

SPECIAL MEETING OF THE MONTVALE PLANNING BOARD
MINUTES

Wednesday, March 29, 2023

Municipal Complex 12 DePiero Drive, 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.

Vice-Chairman Stefanelli opened the meeting at 7:37pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

PRESENT: John Culhane; Javid Huseynov; Robert Zitelli; Frank Stefanelli; William Lintner; Dante Teagno

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Dipti Sheth, Acting Borough Engineer; Carl O'Brien, Acting Borough Engineer; Lorraine Hutter, Land Use Administrator; and Erica Davenport, Assistant to the Land Use Administrator

ABSENT: Chairman DePinto; Councilmember Koelling; Christopher Gruber; John Ryan, Mayor Designee and Andrew Hipolit, Borough Engineer

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

ENGINEER/BOROUGH PLANNER: None

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – The EC met on March 20th and they discussed cleanup day which will be April 22nd. The girl scouts are planting by Huff Pond down at Memorial. Work is going on for the Environmental Resource inventory. The EC would like to be a part of the review process for all applications in the future. That request will be answered at the next meeting when Chairman DePinto is in.

SITE PLAN COMMITTEE REPORT: None

MASTER PLAN COMMITTEE REPORT: None

CORRESPONDENCE: On back table

APPROVAL OF MINUTES: None

DISCUSSION: None

USE PERMITS: None

PUBLIC HEARINGS (NEW): None

PUBLIC HEARINGS (CONT):

Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Application for Preliminary and Final Subdivision and Preliminary and Final Site Plan Approval together w/ Bulk and Use Variances

Arthur Neiss stepped forward as the acting attorney for this evening as Mr. Del Vecchio could not attend tonight. Mr. Neiss started the meeting off by marking a few exhibits into evidence. The first exhibit was the L2A Preliminary Major Site Plan (consisting of 18 sheets) with a last revision date of March 17, 2023 marked as **A23**. The second exhibit was the stormwater management report last revised March 17, 2023 marked as **A24** and the last exhibit was the L2A Engineering Response letter dated March 17, 2023 as **A25**. The plans have been changed and this is a new submission. Mr. Dipple (who remains under oath from the last meeting) came forward to explain the changes that were submitted.

Mr. Regan swore in Carl O'Brien who is the acting engineer from Collier's Engineering.

Mr. Dipple explained that this is no longer a subdivision as they made substantial changes to the plans. They took away all of the lines that were dividing all of the proposed residences that created individual lots. This development was always on lots 13 and 14 and now that's missing are all of the pie shaped lots. Now this is a lot consolidation and the variances change quite considerably. In the R40 district where the minimum lot area was 40,000 sq. ft. is now 178,000 sq. ft., because everything is now on one property, taking away that variance. Lot width where 200 feet is required, they now have 408 feet so that takes away that variance. Where maximum number of families per lot is 1 that is now a variance because they now have 19 families proposed on one overall lot (since they are consolidating 2 lots into 1). The

calculation for maximum building coverage now changes where 15% building coverage is permissible in this zone, they are at 21.74%. They exceed the allowable building coverage by 6.34%. Continuing down the list they have impervious coverage where 30% is permissible, they are proposing 48.96% which is a variance and this is due to the structures, the road, the parking and some of the other amenities they have calculated just shy of 50%. The side yard setback where 70 feet is required from the centerline of the road, the site plan shows 65.67 feet in the upper righthand corner. They are going to eliminate that variance and move the dwelling in the upper righthand side away from that setback by 4.5 feet. Mr. Dipple referred to Ms. Greens letter dated March 27th marked as **B6**. The side yard setback where 20 feet is permissible, they have 17.33 feet and they are going to comply with the 20 feet in the future submission plans. Minimum rear yard setback where 50 feet is required, that occurs on the west side of the site, they are proposing 16.00 feet along all of those dwellings. He cannot meet that requirement so they are requesting a rear yard setback variance. The parking count does not change so they continue to comply with that requirement. To sum up, they are requesting 6 variances that Ms. Green noted in her letter. They are eliminating 2 variances of the side yard setback by reconfiguring the properties to avoid those setbacks that they almost met so the new total of zoning variances they are requesting is now 4. That sums up the zoning variances. They also added a second tier retaining wall on the west side of the property. This changed their height calculation and they are showing no variance with this. Regarding parking lot lighting, they will comply which eliminates waiver #3. Regarding waiver #4, they will comply with the shade tree requirement. In terms of the waivers, they are eliminating 2 of the 4. Regarding stormwater management, they added drywells which will handle water runoff and decrease the water going into the detention basin. The units on the west side discharge to separate drywells.

Vice-Chairman polled the board for questions. Mr. Teagno asked if the lot lines are removed, how does it work if someone buys a house in this development? Mr. Neiss stated that there will be a homeowners association set up. Mr. Teagno seemed to have an issue with the 10 feet between the homes. If there was a fire in one home then it could easily move to the next home. Concern also came up regarding generators being placed on the properties if a homeowner wanted one. Mr. Neiss stated that all exterior changes to the homes should be

made subject to the approval of the homeowner's association in and through the formation documents. If the homeowner wants to install anything on the property, they would need to permission of the homeowner's association. Mr. Regan asked if it will be like Flintlock? If any home in Flintlock requests a change, they need to come before the board for amended site plan approval and that has created hardship for a lot of homeowners in that development. Mr. Neiss stated it would be a lot like Flintlock in that regard. The HOA would need to monitor and govern a lot of the decisions for what can go on each property and he believes Mr. Del Vecchio will bring more information to the next meeting.

Mr. Kurz stated that each home should be at least 50 feet apart so flames could not impinge on the next home. Mr. Teagno had an issue with this statement because he thought it was a safety concern.

Mr. O'Brien stated that his engineering report will be submitted next week. He asked if the maintenance of the seepage pits and detention basin will be the responsibility of the homeowner or from the HOA? Mr. Dipple suggested it would be the responsibility of the HOA. Mr. O'Brien stated that the important thing to keep in mind is that you need to have each homeowner keep the inspection port open or accessible with no landscaping covering it up. In addition, the borough will need inspection records on a yearly basis to make sure they are following DEP regulations. Also, the stormwater infiltration testing is important because if the basin doesn't perk effectively, then they need to redesign the drainage aspect of the development and he is willing to sit down and work with them to make sure this is accurate. These numbers are critical since there is a lot of drainage going on in these plans. Regarding mechanicals, there is no depiction on the plans. Mr. Dipple will talk with the architect and have all of the AC units and generators be depicted in the rear of each home. He will include these in his next set of submitted plans. Mr. O'Brien wants to make sure he includes all of this with his impervious coverage calculations. Mr. O'Brien is also concerned with maintenance of the impervious asphalt regarding any collection of debris. He recommends some type of maintenance contract with a company who does that and he would like this to be included with the deed of each property. Regarding the truck turning templates especially involving the fire truck, did they get the right measurements (wheel base, width, etc.) from the Montvale

Fire Department, or did you just use a generic fire truck? Mr. Dipple stated that he did use the measurements from a Montvale Fire truck from 2012-2013. He believes this truck will move comfortably through the site. Mr. O'Brien doesn't think so, he thinks curbs will be jumped and it would not make the turns around the general development.

Mr. Huseynov asked, what is the value of having these homes detached now that they are all on one single lot? Mr. Dipple stated that this is what the applicant wanted in terms of the design. He wanted single family dwellings, not townhouses.

Mr. Kurz stated that he was concerned about the radius or the turntable regarding the 20-foot roadway. He doesn't believe having the riggers out from the truck they will have a sturdy place to put them down to stabilize the truck. From the driver's side and out is 18 feet, so having a 20-foot width will not work. Mr. Kurz was referencing the fire department review letter and Mr. Regan marked it into evidence as **B7** dated March 29, 2023. Also, Mr. Kurz stated that there is extremely low water pressure on that side of town and he is concerned with this development going up if there will be enough water pressure. Mr. Dipple wants to get a private flow test but it will not happen until April. Mr. Regan stated that the board could not proceed with the application without those test results. This would need to be a condition of approval. Mr. Dipple understood.

Ms. Green asked who owns what regarding the patio, stairs, etc.? Will fences be allowed, will they not be allowed? We need the parameters. It would be helpful to the board to outline that in the HOA. Mr. Regan also stated that there should be an outline for where each home should be a generator so when one homeowner wants one, there will be a distinct location so they don't have to come for an amended site plan approval. Mr. Regan recommends this all to be a condition of approval. Ms. Green asked how much distance there is from the rear of the homes and the retaining wall located on the west side of the plan. Mr. Dipple stated they are 6 feet to the lower tier of the retaining wall and the upper tier is 11 feet. Ms. Green said 6 feet seems very narrow. She would like to receive revised site plans for the next hearing. Mr. Dipple said he could, depending on the next meeting date. Ms. Green noticed the crosswalk was eliminated and Mr. Dipple said the county suggested to eliminate it and he believes it was the best decision since speed on a county road is higher than normal. Lastly, Ms. Green

questioned the green giant arborvitae on the landscaping plan. Mr. Dipple stated that he will be changing those to a better species, they no longer fit in that space by the tiered wall.

A motion to open the meeting to the public was made by Mr. Culhane and seconded by Mr. Teagno.

1. **Robert Gearloff – 23 Spring Valley Road** – Mr. Gearloff asked if he got soil movement calculations and Mr. Dipple did not. Mr. Gearloff also asked about the easement. Mr. Dipple stated that they were asked if they could plant trees within that easement and they were given the verbal okay to do so. Between the 10 feet of the two buildings are there any windows? Mr. Dipple responded, yes. He also asked about the crosswalk and sidewalk and if it would extend down to the corner. Mr. Dipple stated that the client will extend it. Mr. Gearloff also asked why this was a special meeting when all answers tonight were so vague and plans still needed revisions.
2. **Cynthia Arnold – 34 Spring Valley Road** – She stated that they are representing the owner from lot 13, but yet, they are incorporating lot 14. Where is the other owner? Mr. Neiss stated that there must have been consent from the other lot owner. Ms. Arnold stated there is nothing in the Colliers report stating that. Mr. Lintner stated that at the first meeting, Mr. Del Vecchio said they own lot 13 and were under contract to purchase lot 14.
3. **Sharon Gearloff – 23 Spring Valley Road** – When will you know about the homeowners association guidelines and who is allowed to buy the property? Mr. Neiss stated it is not an engineering question however it will be in the documents after the approval takes place. Ms. Gearloff said they keep talking about families and family rooms however, since this is an age restricted home, how are families supposed to live here? Mr. Regan stated that any approval that is made will need to be after the submission of the homeowner's association documents. These documents should include all of the decisions.
4. **Mary Cotter – 76 Spring Valley Road** – When looking at the basin, is that grass or concrete around the basin? Mr. Dipple stated that it is lawn area behind the homes with some plantings. Ms. Cotter asked, will the homeowner's association be presenting this before its approved? Mr. Regan stated it would be a condition of approval. Ms.

Cotter asked about the house on the corner, their patio faces another house. Are there windows on that wall? Mr. Dipple responded, yes. Is that ideal? Mr. Dipple responded; this is what the applicant asked him to put on the plan.

5. **Ronald Singh – 29 Spring Valley Road** – Mr. Sing asked, how many total C and D variances are we looking at now? Mr. Dipple responded there are 6 C-variances eliminating 2 so now were at 4. There are also 2 D-variances. Is that going to be 4 x 19? No, since they've eliminated the lot lines it will strictly be 4 C-variances and 2 D-variances.

A motion to close the meeting to the public was made by Mr. Zitelli and seconded by Mr. Lintner. All in favor stated aye.

10- minute break was taken at 9pm.

Mr. Hughes, planner, previously sworn in on March 7th and remains under oath, stepped forward. Mr. Hughes stated that will be referring to a colorized version of L2A site plan revised 3/17/23. Mr. Regan marked it as E-26. He did conclude is direct testimony at the last hearing however the density variance has changed. Instead of 3 units (affordable housing) on one lot now there are 19 units on one lot. He feels like the testimony he gave at the last hearing still applies to this new submission because the overall development did not change, just the lot lines. One of the waivers regarding the integration of the affordable units (waiver #1 on Ms. Greens review) Mr. Hughes stated that it is practically impossible to include these single housing units in a single-family home development. The applicant has tried to create a building with each affordable housing unit and maintain that look of a single-family home in the rest of the community. They have not isolated this building the corner of the property, or given it the look and feel that is out of place from the rest of the community. It has the same architecture and they believe they integrated this as best as they could have.

