question which had come out of the Economic Development Retention Committee meeting the other day and Darlene had referenced it just now, in saying that we had wanted to create and the chairman had also said at the meeting we have taken a created approach and he would like to know who is "we". Chairman responded the COAH Committee.

Mr. Lintner no comments.

Mr. D'Agostino and Ms. O'Neill had no comment as well. Mr. Teagno stated that it is a very accurate representation of the vision. Mr. Culhane had no comments. Mr. Stefanelli asked about the lot coverage. Ms. Green stated that similar to the Shoppe's at DePieros we allowed the lot coverage, meaning impervious surfaces at 50% but they can increase it to 65% by using alternative porous paving systems and or green roofs. One of the buildings at DePieros will have a green roof. Ms. Green stated that they can increase the coverage by 15% by using the porous or the vegetated groups. This is more for parking stated Mr. Hipolit.

Chairman stated to the public that this is a proposal to amend the zoning ordinance to allow for an overlay zone on the properties on Mercedes and Glenview. This doesn't not preclude a property owner or contract purchaser or someone applicant to come to the town to say we do not intend to utilize the property as outlined in the overlay zone but in fact they prefer to use the property as it is currently zoned. They would have a right to do so state the Chairman. This is has all been triggered by the borough's requirement to address affordable housing. This is a way that the committee had recommended and it was incorporated in the Master Plan Amendment that this Planning Board voted for and that is now going to be before the governing body. Presuming that it is adopted and the Ordinance is amended, the presumption is that an application for site plan approval may come back before the planning board. That is when all of the details have to be laid out. The Master Plan Amendment and the Zoning Ordinance was not done to redline a specific site plan stated the Chairman. The committee has been shown a number of plans with a number of possibilities. The final plan can only be submitted after the property has been fully engineered and it could be determined how the engineered property could be developed in accordance with the possible amended code. Although this board maybe taking an action this evening the Chairman said to forward to the governing body, and hopefully the governing body will approve it, it still has a very long way to go before anything actually happens.

Distributed to the Board was a Resolution for Ordinance No. 2017-1428 that Mr. Regan had prepared which if found acceptable would be forwarded to the Governing Body for their consideration next Tuesday. A motion to introduce was made by Mr. D'Agostino and seconded by Mr. Teagno. A roll call vote was taken with Councilman Weaver abstaining and all others voting aye.

Proposal for Professional Planning Services Affordable Housing Services-The proposal is dated June 1 of 2017 it had been distributed in everyone's packet. The author is Ms. Green. Ms. Green gave an overview of the affordable housing litigation. The board previously approved the scope of work to deal with various components of litigation back in 2016 for \$20,000.00. Those funds have been depleted and the request is for an additional \$20,000.00 for this year to deal with all of the ongoing issues surrounding the Borough's Declaratory Judgement Action. A motion to approve was made by Mr. Culhane and seconded by Mr. Stefanelli with a roll call vote with Councilman Weaver abstaining and all others voting aye.

APPROVAL OF MINUTES: May 16, 2017- A motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with Councilman Weaver and Ms. Russo abstaining and all others voting aye. June 6, 2017-A motion to approve was made by Mr. Stefanelli and seconded by Ms. O'Neill . A roll call vote was taken with Mr. D'Agostino, Ms. Russo and Councilman Weaver abstaining and all others voting aye.

USE PERMITS:

- 1. Block 703 Lot 7-John M. Hartel & Co., Inc.-149 N. Kinderkamack Road-(1620 sq.ft.)-** Mr. Del Vecchio came forward represented the applicant. Mr. Hartel was sworn in. Changes to the application were made 2a. should reflect Mr. Del Vecchio's information. On question 4E should reflect 49,800 sq.ft. Item 5F., should be amended to reflect 190 parking spaces. 5H. should state upon granting of a use permit approval. Chairman read the application into the record. Signatures were identified. Mr. Hartel is moving his showroom from Pearl River to this location.

A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane with a roll call vote with all stating aye.

Chairman read the application into the record. Mr. Del Vecchio represented the applicant. Corrections were made to the application. Entire building is 49800 sq feet. Signatures were identified. Mr. Hartel is moving his showroom from Pearl River to this location. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane with a roll call vote with all stating aye.

Block 2802, Lot 2 (C001A)-BPO Wine (Wegman's)- Shoppes at DePieros Farm-(14306 sq. ft.) Mercedes Drive and Grand Avenue-14,306 square feet -Mr. DelVecchio represented the applicant, Jack Vassallo-Mercedes Drive and Grand Avenue-

14,306 square feet. Mr. Del Vecchio gave a summary of the liquor store and the change to the door Chairman read the application into the record. He also stated that the signage would be white illumination. The license is a typical D liquor license. License was purchased from the Big Apple liquor store on Chestnut Ridge Road. Deliveries will be to the rear. Hours of store are different from the main store. A motion to approve with a resolution was made by Mr. Teagno seconded by Mr. D'Agostino. A roll call vote was taken with all voting aye.

PUBLIC HEARINGS (New) : Block 2802, Lot 2-(C001A)-CycleBar-Shoppes at DePieros Farm-Zoning Variance Application ("D")- Mr. Del Vecchio came forward and the notice was marked as Exhibit A1. Mr. Del Vecchio stated he would like to do one planner for the use variances on both with giving one testimony as they are both fitness uses. Mr. Regan stated he would like testimony given on each application to keep the record clean. Mr. Regan stated that Mr. Weaver and if the Mayor was hear both are not eligible because it is a "D" Variance.

Corin Zellman of Cycle Bar franchise owner and instructor came forward and was sworn in. They are not a big box gym. They provide high level fitness. They get very involved in the community stated Ms. Zellman. They do a lot of fundraising for community events. They have a Cycle Giving Model. They are modeled after Sole Cycle and Flywheel stated Ms. Zellman. It is a one on one experience 48 bikers coming just to cycle. Appointments are booked on an online application. It is not a membership based business they are package base type –much higher level of fitness-maximum is 48 bikes. They operate at 65% capacity. They sellout on the weekends stated Ms. Zelman. They open at 5:00am to noon and reopen 3 and 5:00pm close at 8:00pm Staffing one instructor and two people at the desk. All instruction is inside the building.

Cycle Bar has been extremely successful in Fort Lee, in Closter and Boulder Run. They are opening in Montclair, Hoboken and Livingston and there are 200 locations. They consider themselves fitness.

Chairman asked how similar or dissimilar to the experience at lifetime or a gym. She is a member at Lifetime and Equinox as well. It is a different experience with lighting, video and production. It looks like a theater. In Ft. Lee they have clubs. No children only adults 18 and over. Non membership based. The class is very structured.

Questions from Board Members:

Mr. D 'Agostino has concerns with a competing business so close together with Lifetime. Ms. O'Neil shared the same concern. Ms. Russo asked what does higher level. It is more of a cycle theater. It is three tiered with cycle stats. They have invested \$80,000 in a special HVAC system. Ms. Russo stated she feels it is geared to a high demographic.

Ms. Green was sworn in. Her letter was marked as B1. Page 4 reflected her comments. She asked about the condominium notation is the same for all of the stores. It is not the building that is condo it is the land. Phase one is Unit 1 and down below will be Phase Two will be Unit 2. The Farmview Road now the stores have numbers.

Mr. DelVecchio stated he received the addresses from the tax assessor. Ms. Hutter will get Mr. Regan a copy. Police Department review was marked as B2 and the Fire Dept was marked as B3.

Open to the public Mr. D'Agostino and seconded by Mr. Stefanelli. No one from the public wishing to be heard a motion to closed the meeting to the public Mr. D'Agostino and Mr. Stefanelli.

Planner came forward. John Barree licensed planner of NJ. Mr. Barree was qualified. They are requesting relief for a use that is not explicitly permitted in the AHPUD zone. The ordinance reads any use not permitted is prohibited. The proposed use is a specialty fitness establishment. The Borough Ordinance has a broad definition of big box gyms. It doesn't anticipate this use. There are salons that are permitted within the zone stated Mr. Barree. He reviewed the Master Plan and Reexamination Reports. The goals of increasing the ratable base and goal number 11 seeks to engender a higher quality of design which he believes the proposal is advancing. The land use element of the master plan shows the parcel as a retail use. The positive criteria is that the finding that the purpose of the zoning would be advanced and the site is suited for the use in question stated Mr. Barree. He believes there are no detrimental elements to the granting of the "D" Variance. Mr. Barree went over the positive and negative. The site is suitable for the use. The Lifetime Center is of a different scale stated Mr. Barree. This immediate area doesn't have something like this at this time. Being situated in this development it will encourage people to make multiple stops on one vehicle trip without having to drive place to place. This is a boutique use operating on a smaller scale nothing like a Lifetime Fitness. Chairman asked if he was aware of the tenants that have been approved for the site. He stated he was familiar with a few.

Questions from Board Members: Chairman asked about his statement that it is a compatible use. Mr. Barree stated that the overall vision for the site is spelled out as lifestyle centers with a wide variety of uses are permitted. The lifestyle component to have a wide mix of things and he believes this fits into the lifestyle as it brings people to one site to do visit many different places. He doesn't see this as a competitor to any large use gym stated Mr. Barree.

Mr. Teagno stated he believes this is not in completion with the other gyms as it is a specialty use and he doesn't see any issues.

Mr. Lintner asked if he could here Darlene Greens response to the positive and negative criteria. The negative testimony was very good but he felt that the positive testimony didn't suffice.

Ms. Green stated her concern is that there was no testimony on the suitability to the site. She would like to hear some additional facts that demonstrate that the Shoppes of DePieros is unique from the intersection of Chestnut Ridge Road and Grand Avenue what makes this different from another commercial portal in the Borough.

Mr. Del Vecchio asked Mr. Barree does the site have to be unique. It doesn't need to be the only site in town it has to be particularly suitable. There may be other places in town that this could be suitable but he believes that the AHPUD zone is a lifestyle center attracting higher-end, new modern popular brands that are going to get people excited and entice people to come to this location. He believes that this use of the Cycle Bar fits with the mix. It is being around like businesses that are attracting people to the site. The purposes are to let people make multiple shopping trips within one site. The approximately within this zone for a larger scale retail and its proximity to the corporate campuses, hotels and potential hotel is ideal for this kind of use. If this was a standalone Cycle Bar not in a lifestyle center his opinion would be different. The fact that it is in the center makes it suitable. You are not installing a whole new set of infrastructure for a relatively small use. They are piggy backing on to a much larger scale development that can support it without any additional impact on the community whether through utility extension, additional land disturbance or anything of that nature stated Mr. Barree. Having different uses completes the vision of what a lifestyle center should be stated Mr. Barree. Mr. Lintner asked would this have been a permitted use on One and Three Mercedes. Mr. Del Vecchio stated he would have to look at the Ordinance.

Ms. Green stated that it does say fitness uses but doesn't define fitness. There is a fitness center use that generically exists in the ordinance in the definitional section stated Mr. Del Vecchio. Ms. Green stated that she would suggest that

we define instructional uses that includes keeping with the practice of variety of different items including aerobics, sport fitness and the like.

Mr. Lintner stated if this Use Variance was looked upon negatively there would come a time that it could go across the street without having a Use Variance. Mr. Del Vecchio stated that would assume that the Governing Body passes the Ordinance. He would like it adjusted moving forward.

A motion to open the meeting to the public was made by Mr. D'Agostino and seconded by Mr. Stefanelli with all stating aye. No one speaking from the public, a motion to close the meeting to the public was made by Mr. D'Agostino and seconded by Mr. Stefanelli with all in favor stating aye.

Mr. Regan stated that one of the alternates will not be able to participate for a total of 7 votes. They need five affirmative votes are required stated Mr. Regan.

Chairman stated he has been thinking heavily about what Dante Teagno said and we do have supermarkets in shopping centers and within that same shopping center there you could find a bakery or a liquor store selling specific items that may be sold by the bigger store. All though this maybe in close proximity to what the applicant refers to as the "Big Box" fitness center, there may be a need. He is in support of granting the "D" Variance.

Mr. Regan asked that the Use Variance be voted on before the board even considers the Use Permit. If the Use Variance is not approved there is no need for the Use Permit.

Chairman asked if anyone had any additional questions. Mr. Stefanelli asked if they vote favorably on the next two and he isn't speaking for everyone but he sees a flaw now in the zoning. If we are going to see other applicants how do we move forward. Chairman stated when the Ordinance was crafted for the Shoppes of DePieros the approach that was taken was to be pretty specific as to what we jointly agreed upon would be a good life style center. Chairman stated that it is impossible to think of every possible use. Mr. Regan said that there were many discussions on the uses. Different kinds of uses didn't exist a few years ago that exist today. Mr. Stefanelli asked should it be equal for both sites. Chairman stated that is a good point. He said when they did that ordinance it was based on a plan that was submitted by the contract purchaser at that time. We had a pretty good idea where the buildings were going to be located and the sizes, pedestrian walkways on the site and they had a better understanding of the site. He stated that the COAH Committee has seen a number of various sketches none of which have been engineered saying we might put a building here and one there but nothing definite. Mr. Regan stated we are limited in terms of what has been presented.

Mr. Regan stated in regard to this "D" Variance the question should be is the use so contrary to the lifestyle type of uses that the ordinance contemplates? That is the question that should be asked and evaluated when you determine how to vote on this.

Mr. Teagno stated that the site was not for big box stores. It was for an anchor with specialty retail high end stores. Chairman stated that it was a valid comment from Mr. Teagno.

Chairman asked for a motion to authorize the board attorney to prepare a resolution granting the D1 Use variance for the proposed use. Mr. Teagno made the motion and it was seconded by Mr. Culhane with Mr. D'Agostino abstaining and all other eligible voters stating yes.

Use Permit Cycle Bar Block 2802 Lot 2-chairman read the application into the record-Mr. Stefanelli asked if any food was being sold. Ms. Zellman stated no just a fruit bowl will be offered. Signage was discussed. The applicant falls within the user to have two signs. 36 sq. ft. and combined of no more than 60 sq. ft.. second sign is 24 sq. ft. Channel cut letters internally illuminated. End cap user of building "A". The logo is a "CB" it is red acrylic face with a red illuminate. Ms. Green asked if it would be a photo cell or a timer. Sign will be on a timer. The light will be warm white as requested by Ms. Green in her letter. They will comply with the ordinance of the light being on. Chairman said that they will need to deal with management so that there are not some lights on and some off. He believes they will need to establish some standards of when signs can go on and when they can go off. A motion to request the board attorney to prepare a resolution of approval conditioned upon the passage of the first resolution on the use. A motion was made by Mr. Culhane and seconded by Mr. Stefanelli. Mr. Regan stated that Councilman Weaver can vote on this Use Permit. A total of 9 and Ms. O'Neill cannot vote. A roll call vote was taken with Mr. D'Agostino abstained and all others voted yes.

Block 2802, Lot 2, (C001A)-Club Pilates-Shoppes at DePieros Farm-Zoning Variance Application ("D")- Mr. Del Vecchio requested the applicant. It is a specialty fitness use as well stated Mr. Del Vecchio. It provides Pilates Instruction which is a very specialized fitness not only for the instructors to learn and be qualified to teach but also who choose to do it. It is a small setting with a small station. Alison Sapka is the owner and present and was sworn in. The size is 1760 sq. ft. Ms. Sapka is the owner of the franchise in Wyckoff, NJ as well as the proposed location. Ms. Sapka gave an overview. It is a schedule boutique franchise. They offer Pilates based reformer. The reformer is a specialized piece of equipment. They offer various different levels. 50 classes a week are offered and each class is instructed led and each instructor must complete a 500 hour certification program. There are a maximum of 15 people at a time. Schedule appointments only. Membership based models. There are some group and private lessons available and there is a retail component. The maximum occupancy would be 15 in the studio. It is meant to be a part of the community and they look for locations where they can be that stated Ms. Sapka.

Planner Mr. John Barree gave testimony of the negative and positive criteria. Mr. Barree reiterated the same negative and positive criteria as for Cycle Bar. The specialize use which is desirable for the area stated Mr. Barree. The site encourages for multiple stop shopping stated Mr. Barree. Ms. Green's letter dated June 14, 2017 was marked as B1. Ms. Green remains under oath. Ms. Green stated that the testimony of Mr. Barree answer the majority of her questions. The only questions outstanding now are related to signage. It will be dealt with during the Use Permit Application stated the Chairman. Police Department review was marked as B2. And Fire Department was marked as B3.

Questions from Board Members:

Ms. O'Neill asked to have explained the retail component. Ms. Sapka stated clothing, yoga pants, t-shirts, tanks, bags, and water. Mr. Teagno asked about what Pilate is and what the specialized table is. Ms. Sapka stated it is a full body workout that uses a specialized piece of equipment called a reformer. It is to strength your core and align your spine. It stretches you. Springs and resistant straps are used. They have people who use Pilates after rehab. It is all instructed based classes. The primary base model is Membership and there is a teen program for 14 yrs and older. They have affiliations for discounts to corporates. They also have arrangements with hotels.

A motion to open to the public was made by Mr. Lintner and seconded by Mr. D'Agostino. No one wanting to be hard a motion to close was made by Mr. Culhane and seconded by D'Agostino with all in favor stating aye.

A motion to have the board attorney to prepare a resolution for the D1 Variance was made by Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with Mr. D'Agostino abstaining and all other eligible voters stating aye.

USE PERMIT for Block 2802, Lot 2, (C001A)-Club Pilates-Shoppes at DePieros Farm-Chairman read it into the record. Date of occupancy was changed to October 1. Signatures were verified. Lighting and sign was discussed. A halo of a soft blue light will be used the size of the sign will be 35.7 sq. ft. over the front and a smaller sign 21.6 sq. ft. on the back of the building facing Mercedes Drive. They are aware of restrictions for illuminations. Ms. Green stated that the letters are both back lighted and internal illumination. Chairman stated she is correct it is supposed to be one or the other. Mr. Del Vecchio stated that they need franchise approval but they will go with the internal illumination and delete the blue halo. A motion to request the board attorney to prepare a resolution to approve along with the conditions set forth on the record. A motion was made by Ms. Russo and seconded by Mr. Teagno. A roll call vote was taken with all stating aye.

PUBLIC HEARINGS: (Con't) none

RESOLUTIONS:

- 1.** Block 2802 Lot 2 C001A-The Habit Restaurants, LLC-Mercedes Drive and Grand Avenue-2487 sq. ft.- A motion to approve was made by Mr. Lintner and seconded by Mr. D'Agostino with Ms. Russo and Mr. Weaver abstaining and all others voting aye.
- 2.** Block 2802 Lot 2 C001A-Chipotle Mexican Grill-Mercedes Drive and Grand Avenue-2269 sq. ft.- Chairman read by title only. A motion to approve was made by Mr. Culhane and seconded by Mr. D'Agostino. No discussion. A roll call vote was taken with Ms. Russo and Mr. Weaver abstaining and all others voting aye.

OTHER BUSINESS: Mr. Teagno asked if the ordinance should be amended to be added specialty fitness uses. Chairman stated that it would be difficult to amend the ordinance for that limited wording. Mr. Hipolit stated that it is a big deal to go through for that. Mr. Teagno said he understood. Chairman stated that we should keep a note on it and with the next amendment to the ordinance address it then.

OPEN MEETING TO THE PUBLIC: no one in the public

ADJOURNMENT: A motion to adjourn was made by Mr. Lintner and seconded Mr. Teagno.

Next Regular Scheduled Meeting –July 18th, 2017

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator