

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

**Tuesday, May 7, 2019**

**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.

Chairman opened the meeting at 7:33pm

**ROLL CALL: Mr. Culhane, Mr. Fette, Mr. Lintner, Ms. O'Neill, Mr. Teagno, Mr. Stefanelli, Mr. Zitelli and Chairman DePinto**

**Absent: Mayor Ghassali, Councilwoman Curry and Mr. D'Agostino**

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

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

**ENGINEER: none**

**ZONING REPORT: none**

**ENVIRONMENTAL COMMISSION LIAISON REPORT: none**

**SITE PLAN COMMITTEE REPORT: Mr. Fette stated that Deliciously Alisha and Mr. Caggia came in regard to a prior resolution that we will be voting on.**

**to the resolution. The Reserve at Montvale came in for speed bumps. Gas station on Chestnut Ridge came in for sign variances. They were asked to try to reduce the number and they will be back.**

**CORRESPONDENCE: on the back table**

**APPROVAL OF MINUTES: none**

**DISCUSSION:**

- 1. Resolution for Deliciously Alisha, LLC-Chairman had stated that they were revisiting this resolution which was not memorialized as of yet.**
- 2. General Code Renumbering- Mr. Regan is in favor of the renumbering. Mr. Fette stated that it would make it easier to site different sections. Mr. Hipolit stated that he is going through a lot of the changes with Maureen Iarossi-Alwan and it is difficult going back and forth now and with the renumbering it will be much easier and he is totally for it. Ms. Green stated that the code is long overdue to be renumbered and there needs to be some amendments. It will be easier when we need to site variances. It was the suggestion of the**

**board members that more reserve sections be added. It was recommended to respond back to the clerk that the planning board is supportive of the proposed changes to the code and suggest additional numbers be inserted to allow for future amendments and new ordinances to fit into all sections pertaining to land use and development.**

#### **USE PERMITS:**

- 1. Block 1001 Lot 1- Next Millennium Media-135 Chestnut Ridge Road (2599 sq.ft.)**-Kate Walsh, Esq. came forward. Benvin Steuer. Chairman read the application into the record. Property is in the OR 1 zone. A new zip code list will be submitted without names. The parking will be parking in common. Mr. Steuer represented the company. He stated that they do digital advertising of websites. There will be seven employees full time and 3 working virtually. Two proposed office designs were presented. Mr. Fette stated that they should go with option B. Mr. Fette stated that they need to come tomorrow for a certificate of occupancy. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner with all others voting aye.

**2. Block 3004 Lot 2-Bivma, LLC-50 Chestnut Ridge Road-(3500 sq. ft.)** Joel Horowitz was represented by Kate Walsh. Application was corrected to read premises to be occupied is 3,500 and current space now is 3,100 sq. ft. Mr. Horowitz stated they sell online e-commerce similar to Amazon. Items are Health and Personal Products and Bamboo products. Suite number will be submitted tomorrow. There is an increase of 400 sq. ft. making a change from second floor to first floor. There are 4 spaces in the lease but not to be marked. No outside sign will be required. Signatures were identified. No products are on site. They are a manufacturers representative. There are no truck deliveries except for office supplies or samples. The plans that have been submitted shows first floor plans they are currently on the second floor. Ms. Hutter asked if a cco was ever issued for the space they are currently in now. Board members do not remember anyone coming for a Use Permit. Mr. Fette stated that they will need building, electric and plumbing permits. Also a CCO inspection from the building department will be needed. Suite number will be sent to Ms. Hutter. A motion to approve was made by Mr. Culhane and seconded by Mr. Teagno with all in favor stating aye.

- 2. Block 1903 Lot 6—Maureen Wilner, The Wilner Group-136 Summit Avenue-Suite 205-(868 sq. ft.)**- Ms. Kate Walsh represented the applicant, Seth Goldman. Zip codes will be submitted to Ms. Hutter. Chairman read into the record the application. Hours of Operations will be 8:30am to 5:00pm, Monday through Friday. They are operating under a TCO stated Ms. Walsh. Chairman asked how long they were occupying the space. Mr. Goldman stated 4 months. Chairman asked how did they occupy space without the necessary permits. Mr. Goldman stated that they were not told

or aware. The property manager came forward Shua. Work was done illegal for moving of the walls. The property manager came forward. Chairman said he should know the local code and why wasn't he told. He stated that it was in the lease. Mr. Shua was sure of the square footage and who was in the building. He could only give an estimate. Chairman asked for Mr. Fette input. He gave a summary of there are 4 illegal tenants. Fire Prevention had found them without permits. Work was done in regard to the creation of a wall without permits. Chairman stated that they had to secure the necessary permitting before occupying. Chairman also stated to the property owner that he should know about this building. Mr. Gordon came forward. He isn't involved in this building. He will make sure that perspective tenants get local improvements before allowing them to occupy the space. A discussion of broken glass on the second floor involved along with illegal cars being parked. Chairman believes that we should not penalize the applicant but that that the tenant come in for a cco tomorrow for the paperwork. Mr. Fette stated he can have them inspected on Thursday. Mr. Goldman stated he could. Mr. Fette stated the blame is equal to be aware of the code of the borough before taking space. He will expedite a cco inspection on behalf of the tenant but he is not getting cooperation of the landlord and he believes that they should be a financial penalty. The board cannot impose a penalty stated Mr. Regan. Mr. Fette stated he has issued fines. Mr. Fette stated only two of the tenants dropped everything to try and comply. There were two other tenants that stated that they would have their attorney take care of it. On Friday the two tenants were ticketed, Officer Hanna escorted the Fire Officials and Chris Gruber to evict and shut down the two businesses and to have the cars towed. Officer Hanna insured Mr. Fette that his inspectors treated the tenants with the upmost respect.

Chairman asked the board to act in the affirmative subject to them coming to the building department to get their cco and inspection. Unless Dr. Umansky gives the board the courtesy to appear before this board no other permits will be issued. A motion to approve with conditions was made by Ms. O'Neill and seconded by Mr. Culhane. A roll call vote was taken with everyone stating aye.

**4. Block 1903 Lot 6- Israel Cherns d/b/a UNPPG, Inc.-136 Summit Avenue-Suite 202(1896 sq. ft.)** Chairman read it into the record. Mr. Dickstein represented the applicant. Israel Cherns name was corrected on spelling. Applicant has been a tenant since February 1 of this year. General office. Signatures were identified. Asset Management Company. Mr. Fette stated that they need their CCO inspection and he can apply at the building department. Verification of the signatures need to acknowledge as signatures don't match. A motion to approve was made by Mr. Lintner and seconded by Ms. O'Neill. A roll call vote was taken with all stating aye.

**5. Block 1903 Lot 6-Skylark Management, Inc. 136 Summit Avenue-2200 sq.**

ft. Mr. Newhouse came forward represented by Ms. Gatto. The operation of the company is residential management. Mr. Regan swore in the applicant. It is Suite 200 stated Ms. Gatto. Number 4 should be 30,500 sq. ft. -space to be occupied 2278 sq. ft.-They are the tenant who is locked out for not complying. They have been locked April 19<sup>th</sup>. 4n. laminate flooring was installed, closed up a door and moved one wall. There are 4 spaces allocated in their lease. Parking is in common. 5f. is 117 spaces. Signatures were identified. Zip codes will be supplied. Mr. Newhouse gave an apology. A motion to approve was made by Ms. O'Neill and seconded by Mr. Culhane with all present stating aye.

A five-minute break was taken.

3. RESOLUTION- **Resolution for Deliciously Alisha, LLC**-Chairman had stated that they were revisiting this resolution which was not memorialized as of yet. Mr. Austin counsel for the applicant came forward. There were a few misunderstandings of the town. He was under the impression that things would be done after the resolution. The billboard was an issue. The proposed resolution page 3, was discussed. The billboard has been around since 1936 and there does exist a state permit to allow the board that predates the ordinance to prohibit billboards. We didn't have the right to have them remove it. Mr. Regan stated that they had referenced a resolution from 1991. They extracted that information on page 3. The prospective tenant and owner of the property will make the site improvements and the prospective tenant is going to secure permits to occupy the building. The electric truck will be removed. Parking will be in the rear. Mr. Austin read into record what was agreed upon. Mr. Teagno is not in favor as nothing has been done. Mr. Fette stated that no permits will be issued unless site issues are secured. Once the pine tree is down, he will dismiss the court date. A motion to approve was made by Ms. O'Neill and seconded by Mr. Culhane. A roll call vote was taken, with Mr. Teagno stating no and all others present stating aye.

### **PUBLIC HEARINGS (NEW):**

**Block 2701 Lot 2-KPMG-3 and 75 Chestnut Ridge Road-Amended Site Plan**-Mr. Del Vecchio came forward representing the applicant. Notice was marked as A1. Application dealt with numerous items. Lighting, sidewalks, install additional drainage, mill an repave, and restripe existing parking lot and driveways for 3 Chestnut Ridge Road. Mr. Napolitano was sworn in my Mr. Regan along with Ms. Green and Mr. Hipolit. Mr. Napolitano stated the site is 45 acres in size. One campus and two blocks and lots. Three Chestnut Ridge Road last approval from 2000 of drainage and paving and now they want to revisit it and

make the improvements. Sheet Y3 was referred to. They are eliminating 5 parking spaces to provide increase turning radius on site. Sheet Y4 showed the truck access and the loading dock at building 4. This will eliminate them from using the driveway and blocking the road. Curb areas will be needed to be modified. Sidewalks of additional 996 sq. ft. will be added for safety. This will connect the buildings. Right now, people walk within the access roadway and this will increase the safety of the pedestrians. An entrance sign will be added. They are proposing bollards along 75 Chestnut Ridge Road. A retractable bollard will be added as well. Matching poles and fixtures would replace the old ones with the new ones. The call boxes will be mounted to existing poles and locations are shown on the plans. There are 11 boxes. KPMG will issue the cameras on site security and /or 911 dispatch. Truck traffic has been rerouted for a safer route. .05% increase of impervious increase. Maximum height will be consistent with what exists not to exceed 25 feet. Hairpin striping will be provided throughout the parking lot. Mr. Hipolit's review was marked as B1. Ms. Green's review letter was marked as B2. The patio was discussed. There is a handicapped ramp already provided. The patio is handicapped accessible stated Mr. Napolitano. Boomerang Surface Mount Reboundable Delineator was marked as A3. It will be obtained as white. Montvale Police Department review dated March 12, 2019 was marked as B3. The fire department review was marked as B4. Mr. Stefanelli asked if there could be a walkway to connect the buildings. They would take the bus to the other side of the campus.

A motion to open to the public was made by Mr. Stefanelli and seconded by Ms. O' Neill no one from the public wishing to be heard a motion to close was made by Mr. Stefanelli and seconded by Mr. Culhane all in favor stating aye. A motion to have the board attorney prepare a resolution was made by Mr. Stefanelli and seconded by Ms. O'Neill. A roll call vote was taken with all stating aye.

## **PUBLIC HEARINGS (CONT):**

- 1. 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 1) Planned Unit Development and Preliminary Site Plan (Phase II) -Glenview Road (PUD) - carried to May 21, 2019**
- 2. Block 3201 Lot 4-Ridgecrest Realty Associates, Inc.-21 Philips Parkway- Application for Conditional Use and Variance Approval, Major Soil Moving Permit Approval, Bulk Variance Approval, EIS Approval and Site Plan Waiver- carried to May 21, 2019**

3. **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- Carried to May 21, 2019**

**RESOLUTIONS:**

**1. Block 1301, lots 24.04, 24.02 and 33** Resolution granting amended site plan approval and a waiver from requiring the submission of an environmental impact statement to John D. Koerner and Tina M. Koerner. A motion to approve was made by Mr. Lintner and seconded by Mr. Teagno with a roll call vote with all stating aye.

**2. Block 703, Lot 7-** Resolution Granting Amended Site Plan Approval and Variance Relief to Valley Physician Services, Inc. d/b/a Valley Medical – A motion to approve was Mr. Lintner and seconded by Mr. Teagno. A roll call vote was taken with all stating aye.

**3. Block 2802 Lot 2 & 3, Block 1002 Lots 3&5-Montvale Development Associates, LLC-**Application for Amended Preliminary and Final Site Plan Approval, Amended PUD Approval, and exemption from Modified EIS Approval and Soil Moving Permit- A motion to approve was made by Mr. Lintner and seconded by Mr. Teagno with all present voting aye.

**Other Business-none**

**Open Meeting to the Public-none**

**Adjournment -A motion to adjourn by Mr. Teagno and seconded by Mr. Culhane with all in favor stating aye.**

**Next Regular Scheduled Meeting: May 21, 2019 AT 7:30PM**

**Respectively submitted:**

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