During the last meeting, Mr. Hughes mentioned the 2008 master plan and how we needed more senior housing to diversify the housing stock. Ms. Green asked if Mr. Hughes was aware that the planning board did a master plan re-examination in July 2016 and deleted those goals. Mr. Hughes was not aware of that re-examination. Ms. Green asked at what point does a

transitional lot end and zone lines become firm? What stops the next lots to the north say, I want to be a transitional lot too? Mr. Hughes stated that this particular property abuts non-residential uses to the west and south. This is a transitional use because its in the middle of commercial sites and residential sites. Ms. Green is concerned about other residential homes being next to a commercial site and saying that they are a transitional property. Ms. Green also commented that this site is not walkable as Mr. Hughes stated in his prior testimony, due to the fact that it is a 10–15-minute walk with a significant grade change going up West Grand Avenue. Mr. Hughes disagreed. Are you aware that we have a final judgement on repose and compliance? Mr. Hughes was aware but not in detail. Ms. Green doesn't think this site furthers their compliance efforts and we are not required to build affordable housing on. Ms. Green asked about the stairs and if Mr. Hughes believes that fits with the theme of an age restricted development. Mr. Hughes deferred her question to the architect regarding the design.

Mr. Lintner asked in his opinion, what are the positives and negatives about eliminating the lot lines? Mr. Hughes stated that an overall concern with a lot of people was the sheer number of variances which are now eliminated. The plan still remains as is with all the benefits that he went over in his prior testimony. The negatives are related to how is everything going to be maintained and he is confident to come back to the board at the next meeting with more information about that. Mr. Zitelli asked, why 19 homes? Why not 8 or a lesser number? Mr. Hughes stated that 19 units are what the lot size can accommodate in his opinion and this creates a pocket neighborhood. Also, there are no adverse impacts to the surrounding area such as traffic, stormwater management, environmental impacts, etc. He concluded there are no detrimental impacts to the surrounding area or the public good. Mr. Zitelli disagreed and had no further questions. Mr. Stefanelli asked, why didn't they just do a zone change? Mr. Hughes stated that he didn't think it would be a good area for a zone change. He thinks this was a site that was suitable for this form of development and he feels like it was an appropriate land use. Ms. Green stated that regarding affordable housing the town of Montvale does not need these credits. She doesn't want to mislead the board or the public because Montvale has satisfied its prior round obligations, satisfied their third round RDP and addressed their third round on that need.

A motion to open the meeting to the public was made by Mr. Lintner and seconded by Mr. Zitelli. All in favor stated aye.

1. **Debra Stephans – 4 Bayberry Drive** – You had mentioned that this property is beneficial to the town, is that correct? Mr. Hughes stated yes. Is one of those benefits senior housing? Did you do any research as to the need for senior development? He found that Montvale is an aging community and there are no pocket neighborhoods such as this that is strictly for senior housing. She asked, what is the difference between this small lot compared to Thrive? Mr. Hughes responded, this is age restricted, detached family, small lots and is intended to be integrated with the surrounding single-family homes and is also walkable to the Shoppes at DePiero's. She asked, did you look at any other locations? Mr. Hughes stated that he didn't know if that applicant looked at any other locations. She also asked, if there is a 55-year-old and a 35-year-old living here, is that acceptable? Mr. Regan said that we would have to see what the homeowner documents say because we don't have them.
2. **Mary Cotter – 76 Spring Valley Road** – Ms. Cotter asked are the affordable units age restricted? Yes. Do you feel like the apartment buildings amongst 16 houses is not going to stick out like a sore thumb? Mr. Hughes stated that this is the best solution to incorporate the single units with the rest of the homes. So, people in the affordable units will feel like they are apart of the development? Yes.
3. **Robert Gearloff – 23 Spring Valley Road** – Regarding the affordable units, are you renting or selling them? Mr. Neiss did not know for certain. Mr. Gearloff does not think the backyard is not large enough at all and the 3 different floors are good.
4. **Shanelle Singh – 29 Spring Valley Road** – Ms. Singh asked if this project would affect the school system. Mr. Hughes said no. People that may live here who are 55 would likely have teenagers, right? Mr. Hughes thinks there will be no impact on the school system.

A motion to close the meeting to the public was made by Mr. Zitelli and seconded by Mr. Teagno. All in favor stated aye.

Mr. Neiss had no further questions and no further witnesses for tonight.

Mr. Stefanelli marked into evidence the Police Department review dated 3/27/23 as **B8**. The report was read aloud by Mr. Stefanelli.

This hearing was carried to May 2nd without any further notice.

RESOLUTIONS: None

OTHER BUSINESS: None

OPEN MEETING TO THE PUBLIC: No one else from the public came forward.

ADJOURNMENT: A motion to adjourn was made by Mr. Zitelli and seconded by Mr. Huseynov. All in favor stated aye.

Next Regular Scheduled Meeting: April 4, 2023

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator