

REGULAR MEETING OF THE MONTVALE PLANNING BOARD
MINUTES

Tuesday, December 5, 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.

Chairman DePinto opened the meeting at 7:36 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

PRESENT: John Culhane; Councilmember Koelling; William Lintner; Frank Stefanelli;

Dante Teagno; Robert Zitelli; Javid Huseynov; Sherwin Tsai and Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Jamie Giurintano, Borough Engineer; John Kurz, Fire Prevention and Jeanie Fondacaro, Acting Board Secretary

ABSENT: John Ryan, Mayor Designee, Christopher Gruber and R. Lorraine Hutter, Land Use Administrator

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

ENGINEER/BOROUGH PLANNER: None

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: None

SITE PLAN COMMITTEE REPORT: Courtyard by Marriott is looking to remove the pool from the property due to it not being cost effective.

MASTER PLAN COMMITTEE REPORT: An outline of the questionnaire was provided by Darlene Green for the Montvale residents opinions on the Open Spaces and Recreation Elements. The committee will review and meet in two weeks and it will then be made available to the public.

CORRESPONDENCE: On back table – None

APPROVAL OF MINUTES: October 17th carried to December 19th

USE PERMITS:

1. **Block 3004 Lot 2 – Dialog Healthcare** – 50 Chestnut Ridge Road, Suite 130 (3,170 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, Ryan Glauser of Dialog Healthcare. Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general administrative purposes and not for patients. 5 employees will occupy the space, which will be altered to create 12 office areas within the space, as laid out in Exhibit A. A list of all employee zip codes was presented as Exhibit B. No outdoor signage is required and parking will be 5 employee spaces and all other for common parking, as is the case for all suites in the building. A motion to approve was made by Mr. Culhane and seconded by Mr. Huseynov. A roll call vote was taken with all stating aye.
2. **Block 3004 Lot 2 – Wit Strategies** – 50 Chestnut Ridge Road, Suite 101 (8,061 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, Ben Silberstein of Wit Strategies. Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general insurance business purposes. 14 employees will occupy the space, which will be not be altered and will use the existing 16 office areas within the space, as laid out in Exhibit A. A list of all employee zip codes was presented as Exhibit B. No outdoor signage is required and parking will be 14 employee spaces and 2 visitor spaces were requested but all parking is common parking, as is the case for all suites in the building. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Linter. A roll call vote was taken with all stating aye.
3. **Block 3004 Lot 2 – iAG Energy** – 50 Chestnut Ridge Road, Suite 108 (2,813 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, iAG Energy. Chairman read the application into the record. The space will be used for administrative and general business purposes in energy efficiency and no equipment or tools will be stored on the premises. 8 employees will occupy the space, which will be altered to create the office areas within the space, as laid out in Exhibit A. A list of all employee zip codes was presented as Exhibit B. No outdoor signage is required and parking will be 8 employee spaces and 1 visitor space was requested but all parking is common parking, as is the case for all suites in the building. A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane. A roll call vote was taken with all stating aye.
4. **Block 403 Lot 4 – SL Therapeutic Associates** – 72 Summit Avenue (432 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, SL Therapeutics Associates. Chairman read the application into the record. The space will be used for treating patients with mental health therapies. 1 employee will occupy the space, which will not be altered

as laid out in Exhibit A. A list of all employee zip code was presented as Exhibit B. No outdoor signage is required and parking will be 1 employee space and 2 visitor spaces were requested but all parking is common parking, as is the case for all suites in the building. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Linter. A roll call vote was taken with all stating aye.

PUBLIC HEARINGS (NEW):

1. **Block 2802, Lot 2, Qualifer C001B – Montvale Development Associates II, LLC (New York Blood Center, Inc. d/b/a New Jersey Blood Services)** – 36 Philips Parkway – Variance Use application D1 with C Variance and waiver and exceptions.

Councilmember Koelling recused himself and Mr. Ryan was not present for this application.

Antimo Del Vecchio of Beattie Padovano stepped forward to represent the applicant. Mr. Del Vecchio submitted Exhibit marked A1, an Affidavit of Service and the Chairman verbally identified the property in question. This is a part of Phase II of the Wegmans side of the property and in the same structure as Everbright Academy and Montvale Spine & Health, which had been previously approved by the board for that building. NY Blood will occupy 28,000 sq. ft. of that building, leaving 1,600 sq. ft. unoccupied. Medical use is not permitted so the D1 variance has been filed as well as a use permit and signage review. The sign has been reduced by 0.52 sq. ft. in order to comply with code. A waiver was required for the wattage of the sign, 3,500 K is the code and 5,000 K is the proposed sign, which had been approved for the other tenants of the property. The Chairman proposes reading the use permit into the record and voting on that before proceeding onto the D1 variance, waiver and signage, to which Mr. Del Vecchio agrees.

The Chairman read the use permit application into the record. The business will be a blood donation and collection center and is new construction. 6 employees will occupy the space, 6 parking spaces for employee in common with other occupants was requested and 0 visitor parking was requested and all parking is in common parking, as is the case for all occupants of the building. An outdoor sign will be required and a sign application will be filed after use permit approval.

Mr. Regan swore in the applicant, Christopher Buckley, Vice President, Enterprise Real Estate Asset Management for NY Blood. Mr. Buckley reiterated the function of the business and the space will be used as a blood donation and collection center. The business hours of operations were stated to be amended in order to reflect a scaled back number of hours of operation that was originally proposed. The blood donations will consist of Whole Blood collection and Red Cell collection and will also undergo a minor processing for testing purposes before being sent off site for further inspection of the product for public health safety. The blood product will be

used for transfusions that will occur off site and no waste product will be produced from any of the process.

Mr. Kurz asking about any flammable liquids or oxygen tanks being store on the premises to which Mr. Buckley answered he doesn't believe so. Mr. Kurz also inquired about the correct disposable of sharp object and that to be sure that those items are clearly marked for any emergency personnel who should have to enter the space.

Ms. Green inquired about the nature of the blood donations, whether they would be walk in or by appointment only. Mr. Buckley responded that both will be welcome which is why they are unsure of the number of visitors expected at this time on a daily basis.

Mr. Giurintano inquired if the space would be used for fundraising or blood drives, which would typically generate a larger than usually crowd for the area in question. Mr. Buckley responded that those functions are not typical of this type of facility. Mr. Giurintano also inquired how often the medical waste pick up would be. Mr. Buckley responded that it will be based on the volume and will be scheduled accordingly.

Mr. Stefanelli inquired if this business is an expansion site to which Mr. Buckley responded that it is an expansion site with no further plans to extend the expansion.

No other questions in regards to the use permit was asked at this time.

The Chairman proposed to move on the D1 Variance application to which Mr. Del Vecchio agreed. Mr. Del Vecchio presented Exhibit A2, the NY Blood sign plans revised and dated 8/18/23. Mr. Regan then swore in Ms. Green, Mr. Giurintano and Mr. Michael Dipple of L2A Land Design LLC. Mr. Dipple reiterated the business' plans and square footage, as well as driveway access, and parking space accommodations. Mr. Dipple also stated that as previously agreed that there would be no exterior alterations to the space.

The Chairman introduced the Borough Engineer Review Report dated 11/20/23 and marked it as Exhibit B1.

Mr. Culhane questioned the parking situation regarding accessing the shared available parking spaces for all occupants of the building and if the applicant was exceeding the number. Mr. Dipple agreed and stated that a traffic report, provided by Mr. Dipple's colleague, Mr. Charles Olivo of Stonefield Engineering, would be presented later on addressing the parking needs.

Mr. Giurintano questioned the availability needs for addition ADA parking. Mr. Dipple responded that he saw no need for an increase as that the majority of the clients visiting the facility would be individuals of good health.

The Chairman questioned the amount of EV parking space that would be provided and the location. Mr. Dipple stated that there are 4 EV parking spaces in the last 4 spaces closes to W. Grand Ave. Ms. Green then stated that in the original plans the

EV spaces were located on the island directly across from the side exit of the daycare. Mr. Dipple confirmed the change but that he does not know the history behind the change. Mr. Kurz also confirmed the location of the EV spaces as the last 4 closest to W. Grand Ave and not the island area. The Chairman asked Mr. Giurintano about the move and Mr. Giurintano stated that it is common that the EV parking spaces have a low turnover and are typically further away from the entrances in order to keep the occupancy of the space more efficient. The Chairman introduced the Borough Planner Review Report dated 11/15/23 and marked it as B2.

Ms. Green questioned if there had been parking spaces removed since the original resolution had passed. Mr. Dipple did not have a definite answer. The Chairman proposed that clarification of this issues will be a condition of any approval.

Mr. Kurz expressed concern of the current location of the EV spaces, from a firefighter point of view. He believes that the spaces should not be close to any structure because if a fire should happen EV vehicles burn extremely hot and long and are more difficult to put out. He recommended moving the spaces nearest to the retaining wall if possible. Mr. Dipple stated that he would recommend the move to the applicant. Conversation began as to if there are any legal mandates in place regarding EV parking and it was agreed that they did not exist at the time of the original planning. Mr. Regan stated that the original Site Plan Review did not include EV spaces. The Chairman stated that an amended site plan was not presented regarding the addition of the EV spaces. Mr. Del Vecchio requested that he allow them to go back to their applicant and work with the Borough engineer to gain approval of the spaces. Mr. Kurz stated that he wasn't sure how the applicant would feel about that because the site was complete and that moving the stations would be a great expense. The Chairman recommended that an inquiry into the history of the addition and the move of the EV spaces be conducted. Ms. Green stated that the original Resolution stated on page 7 that the revised plan details the addition of bike racks and EV charging stations. The Chairman re-stated that providing the history of the changes would be a condition of approval.

Chairman proposes to move on to the sign before opening to the public, to which Mr. Dipple agrees and presents the sign dimensions and design. There are to be 2 signs, one on the front of the facility and the second on the rear facing W. Grand Ave. The signs will not exceed the 60 sq. ft. limitation and the Sign Plan Sheet, 1.1, date 8/18/23 was marked as Exhibit A5. The three-sheet Sign Plan, 1.1, 2.1 and 3.1, date 8/18/23, was marked as Exhibit A2. The Traffic Review from Mr. Charles Olivo of Stonefield Engineering dated 11/29/23 was marked as Exhibit A3. Sheet EX 201 dated 11/21/23 was also marked as Exhibit A4.

Mr. Regan swore in Mr. Olivo. Mr. Olivo gave a general overview of his report and in his professional opinion believes that the parking will be adequate to accommodate the proposed blood center as well as the other businesses in the

structure. The Chairman then opens to the board for questions, to which there are none. The Chairman then opens to Mr. Giurintano, to which he inquires into a discrepancy of square footage in the traffic report and Mr. Olivo was able to clarify the square footage discrepancy in the traffic report of the blood center. Mr. Olivo agreed to provide the board with a corrected report. No other questions for Mr. Olivo were asked at this time.

Mr. Regan swore in Mr. Paul Grygiel, a licensed professional planner. Mr. Grygiel stated that he had visited the site and surrounding area, reviewed the Borough Master Plan, Zoning Ordinance and the applications and in his opinion believes that a D1 variance should be granted. No questions were asked as this time. Ms. Green stated that all her questions in her report had been answered.

Chairmans motions to open to questions from the public. The motion to approve was made by Mr. Zitelli and seconded by Mr. Teagno. All in favor stated Aye. There are no questions from the public. Chairman motions to close to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye

The Chairman introduces into evidence the Montvale Fire Department report dated 11/21/23 and marked as Exhibit B3, which recommend the installation of KNOX boxes consistent with the Department's recommendations.

Chairman motions to open to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye. There are no questions from the public. Chairmans motions to close to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye

Chairman motions to request the Board Attorney to write the Resolutions reflecting all terms and conditions as agreed to by the applicant. The motion to approve was made by Mr. Stefanelli and seconded by Mr. Huseynov. There was no discussion on the motion. A roll call vote was taken with all members stating aye, Councilmember Koelling abstaining and Mr. Ryan was absent.

A five-minute break was taken at 9:28pm.

2. **Block 1102, Lot 8 – Gray Capital, LLC** – 100 Summit Avenue – Site Plan Review and Variance Application and Major Soil Movement Application – **At the request of applicant this applicant is being carried to December 19th, 2023 – no further notice will be required.**
3. **Block 2802 Lot 2, Qualifier C001A** – Nava Health MD Inc.-34 Farm View-D1 Variance Application, Use Variance and Waivers Application

Antimo Del Vecchio of Beattie Padovano stepped forward to represent the applicant. Mr. Del Vecchio stated that this applicant had an open public hearing previously on 11/21/23, in which Mr. Rinaldo Dancel, CEO of Nava Health MD had testified and Mr. Del Vecchio submitted Exhibit marked A1, an Affidavit of Service. Mr. Regan swore in Mr. Michael Dipple of L2A Land Design LLC. Mr. Del Vecchio reiterated the previous application information from 11/21/23. Mr. Dipple presented a plan depicting the entirety of Phase I and Phase II of the Shoppes at DePiero Farm as Exhibit A2 and the production/permit drawings dated 8/24/23 as Exhibit A3. Applicant is proposing 2 signs, 1 on the front of the building and 1 on the side of the building facing W. Grand Ave. The sign on the front of the building measures out to approx. 35.69 sq. ft. and the sign on the side of the building measures out to approx. 23.96 sq. ft. A waiver was required for the wattage of the sign, 3,500 K is the code and 5,000 K is the proposed sign, which had been approved for the other tenants of the property. In respect of the size and location of the signs no variance is required.

The Chairman read the use permit application into the record. The business will occupy 4,740 sq. ft. of an 23,420 sq. ft building and be used as a medical care center focusing on functional, preventive, regenerative and anti-aging medicine and is existing construction which will have a completely new interior consisting of 24 offices and the area had not been previously occupied. 12-24 employees will occupy the space, 12 parking spaces for employees in common with other occupants was requested and 0 visitor parking was requested and all parking is in common parking, as is the case for all occupants of the building. An outdoor sign will be required and a sign application will be filed after use permit approval. Chairman raised concerns in regards to the number of estimated employees and the impact on the parking situation to which Mr. Dipple addressed that the number of employees occupying the office space would be closer to 12 than the 24 and that if they should go to the max number then encourage employees to park in the far Wegmans parking lot structure adjacent to the area.

The Chairman moved forward and Mr. Del Vecchio addressed the leasing sign request and proposed a permanent variance rather than going through the temporary renewal every 6 months for the sign. The Chairman objected to the thought of a permanent variance rather than the renewal process in regards to signage, which is actually once a year via a letter and fee to the Borough of Montvale.

Mr. Regan swore in Mr. Paul Grygiel, a licensed professional planner. Mr. Grygiel stated that he had visited the site and surrounding area, reviewed the Borough Master Plan, Master Plan Reexaminations and the Zoning Ordinance and in his opinion believes that the retail sector is significantly different than when the AH-OUT District was created in 2013. He noted that the Shoppes at DePiero Farm has become a healthcare hub, with numerous businesses related to health and wellness. Mr. Grygiel also stated that granting the D1 Variance would promote

several Goals and Objectives of the Municipal Land Use. In addressing the negative criteria, Mr. Grygiel stated that the approval will cause no substantial detriment to the Master Plan or Zoning Ordinance and that other medical and health related uses in the shopping complex have created no problems.

The Chairman introduced the Borough Planner Review Report dated 11/15/23 and marked it as B1. Ms. Green stated that all her questions in her report have been addressed. Also marked into evidence were the questions from the Board of Health dated 10/25/23 and marked as B2, which Mr. Dancel had addressed at the initial public hearing on 11/21/23.

Chairman motions to open to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye. There are no questions from the public. Chairman motions to close to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye.

At this time Chairman introduces the retail leasing sign plan drawing dated 10/2/23 and marked as Exhibit A4.

Ms. Green stated that the plan lacked the appropriate dimensions. Counsel for the Montvale Development Associates requested that the Amended Site Plan application and various applications pertaining to the leasing sign be withdrawn, and that the placement of a temporary sign will be addressed through the Building Department.

Chairman motions to request the Board Attorney to write the Resolutions reflecting all terms and conditions as agreed to by the applicant. The motion to approve was made by Mr. Lintner and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye, Councilmember Koelling and Mr. Ryan were absent.

4. **Block 2702, Lot 1.01, Qualifiers C1001, C1002, C2002, C3001 C3002, C4001, C6000 and C9000 Block 3201 Lot 6** – William Sonoma & Pottery Barn – DePiero Drive, W. Grand Avenue Glenview Road – Application for Amended Preliminary and Final Site Plan Approval, Tenant Signage and Use Permit

Antimo Del Vecchio of Beattie Padovano stepped forward to represent the applicant and addressed the issue raised from past meetings in regards to the vertical signage. Mr. Del Vecchio stated that it is the applicants branding and they have no issue with the likeability of the vertical signage, but do recognize that they want to be good neighbors coming into Montvale and ask that the board strongly consider their branding. A discussion ensued amongst the board members in regards to the vertical verse the horizontal signage and the major of the board agreed with the vertical signage. The vertical signage does not need any variance issued.

RESOLUTIONS:

1. **Block 2702, Lot 1.01** - Resolution Granting Amended Preliminary and Final Site Plan Approval (as to Phase II), Variance Relief, and a Waiver from the Requirement of Submission of an Environmental Impact Statement to SHG Montvale LB, LLC and its Affiliates for Premises designated as Block 2702, Lot 1.01 with various Qualifiers

The motion to introduce was made by Mr. Culhane and seconded by Mr. Stefanelli. Mr. Regan introduced some small corrections and conditions to the Resolution. A roll call vote was taken with all members stating aye, Councilmember Koelling and Mr. Ryan were absent.

2. **Block 2702, Lot 1.01** - Resolution granting a Use Permit and Approval of signage to Sweetgreen for Premises Designated as Block 2702, Lot 1.01

The motion to introduce was made by Mr. Stefanelli and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye, Councilmember Koelling and Mr. Ryan were absent.

3. **Block 1601, Lot 7** - _Nouvelle, LLC- 26 N. Kinderkamack Road-Application for Site Plan Review and Variance Relief for Veterans Affordable Housing - **Resolution will be memorialized at the December 19th, 2023 meeting.**

OTHER BUSINESS: None

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

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

Next Regular Scheduled Meeting: December 19th, 2023

Respectively submitted:

Theresa DiPopolo,
Assistant to the Land Use Administrator