

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, May 4, 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: May 4, 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#
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Webinar ID: 871 9137 5276

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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.

Mayor Ghassali introduced Councilmember Koelling to the Board. Councilmember Koelling will be taking Rose Curry's place temporarily since she has decided to take some time off. Also, Mayor Ghassali will be taking a step back from the Planning Board and he appointed John Ryan as his designee. Chairman DePinto accepted Mayor Ghassali's designation. John Ryan was sworn in by Mr. Regan.

Mayor Ghassali gave a brief update before he left. As of today, there are 27 residents with COVID. Year to date there have been 200 positives and last year there were 244 positives. As of Friday of last week there has been 46% of the adult residents that are fully vaccinated and 61% of the adult residents have at least one dose of the vaccine. After their second dose, Montvale will have over 60% of the adult residents vaccinated. With this good news and the ease of restrictions put forth by Governor Murphy, he has decided to start having in person council meetings starting May 25th. The planning board is free to decide when they would like to have in person meetings. He will have the Council Chambers arranged to fit within the guidelines and the room can fit up to 40 people. Mayor Ghassali stated that masks must still be worn and they must keep a 3-foot distance. Chairman DePinto asked the board if anyone objected to in person meetings and no one commented. Chairman DePinto stated that he would like to go back to in person meetings starting with the next meeting on May 18th.

ROLL CALL:

PRESENT: Theresa Cudequest, John Culhane, Councilmember Koelling, John Ryan, Mayor Designee; Christopher Gruber, William Lintner, Frank Stefanelli, Robert Zitelli, Chairman DePinto

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

ABSENT: Dante Teagno, Javid Huseynov

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

Mr. Hipolit reported that there were a few signal modifications on Mercedes and Grand. The foundations were put in a few weeks ago and they are fine. The pole showed up this week so they will probably be up and running with the signal modifications for a protected left turn lane heading Grand Avenue east making a left turn onto Mercedes Drive.

ZONING REPORT: Mr. Gruber reported that he has informed all parties about the salt shed on 100 Summit being removed. He gave them one week to remove it and any vehicles left there will be impounded and towed. Some of the zoning issues on N. Kinderkamack Road have been addressed today and others will be addressed soon. He questioned the tents for outdoor dining if they needed to be removed now that Governor Murphy lowered COVID restrictions. Mr. Regan stated that capacity limits have been eliminated for both indoor and outdoor dining subject to social distancing of 3 feet apart. Therefore, the application form that the business owners filled out specifically stated that when the emergency was lifted, the tents would have to be removed. The effective date that the Governor gave is May 19, 2021. Chairman DePinto believes that those tents would need to start coming down within the next two weeks however, he would like to leave things as they are right now and make the decision at our next scheduled meeting. This will give Mr. Regan time to read the executive order more closely for them to make a proper decision.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Chairman DePinto stated that there is a property owner that has applied for the removal of 70 trees on their property. It is a single-family home and there is concern that if you take down that many trees on one property, how it will affect storm water management. The way the ordinance is currently written, this homeowner is allowed to take down that many trees. Chairman DePinto suggested putting together a committee comprised of planning board members, council members, environmental commission members, the borough engineer, the borough planner and the borough attorney to come up with something to regulate this. No one should be allowed to take down that many trees. Mr. Hipolit stated that removing this many trees will affect drainage to the street. It will create a lot more runoff and there is a lot less canopy.

Chairman DePinto is going to discuss with the mayor setting up this committee.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli stated that there were two applicants that came before the board. The first was Lukoil located at 107 Spring Valley Road. They wanted to redo the lot and put a convenience store and gas station which would require 13 variances. We told them to go back to the drawing board to lessen the number of variances needed. The second applicant was Lifetime Fitness located at 10 Van Riper Road. They were looking for a temporary event application. The Committee told them that with the restrictions being removed by Governor Murphy, their application was not necessary. They withdrew their application.

CORRESPONDENCE: On website

APPROVAL OF MINUTES: April 6, 2021 – A motion to approve was made by Mr. Culhane and seconded by Ms. Cudequest. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

DISCUSSION: None

USE PERMITS: None

PUBLIC HEARINGS (NEW): None

PUBLIC HEARINGS (CONT): Councilmember Koelling and Mr. Ryan were excused for the evening since the Board was discussing an application involving a D1 variance.

1. **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.

2. **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 May 18, 2021

Chairman DePinto stated that since Bank of America is seeking an amended lighting plan and new signage in two separate applications, he would like them to combine these applications so they can both be heard on one night. Mr. Regan will tell the attorney representing them that this application will be carried to another meeting in June.

RESOLUTIONS:

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

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

A motion to introduce was made by Ms. Cudequest and seconded by Mr. Stefanelli. There was no discussion on the motion. There was a correction made by Mr. Regan – two on page six, paragraph two where 874 cubic yards was written where it should be 930 cubic yards. Also, there was a seepage pit that was going to be added. In the third line of the paragraph, three should be changed to four seepage pits. A roll call vote was taken with all members stating aye.

OTHER BUSINESS: Revised Fee Schedule 2021 – Ms. Hutter stated that there has been an issue collecting escrows. The escrow fee has been \$800 for the last 15 years and we are always chasing after applicants for more money. Now she would like to lower the application fee to \$125 and increase the escrow fee to \$1600. This fee schedule will be discussed again at a future meeting.

OPEN MEETING TO THE PUBLIC: A motion to open the meeting to the public was made by Ms. Cudequest and seconded by Mr. Culhane. No members of the public were present. A motion to close the meeting to the public was made by Ms. Cudequest and seconded by Mr. Culhane.

ADJOURNMENT: A motion to adjourn was made by Ms. Cudequest and seconded by Mr. Culhane.

Next Regular Scheduled Meeting Remote: May 18, 2021 at 7:30 PM

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator