

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

## **MINUTES**

**Tuesday, April 6, 2021 -Remote Meeting (see below)**

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.

You are invited to a Zoom webinar.

When: April 6, 2021 07:30 PM Eastern Time (US and Canada)

Topic: Planning Board Regular Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87191375276?pwd=YWxUR3NQRUNTTy9FM0c5eGlyOWZoUT09>

Passcode: 872909

Or iPhone one-tap:

US: +13126266799,,87191375276#,,,,\*872909# or +19294362866,,87191375276#,,,,\*872909#  
Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 871 9137 5276

Passcode: 872909

International numbers available: <https://us02web.zoom.us/j/kcRr90nCS1>

**OPEN PUBLIC MEETINGS STATEMENT** -Please be advised that due to the state of emergency and public health emergency declared by Governor Phil Murphy pursuant to Executive Order 103 and in an effort to prevent further spread of COVID-19, this Planning Board Meeting will be held virtually via Zoom in lieu of an in-person meeting. Notice of this meeting has been advertised in the RECORD and placed on the website. Documents have been posted on the website under the planning board agenda under documents.

All public will be muted until the chairman opens it up to the public for questions only of each applicant's or board professional testimony. The public can address their questions to the chair and he will direct it to the appropriate person. When at the end of the public hearing the chairman will again open it up to the public for comments. If you have a comment please hit the raise hand symbol and I will acknowledge you. Please state your name, spell your name and give your address when asking questions or giving comments. All questions and comments will be directed through the chair and he will in turn direct it to the appropriate person.

**ROLL CALL:**

**PRESENT:** Theresa Cudequest, John Culhane, Councilmember Curry, Mayor Ghassali, William Lintner, Frank Stefanelli, Dante Teagno, Robert Zitelli, Javid Huseynov, Chairman DePinto

**ALSO PRESENT:** Robert Regan, Board Attorney; Andrew Hipolit, Borough Engineer; Darlene Green, Borough Planner and Erica Davenport, Assistant to the Land Use Administrator

**ABSENT:** Christopher Gruber; Lorraine Hutter, Land Use Administrator

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

Mayor Ghassali stated that there are 34 residents who are currently positive with COVID-19 and are quarantining. Unfortunately, COVID-19 numbers are up from last month. Also, Saturday, 4/10, Montvale is having a clean-up day at the Red Shed at 9am. Chairman DePinto stated that before we take on another major application, we will discuss moving meetings from zoom to in person. Mayor Ghassali said that we can fit up to 24 people in a room, which includes the board members. Also, Wegman's is getting a big shipment of vaccinations on Friday, 4/9, and the public can make an appointment online at [www.wegmans.com/register](http://www.wegmans.com/register).

**ZONING REPORT:** None

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Zitelli stated that Montvale clean-up day is this Saturday, 4/10. Also, the next Environmental Commission meeting will be on 4/19.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli reported that there were 3 applicants. The first was Vanessa Formica at 15 Flintlock Road looking to install a generator. Ms. Formica

had no issue to install this generator because it fits within the boundary line around her house. The next applicant was Jennifer Hughes at 27 Flintlock Road and she is also looking to install a generator. Their contractor ran the pipes outside the pad and is outside the boundary line of where they can install a generator. This has caused an issue and after a lengthy discussion, Mr. Hipolit is going to look at their property and figure out a good location of where they might be able to install this generator somewhere within the pad. The third applicant was Benjamin Moore & Company located at 101 Paragon Drive. They were looking to install a tent for outdoor seating and the board approved this application.

**CORRESPONDENCE:** On website

**APPROVAL OF MINUTES:** March 16, 2021 - A motion to approve was made by Ms. Cudequest and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with Councilmember Curry abstaining and all other members stating aye.

**DISCUSSION:** None

**USE PERMITS:**

**Block 3101 Lot 1 – Drop Fitness Montvale, LLC – 2 Chestnut Ridge Road - (23,400 sq. ft.)**  
<https://drive.google.com/file/d/1DNDQ2X-Bj8nWZYHYsCw8I3F2ME4243x/view?usp=sharing>

Jeb Balise came forward as the applicant and was represented by Mr. **Gregory K. Asadurian, Esq.** Mr. Regan swore in both Mr. Balise and Mr. Asadurian. Chairman DePinto read the application into the record. Mr. Balise confirmed that his signature was on the application as well as the landlord's signature. The zip codes of the employees were attached to the application as well as the filled-out Montvale Police Department form. Mr. Balise gave a brief overview of the use of this location. He is intending to use this area as a gym with cardio machines and weights. He is modernizing the interior and installing top tier boutique fitness studios and building a world class facility. He also plans on installing a café which is open to members of the gym. He prepared renderings which he then presented to the board. There were no questions that arose from

board members. All board professionals agreed that it was a permitted use for the zone, especially since they are being consistent with the prior use. A motion to approve was made by Ms. Cudequest and seconded by Mr. Culhane. A roll call vote was taken with all members stating aye.

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

1. **Block 1607 Lot 9 – Hoffmann – 23 Waverly Place** – Application for Zoning Variance  
<https://drive.google.com/drive/folders/1OeIR58SKmz0RHETLYRg-mCS0bkL-EJn0?usp=sharing>

Daniel Hoffmann came forward as the applicant along with his architect, Joseph Bruno. Mr. Regan swore both of them in as well as Ms. Green and Mr. Hipolit. Mr. Regan marked the architectural plans dated 10/6/19 as A1. Mr. Hipolit showed a street view of Mr. Hoffmann's home, which was marked into evidence as A2. Mr. Bruno gave a brief overview of what his plans were for the home. They would like to build a covered front porch which requires two variances. One variance being a front yard setback and the other variance being building coverage (20% coverage is permitted in the zone and they calculated the new coverage coming in at 21.43%). The proposal if approved would improve the appearance of the home. Chairman DePinto marked into evidence the Montvale Police Department review dated 12/28/20 as B1. The Montvale Fire Department review dated 1/22/21 was marked as B2. Next was the engineering review dated 1/13/21 marked as B3. Mr. Hipolit summarized his technical review. Mr. Hipolit is requiring them to get a minor soil movement permit from the building department, condition of approval. Also, any new gutters that they install must be directed towards the street and not to the South. Mr. Hoffmann was in agreement. Ms. Green's technical review letter dated 1/13/21 was marked as B4 and Ms. Green then gave a brief summary of her review. She agreed with Mr. Bruno of the two variances that they need. Ms. Green stated that it was unclear if this lot was a corner lot on the zoning map. She wanted clarification on what exactly abuts the property; a parcel or a right of way. Lot 10 is owned by the borough, which is reflected on the survey however, the tax map illustrates a 20-foot-wide lot, not a right of way. Mr. Hipolit stated that this area in fact got paved last year so

he believes it is a right of way and the Borough maintains it. There is no street name. If in fact this is a right of way then Ms. Green believes that this would be a corner lot. After further discussion, it was determined that this area is listed as Lot 10 on the zoning map and since it is owned by the Borough and maintained by the Borough, it remains a lot and Mr. Hoffmann's property is not considered a corner lot. Ms. Green stated that Mr. Hoffmann could therefore remove that entire right of way center line from their plans and there would be no issues. This application was determined as an interior lot and was not penalized for having two front yards. Chairman DePinto believes that this Lot 10 issue should be brought to the attention of the Mayor and Council so they can determine what it should be utilized as. Chairman DePinto thinks that if it is used as a street and maintained as a street then it should be named. No further questions arose from board members.

A motion to open the meeting up to the public was made by Ms. Cudequest and seconded by Mr. Culhane. No one from the public came forward. A motion to close the meeting to the public was made by Ms. Cudequest and seconded by Mr. Culhane. All in favor stated aye. A motion to request the board attorney to prepare a resolution was made by Mr. Teagno and seconded by Mr. Lintner. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

2. **Block 401 Lot 4 – Ferrara & Sons Construction, LLC – 53 North Avenue – Soil Movement Application**

<https://drive.google.com/drive/folders/1Orb3FCQger8NxwsOES9BJTjmSNOy9SkP?usp=sharing>

Jordan Yuelys, Esq. came forward as representing Ferrara & Sons Construction, LLC (Alfonso Ferrara). Sean McClellan, engineer, was also present. Mr. Regan swore them in along with Ms. Green and Mr. Hipolit. Mr. Regan marked the architectural plans dated 9/4/20 revised 1/6/21 as A1. This was a property that contained a single-family home however, there was a fire to that home and Mr. Ferrara purchased the property and is intending to build another single-family home. Mr. McClellan gave a brief overview of the submitted plans. Regarding soil movement, they will be removing 546 cubic yards off the site. Mr. Hipolit's completeness review letter dated 3/16/21 was marked into evidence as B1. Mr. Hipolit summarized his review letter and

questioned the soil movement calculations. He requested modifications to their calculations from 546 to 874. Mr. Hipolit also questioned the three seepage pits. Mr. Hipolit would like Mr. McClellan to provide storage from the proposed driveway the same as what they are doing for the proposed dwelling. Mr. McClellan had no issue with both of Mr. Hipolit's requests. Chairman DePinto then marked into evidence Ms. Green's report dated 3/23/21 as B2. Ms. Green gave a brief summary of her report. Ms. Green agreed that the applicant had a pre-existing non-conforming condition regarding the lot width. She also had a question about tree removal which Mr. Yuelys explained that those trees were taken down due to the fire of the previous home. Mr. Ferrara stated that there will be 5 bedrooms with the option of the next homeowner finishing a sixth bedroom in the basement. The approximate size of the home will be just under 4,000 sq. ft. He also explained that the air conditioner units will be located on the right side of the house, looking from the street (not within the setbacks). Chairman DePinto marked into evidence the Montvale Police Department review dated 3/3/21 as B3 and the Montvale Fire Department review dated 3/3/21 as B4. Mr. Lintner commented that he believes there will be an increased soil movement calculation with the addition to the catch basin at the driveway. Mr. Yuelys stated that he will give us that updated information early next week. No other comments arose from the board members. A motion to open the meeting up to the public was made by Mr. Stefanelli and seconded by Mr. Zitelli. All in favor stated aye. No one from the public came forward. A motion to close the meeting to the public was made by Ms. Cudequest and seconded by Ms. Curry. All in favor stated aye. A motion to have the board attorney prepare a resolution with respect to the changes requested by the board professionals regarding the plans and filing fees. A motion was made by Ms. Cudequest and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

3. **Block 2802 Lot 2 Qualifier C001A & C001B – Montvale Development Associates II. LLC – Mercedes Drive and Grand Avenue West** – Application for Amended PUD Approval; Amended Phase II Preliminary Site Plan Approval; Final Site Plan Approval; Use Variance for Medical Offices and Soil Movement Approval

<https://drive.google.com/drive/folders/1px9O5AdSgCmo2uldXt2YGtBUVfyLOuQK?usp=sharing>

Minutes for this application were taken by audio transcript – see attached. This application was carried to April 20, 2021. No further notice is required other than this announcement.

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

1. **Block 2904 Lot 4 - Bank of America - Chestnut Ridge Road** - Amended Site Plan -Lighting  
[https://drive.google.com/drive/folders/15Y\\_tPQAcuf2AJHRpGm\\_48-Xnhcuk\\_7e4?usp=sharing-](https://drive.google.com/drive/folders/15Y_tPQAcuf2AJHRpGm_48-Xnhcuk_7e4?usp=sharing-)

**Carried to April 20, 2021**

2. **Block 1002 Lot 7 - Waypoint Residential Services, LLC - 127 Summit Avenue** - Application for Preliminary and Final Site Plan and Bulk Variance Approval and Soil Movement- click below link for documents to view

<https://www.dropbox.com/sh/3wpdvduuypml6l/AADMHQKfrPI-jfJZs9Z7cOY3a?dl=0>  
[https://drive.google.com/drive/folders/1qNHGWalyWhFQKjckE4JzItxV\\_cdJbTy1?usp=sharing](https://drive.google.com/drive/folders/1qNHGWalyWhFQKjckE4JzItxV_cdJbTy1?usp=sharing)  
<https://drive.google.com/drive/folders/1484vkWTKSafi5nUb9rEJemFjV7EuOCBQ?usp=sharing>

**Carried to April 20, 2021**

**RESOLUTIONS:** None

**OTHER BUSINESS:** None

**OPEN MEETING TO THE PUBLIC:** A motion to open the meeting to the public was made by Ms. Cudequest and seconded by Mr. Culhane. All in favor stated aye. Paul Walsh (12 Elsworth Terrace) came forward. He stated that he appeared before the board on 1/19/21 with concerns about the maintenance of 11 Elsworth Terrace. He was previously told that he would meet with Chris Gruber to go over everything at that property however, that meeting never took place. Mr. Hipolit was aware of this and he will work with his secretary to set something up to address this property. They agreed that next week would be a great time to meet. Mr. Hipolit will report

back to the board with his findings. No one else from the public was present. A motion to close the meeting to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. All in favor stated aye.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated aye.

**Next Regular Scheduled Meeting Remote:** April 20, 2021 at 7:30 PM

Respectfully Submitted,

Erica Davenport  
Assistant to the Land Use Administrator