

AGENDA
MEETING OF THE MONTVALE PLANNING BOARD
Tuesday, September 18 2018 at 7:30PM
Municipal Complex, 12 Mercedes Drive in Council Chambers

Please note: A curfew of 11:15 PM is strictly adhered to by the Board. No new matter involving an applicant will be started after 10:30 PM. At 10PM the Chairman will make a determination and advise applicants whether they will be heard. If an applicant cannot be heard because of the lateness of the hour, the matter will be carried over to the next regularly scheduled meeting.

ROLL CALL:

Present: Mr. Culhane, Councilmember Curry, Mr. D'Agostino, Mr. Fette, Mayor Ghassali, Mr. Lintner, Ms. O'Neill, Mr. Stefanelli, Mr. Teagno and Chairman DePinto

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

Absent: Ms. Russo

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/

BOROUGH ENGINEER: none

ZONING REPORT: none

ENVIRONMENTAL COMMISSION LIAISON REPORT: Ms. Russo was absent

SITE PLAN COMMITTEE REPORT:

CORRESPONDENCE: PLACED ON THE BACK TABLE

DISCUSSION: none

APPROVAL OF MINUTES: September 4, 2018-A motion to approve was made by Mr. Teagno and seconded by Ms. O'Neill with Ms. Curry and Mr. Linter abstaining and all others voting aye.

USE PERMIT:

1. **Block 703 Lot 4-Deliciously Alicia's LLC**-121 N. Kinderkamack Road (3,000 sq.ft.)-Mr. Michael Austin came forward representing the applicant Alicia Hanford. Chairman read the application into the record. Changes to the application were made. Attorney was filled in. Name of Landlord was changed to read Pearlmont, LLC from Mr. Alfred Caggia. Chairman asked for a resolution. Mr. Fette stated that there are many property maintenance issues. Parking spaces are not marked for handicapped. Vehicles illegal parked was discussed. 12 parking spaces to the east and south will be marked on a plan. The truck will be parked to the east of the building. Carried to a further date. To have a resolution prepared and trash enclosure to be created. A motion to have the board attorney prepare a resolution of approval was made by Ms. O'Neill and seconded by Mr. Culhane with all present stating ayes. Carried to October 2nd.
2. **Block 2002 Lot 15-Balanced Soul Bodyworkers LLC/Shilamida Kupershteyn**-221 West Grand Avenue(1630 sq.ft.) Ms. Nancy E. Saccente came forward representing the applicant. Zone is OR 3, landlord is DSS Montvale c/o LB Commercial Realty. Chairman read the application into the record. Signatures were identified. A CCO inspection will be needed. Parking space numbers must be submitted. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane with all in favor stating aye.

3. **Block3101 Lot 1**-JM Bergen County IV LLC-d/b/a Jersey Mikes Sub-130 Chestnut Ridge Road (2014 sq.ft.) Mr. AJ. Graceffo attorney at law represented the applicant. Applicant couldn't be present but architect is present and will be able answer any questions. Architect Gregory Ralph was sworn in. Mr. Fette stated that there are sheds in the back from other tenants make sure that there are none showing up. It was stated that window signage is 20% there are no illumination. Mr. Graceffo stated that his client was in agreement to all that was stated. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane with all in favor stating aye.

Block 1603 Lot 1-Love Lash NJ LLC-13 N. Kinderkamack Road-(500 sq.ft. - Mr. Mancinelli represented the applicant. Chairman read the application into the record. Signatures were verified. Application was changed at 5 a . to read 2 employees. Applicant's name is Sophia Lim. A CCO inspection will be required. A motion to approve was made by Mr. Stefanelli and seconded by Mr. D'Agostino with all present stating aye.

A motion to go into close session to discuss litigation was made by Ms. O'Neill and seconded by Mr. Culhane. Board resumed in 10 minutes.

PUBLIC HEARINGS (NEW):

1. **Block 1902, Lot 5 - ARV at Montvale Grand LLC-Amended Site Plan Application – Signage – carried to October 2, 2018 no further notice required.**

2.

Block 1405 Lot 14- Michael and Linda Libock-37 Eagle Ridge Road-Minor Subdivision- Mr. Nicholas Sekas counsel for the applicant came forward. The property is in is in the R40 and it abuts the R10 zone. –Mr. Hipolit and Ms. Green were sworn in. The within application seeks minor subdivision approval and variance relief so as to subdivide the property into two (2) parcels. The property Size is 50,630.85 square feet. Mr. Sekas spoke about the litigation in regard to this property and that it had now been settled between the applicant, Borough and a neighboring property owner. Mr. Regan stated that there is no requirement that the board act favorably. The only reference in the agreement is that the neighboring property owner not object to the subdivision application.

Mr. Hipolit's complete letter was marked as Board Exhibit 1, dated August 9, 2018. He deemed the application complete. It was noted that the application required variance relief. It sits within the R40 requiring 40,000 square feet of land area. The subdivision plan proposed Lot 14.02 would contain the existing dwelling and have an area of 25,393.60 square feet less that the 40,000 required. Proposed lot 14.02 would have a lot width of 113.14 less than the required 200 square feet. This would constitute a variance for lot area and width. Proposed Lot 14.01 would have a lot area of 25,237.25 square feet and a lot width of 13.16 feet. Variance would be required for this parcel as well. Mr. Hipolit's letter also noted that 2 waivers are required pertaining to the subdivision ordinance requiring the identification of existing structures and wooded areas within two hundred feet. Mr. Hipolit stated that the waivers should be granted. It was suggested that the applicant detail the trees proposed to be removed in connection with the construction of the new residence.

A motion to open the meeting to the public was made by Ms. O'Neill and second by D'Agostino. No questions the meeting was closed to the public by a motion from Mr. Stefanelli and seconded by Mr. Lintner.

Mr. Sekas called Robert L. Costa, 325 So. River St, . So Hackensack, NJ as his next witness. He was qualified as an engineer and planner. Plan was marked as A1 and tax map was marked as A2. Mr. Costa spoke about where the drainage ditch was they have come to agreement with the town. Marked into evidence as Exhibit A3 was a listing of property within the surrounding area, the sizes of the parcels in square feet, and the floor area of homes on these parcels. Mr. Costa noted that the subject property is just over 50,000 square feet in size. There were 18 lots evaluated of which only two were larger in size than the subject property.

There is no requirement that the board act favorably. The current ditch would be relocated by Bear Ban in the community. The easement was discussed. They will be creating two lots. The house to be built would be a 3,000 sq. ft. home and it would blend in stated Mr. Costa. There would be no other variances required. The only variance required would be for size. The lot is rectangular in shape with 226.32 feet of frontage along Eagle Ridge Road, 222.47 frontage along Woodland Road, 226.19 feet deep along the northern property line and 225.17 feet deep along the eastern property line. The lot contains 50,630.85 square feet. Variances required are for lot area, lot width, and variance proofs were discussed. No street shade trees are proposed but they are willing to comply to eliminate that waiver.

Ms. Green letter was marked as Board Exhibit 2. Dated August 24, 2018. She noted the variances required pertaining to lot and width for both parcels. In addition, design waivers from the Subdivision Ordinance are required pertaining to lot dimension and area, street trees and street lights. She stated that there was a discrepancy between the Zoning Schedule as to lot width and the actual plan. Mr. Costa stated that the plan was correct and he would make the correction on the zoning table. Ms. Green also stated that the definition of a rear lot line and the owner shall designate the rear lot line on the plan. The maximum area will be 3200 sq. ft. No soil movement application will be required as the borough will be doing the fill in of the swale. Mr. Fette stated that there is a property maintenance issue with trees. Mr. Costa stated that property of trees will be taken care of with the work. Mr. Stefanelli ask about what is stopping someone from across the street from wanting to have to subdivide their property. Mr. Costa stated that every application is on its own merit. Mr. Hipolit's review letter was marked as Board Exhibit 4. Letter was dated September 5, 2018. He recommended that the waivers are pertaining to information relating to existing structures and wooded areas within 200 feet and delineation of trees to be removed be granted with a condition of approval being the identification of trees to be removed at such time as a permit is applied for to construct a new home on Lot 14.01. An additional condition will be to provide a copy of the survey referenced on the subdivision plan as exhibit A1. Mr. Hipolit also spoke about the soil movement permit, grading and tree permits and the driveway proposed on lot 14.01 accesses to be only on Eagle Ridge Road. Chairman read into the record the police department review dated April 19, 2018 advising the board that they had no concerns. It was marked as Board Exhibit 4. The fire department letter dated April 12, 2018 advising no comments was marked as Board Exhibit 5.

The board was polled in regard to a four foot wide easement to the Borough for future installation of sidewalks. Applicant agrees to sidewalk easement. Sidewalks shall not be required at this time.

Mr. D'Agostino asked could you fix the swale and not do the subdivision. Mr. Costa stated no.

No one from the public present. Chairman stated that the hearing would be carried to October 16th, 2018 and that revised plans with all that was stated would be required to be submitted. Chairman asked for a motion to have the board attorney prepare a resolution. Mr. Lintner made the motion and seconded by Mr. Culhane. Hearing is carried to October 16, 2018 with no further notice.

PUBLIC HEARINGS (CONTINUED):

1. **Block 201, Lot 3-Lawrence and Tania Pinto-121 Upper Saddle River Road-Minor Subdivision Application. Carried to October 16th, 2018-no further notice required.**
2. **Block 1103 Lot 5 and Block 403 Lot 1-Metropolitan Home Development at Werimus, LLC- 87 and 91 Spring Valley Road-Amended Site Plan and Major Soil Movement Application-This application has been carried to October 2, 2018, no further notice will be given.**
3. **Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6-Triboro Square-Mercedes Drive, Grand Avenue and Glenview Avenue-Planned Unit Development, Preliminary and Final Site Plan (Phase I) Planned Unit Development and Preliminary Site Plan (Phase II) –Glenview Road (PUD) -carried to October 2**
4. **Block 1903, Lot 7 - Two Paragon Drive, LLC - 2 Paragon Drive -Amended Site Plan and Major Soil Movement Application. Carried to October 2 for memorializing of the resolution**

RESOLUTIONS:

Block 2802 Lot 2, Qualifier C001A-EONS Montvale, LLC d/b/a EONS Greek Food for Life-18A Farm view-(1477 sq. ft.) -Chairman read by title only. A motion to approve was made by Mr. Teagno and seconded by Mr. D’Agostino with all present stating aye.

Block 705, Lot 5-Patrick and Anca Garcia-6 Bryan Drive-Major Soil Movement –Chairman read by title only. A motion to approve was made by Mr. Teagno and seconded by Mr. D’Agostino with all present stating aye.

**Other Business -none
Open Meeting to the Public-none present**

Adjournment- A motion to adjourn was made by Ms. O’Neil and seconded by Mr. D’Agostino.

Next Regular Scheduled Meeting: October 2, 2018 at 7:30pm

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator