

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, March 1, 2016 7:30pm

Council Chambers, 12 Mercedes Drive, 2nd Floor, 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 to the public at 7:35pm- He led everyone in the Pledge of Allegiance and read the Open Meeting Act Statement into the record.

ROLL CALL: Present: Mr. Culhane, Mr. Fette, Councilmember La Monica, Mr. Lintner, Mr. Stefanelli, Mr. Teagno, Chairman DePinto

Absent: Mayor Ghassali, resignation of Mr. Vogt

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

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/

BOROUGH ENGINEER:

ZONING REPORT:

SITE PLAN REVIEW COMMITTEE: Chairman stated that Collectis came before the committee represented by Ms. Price. They are looking to occupy 100 Philips Parkway, 27, 000 sq. ft. They will be filing an application shortly.

ENVIRONMENTAL COMMISSION LIASION REPORT: Chairman stated that Wolfgang Vogt, Environmental Commission Chairman, who has been on the Environmental Commission for the past 20 years and a member of the planning board for the last 10-12 years tendered his letter of resignation to the Mayor. He has chosen not to continue serving on either board. The Vice Chairman has also resigned as well. The planning board had a joint meeting with the environmental commission organized by the Tree Committee of Bill Lintner, Councilwoman La Monica and Dante Teagno. They have drafted a tree ordinance and have submitted it to the planner, Darlene Green for her comments and the joint meeting was very good and the next step will be a presentation by the committee to the governing body. It will be presented by Councilwoman La Monica at the next Mayor and Council meeting.

CORRESPONDENCE: placed on back table

DISCUSSION: Ordinance No 2016-1408-An Ordinance Amending Chapter 128, Entitled “zoning”, Article V, “District Regulations,” of the Borough of Montvale Code in Order to Prohibit certain non-commercial Uses and to Permit Nursing Homes in the Office-Research Zone Districts-All members stated it was consistent with the Master Plan. Mr. Teagno made the motion to have Mr. Regan prepare a letter to the Mayor and Council stating the same. Mr. Stefanelli seconded the motion with all present stating aye.

APPROVAL OF MINUTES: January 19th, 2016-A motion to approve was made by Mr. Teagno and seconded by Mr. Lintner with all stating aye.

USE PERMITS: none

PUBLIC HEARINGS (New) :

- 1. Block 203, Lot 6-Steve and Dawn Valko-8 Foxhill Road-Variance Application-carried to March 15, 2016**

Block 2411, Lots 7, 8 and 9-Michele Oriolo-17-21 Hillside Terrace-Minor Subdivision-the applicant was represented by Kathryn L. Walsh, Esq. of Harwood Lloyd, LLC. In an opening statement, Ms. Walsh provided the Board with

an overview of the application which is intended to effectuate the terms of a court-approved settlement. The within application is intended to implement the terms of a settlement of the litigation referenced above. More particularly, under the terms of the settlement, the applicant is to receive a portion of the property, and an Order entered by the court and dated October 13, 2015 requires that the applicant submit an application for a minor subdivision so as to effectuate the terms of the settlement.

Marked into evidence as Exhibit A-1 the "Minor Subdivision Plat", prepared by Michael J. Hubschman, P.E., P.P. revised to December 28, 2015. Also marked into evidence as Exhibit A-2 was a transcript of the Settlement Agreement, and as Exhibit A-3 the court Order which required the filing of the within application. Testimony in support of the application was provided by Mr. Hubschman, who was qualified as a professional engineer and professional planner. He described the configuration of the premises, having a width of 197 feet, a depth of approximately 129 feet, and an aggregate lot area of just over 25,000 square feet. Referencing existing site conditions, Mr. Hubschman described the location of the existing dwelling, the small accessory structures and the pool. He indicated that the three (3) existing tax lots would be subdivided into two (2) building lots conforming to the lot area requirement of the R-10 District. The northerly parcel, Lot 8.01, would comprise a land area of 12,799.50 square feet, with a conforming lot width of 100 feet. This parcel would conform to the other standards applicable to the District, except as to the nonconforming front yard setback of the existing home, which will not be exacerbated by the plan. The southerly parcel, Lot 7.01, would have a land area of 12,333.91 square feet and would have a nonconforming lot width of 97 feet. The existing pool, its equipment and a shed would be removed from this area. He noted that the plan depicts that an area of 180 square feet would be deeded to the Borough, as recommended by the Borough Engineer. The applicant's witness also testified that the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance. A number of Board exhibits were marked into evidence. These include Board Exhibit 1, a report of the Fire Department dated January 28, 2016 indicating "No Comments", and a report of Police Department dated January 28, 2016, Board Exhibit 2, stating that the proposal did not implicate any public safety concerns. The report of Board Planner Darlene A. Green of Maser Consulting dated February 16, 2016 was marked into evidence as Board Exhibit 3, and in testimony Ms. Green described the variance required for Lot 7.01 pertaining to lot width, and the existing nonconforming front yard setback as to Lot 8.01. Also marked into evidence as Board Exhibit 4 was a report of Borough Engineer Andrew R. Hipolit of Maser Consulting dated February 26, 2016. The report of Mr. Hipolit notes that the pool, shed, fence around the pool, pool equipment and flagpole will be required to be removed. In addition, permits will be required for the removal of the plumbing and electric associated with the pool, and fill may be required to restore the area to applicable grade. A soil movement permit will be required in connection with this work. A motion to open to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. Jim Hutelson, 21 Hillside Terrace, he is a next door neighbor. On the site plan there is an elevation change between the two properties. He has a concern with drainage and wants to make sure it is reviewed. He doesn't have water issues in his basement now and would like to keep it that way. Mr. Hutelson stated his address is 21 Hillside but the property is listed also as 21 Hillside. He wants to make sure that these lots will be 17 and 19 and he would remain 21. Ms. Walsh stated that the title search showed it this way. Mr. Hutelson just wants assurance that it states that way and that the fire department can find him. Chairman stated that the engineering department will make sure that his concerns are addressed. A motion to close was made by Mr. Stefanelli and seconded by Mr. Teagno. A motion to have the board attorney prepare a resolution was made by Mr. Stefanelli and seconded by Mr. Lintner with all in favor voting aye.

A five-minute break was taken.

PUBLIC HEARINGS: (Con't)

Block 2405-Lots 1, 2 and 26-NJ Energy Corporation-28-30 Kinderkamack Road-Site Plan & Variance

Application- Mr. Daniel Steinhagen of Beattie Padovano came forward representing the applicant. It was started on December 15th. Mr. Steinhagen and Mr. Regan agreed that it is not triggering a D3 and that Ms. LaMonica can sit for the hearing. Ms. Green was in agreement. The revised set of plans they are not exasperating anything they are actually reducing all of the driveway widths. They do not need any new D3 variances. Mr. Kuybida Architect was recalled and was previously sworn in. The plans were marked as A8 with a revision date of February 1, 2016. Color rendering of same was marked as A9. Mr. Kuybida went

over the changes. The previous building was 60.6 ft. by 43 ft. they have reduced the building 4 ½ feet. It is now indicated as 56.0 ft. x 43 ft. Additionally the main area floor plan is now listed. The refrigeration has been reduced as well. The exterior of the building there was walled sconces that were decorative that have now been removed. There will now be soffit lighting stated Mr. Kuybida. They will accomplish this by extending the roof soffits to accommodate the lighting which will now be down lighting. The front elevation of the building facing Kinderkamack Road there will be signage that will be in compliance with the ordinance. There is a logo which will state Chestnut Mart. A9 was referenced about the color of the sign. The fascia will be the same color of the sign. The roof will be a light beige brown and red brick. The windows were discussed in length. The chairman asked that to help prevent excessive signage that he requested it not to be clear stain. Mr. Kuybida stated he has reduced the size of the glass. The actual portion where signage could go into has been requested. Mr. Teagno stated he remembers that it should be clear because of any activity going on outside by the pump or if there was criminal activity going on inside the police could see it. Chairman took exception to the comment on the sheet stating revised per planning board comments. The amount of glass was discussed by the Chairman. It has been an issue in the past where when store have this much glass they want to sign the entire areas and it becomes an issue for our property maintenance official. He believes if you put panes on the windows it would be more attractive and it would eliminate the excessive signage. They will take another look at what can be done. Lighting was discussed. Scones were discussed. Chairman stated that he has seen some very decorative scones with low spillage that could add to the architectural features. Canopy will not be changed just the lighting. Chairman asked if the lighting is correct at the property line. Signage was discussed and Mr. Fette said that the maximum signage could be 20%. Mr. Steinhagen stated that his client will abide by the code. Chairman asked about the brick and if they could be more creative architecturally with either stone or stucco. Councilwoman La Monica stated that there is a lot downtown to look at on that side of the street that might help. She said to look at the CVS, 7-11 are good examples. Mr. Culhane and Mr. Teagno stated that they would like them to go back and come in with a more up to date look architecturally. Mr. Fette asked about the canopy. The posts are all done in brick, could they change the brick on the canopy to stone and then they wouldn't have to do the brick on the building and they could do the stone. Just a suggestion stated Mr. Fette. Mr. Fette stated maybe adding a dormer or cupola would add to the design. Mr. Lintner asked about Chestnut Mart name. Is it related to Exxon or is it something else. The store is going to be Chestnut Mart and will be selling Exxon gas. There is a Chestnut Mart on Rte. 59 stated the applicant. Mr. Lintner asked about the age of the tanks. No one knew that answer. He would hate for them to do all this work and then have to dig up the property to replace tanks that are old. Mr. Lintner agrees with the architectural lack of interest and they should think more outside the box and the 7-11 is a great example. It is tough putting something like this against a residential neighborhood stated Mr. Lintner. Mr. David Hals came forward and was sworn in. The preliminary and sight plan dated with a revision date of 1/28/2015 was marked as A10. A color rendering of page 3 of the Site Plan was introduced and marked as A11. Mr. Hals gave testimony to the changes. Specifically the size of the building has been reduced from 2601 sq. ft. to 2408 sq. ft. The length of the building has reduced the side lot variance on the northerly side of the building. They reduced the number of required parking spaces that were need for this proposed use. It went from 18 parking spaces to 12 parking spaces. They are closer in conformity now of the ordinance requirements for the proposed use. The dumpster has been moved to the northerly side of the building. Mechanical units on the easterly side of the building have been moved to the northerly side closer to the front corner stated Mr. Hals. The site lighting has been changed and is now shielded and they have reduced the site lighting so that there is no spillage onto any of the adjacent properties specifically the residential use that is located to the east. The foot candles at that property line are zero. The property side by the bank has been reduced to .2 foot candle. The canopy lights have been changed to all flush mounted led lights and that would be set flush with the underside of the canopy. They have enhanced the drainage system. They are reducing the impervious coverage on the property they do not have to make any storm drainage improvements. The county has asked them to capture even more of a run off from the site because there is an existing drainage issue on South Kinderkamack Road at the frontage of our site, they didn't want us to reduce the run off that goes to their drainage system. They will be installing a seepage pit

that will be located in their parking area and will collect the run off from the proposed building and the existing canopy. They have enhanced the landscaping and increased the heights on the easterly side and also along the northerly side in accordance with the comments from the environmental commission. They raised the height of the landscaping between the parking spaces on Wayne Street also in accordance with the comments. The plan now shows the proposed road widening along South Kinderkamack Road it is going to match the existing widen curb line just south of the site. They are proposing storm drainage improvements. There is an inlet at South Kinderkamack Road and Wayne Street they will be eliminating that inlet and adding a new one on their curb line. Plus the existing drainage issue on So. Kinderkamack Road would be eliminated by the grading of the new roadway and the installation of a new storm drain inlet at about the mid-point of the site. Currently the existing drainage problem is caused by the road having no pitch stated Mr. Hals. They are installing acoustical panels on the fencing of the equipment for noise reduction. It will also be on the wall itself to bring down the decibels allowed.

Mr. Steinhagen asked Mr. Hals to go over operations. Mr. Hals stated gas deliveries will be delivered coming in from Wayne Street there are existing driveways there. The tractor trailer comes between the aisle and dumps the fuel and then leaves from the northerly driveway making a left or right onto So. Kinderkamack Road. Deliveries for the proposed facility will be done by box truck similar to a bread truck. They would be able to come in from anyone of the driveways. There is a loading area in the rear of the parking area. Deliveries are made during off peak hours stated Mr. Hals. The circulation for the site for individual cars was presented. The cars being serviced for fuel or convenience store they can enter from any of the driveways. The difference is that the rear parking is being eliminated from how it operates today. Questions from board members. Mr. Teagno asked about someone coming in for fuel would leave the car and enter the convenience store. Mr. Hals said yes. He said generally the transaction doesn't delay the operation that much because of the facility will be now he doesn't think that it will cause any backups or delays. People will still be able to move around the site stated Mr. Hals. Mr. Hals doesn't believe it will cause a problem as it is not a high volume service station. Mr. Culhane asked about the employees on site and where do they park. They are anticipating four employees. One is required for the gas pumps service kiosk. The others are two in the store and the store manager which is not there every day. The current attendant doesn't have a car. Mr. Culhane asked that there be no sale of product by the pump. Mr. Hals stated no there isn't. Mr. Fette asked if the plan included all the changes the county wanted. Mr. Hals stated he believes so. He hasn't physically gotten a letter back from them but they have verbally told him they were fine with the plan. Mr. Fette is glad that they moved the mechanicals and dumpster it will be a better. Mr. Stefanelli asked about the drainage and if the one seepage pit was enough. Mr. Hals stated what they are proposing to do will get the water into the drainage system. He cannot tell us that existing system is adequate. Mr. Stefanelli said it is a tough area over there now and hopes this improves it. Mr. Lintner asked about the hours of operation of the store. It is a 24-7 stated Mr. Hals. Mr. Lintner asked if the buffer area needs to be improved because at night time people would be pulling in with lights towards the house. The headlights will be shining right on the house. I don't know if the landscaping will be enough stated Mr. Lintner. He asked maybe fencing could be installed. Mr. Hals stated he is doing a double row of landscaping there and he doesn't believe his client would object to enhancing it with a fence if the board desires. Chairman asked who at the county they have been in contact with. Mr. Hals stated Mr. Timsak. Chairman stated that the bank next door the county had asked for a contribution to a road widening and he asked that he communicate with Mr. Timsak and remind him that this board remembers that it was a requirement and that he would like the that part of the road widen as well. To do it just in front of the bank is absurd stated the Chairman. Chairman told him to bring it to Tlmsak attention and if there is a problem to call the Chairman. Chairman asked if the air and vacuum was necessary to stay on the property so close to the corner. The air is necessary stated Mr. Hals. Chairman stated he has an issue with the vacuum and the area to have doors open and people trying to maneuver through. He asked that they take a look at it. He asked about the stockade. Mr. Hals stated it was a vinyl stockade fence. The proposed loading area was discussed. It will provide for additional turn around area. Is NJ Energy going to limit and control the deliveries. Mr. Hals stated yes they will need to use small delivery. Mr. Steinhagen said he will be having the operate testify at the next meeting. The ornamental lights will be relocated. The lighting on the canopy

was discussed. Chairman asked that he take a look at the lighting. Board exhibits: Montvale Police Department dated March 1, 2016 was marked as B1. Truck delivery now is once every other day for the store and fuel is two times a week. Mr. Steinhagen stated his client is prepared to restrict the hours to not have deliveries at night. Chairman would like confirmation that deliveries will be made between 9 to 5. Fire Department was marked as B2. Fire Department was sent a revised plan and we haven't receive their comments as of yet. Environmental Commission from October 25, 2015 was not marked. Mr. Hals stated he had addressed the comments. Chairman asked the board secretary to ask Mr. Hipolit to review the landscaping. Ms. Green's review letter was marked as B3. Mr. Hals gave testimony as the planner. The existing site is almost 100% impervious. The circulation today is in the same fashion wide driveways which are not delineated. Limited landscaping to the east and north is there now. The proposed plan will enhance the landscaping with a double row of evergreens. The impervious area will be less. Adding additional landscaping at the corner of So. Kinderkamack Road and Wayne Street and screening the proposed parking area. The proposal eliminates some existing non-conforming variances. Proposing a new convenience store. Variances were discussed. Impervious coverage is 91.2% reducing it down to 71.4% bringing it closer to the conforming ratio of 60%. The proposed parking areas of 9 spaces, the existing site has 5 and they are increasing the parking spaces but they are also increasing the demands of the use. No parking within 10 feet on Wayne Street so a variance is required but they are improving the non-conformity. The ordinance requires 6 ft. for screening and they are providing 4 feet at this time. The current site now has spillage of lighting, with the proposed plan it will be conforming. They are providing one shade tree on the site. They need adequate circulation around the site stated Mr. Hals. Mr. Hals stated that everything comes within a C2 Variance. The improvements to the site will enhance and make a desirable environment. The residential use will have a substantial buffer that they do not have now. The traffic flow will be improved, and the drainage of the road will be improved as well. The variances requested offset the improvements of the site. Ms. Green's report was dated February 26, 2015 was marked as B3. Ms. Green stated that two variances were not mentioned. Section 128-7.6B that requires all of our off street loading areas to be screened to the height of 8 feet. Section 128-17.3 the submission of an environmental impact statement. The applicant had submitted a letter requesting a waiver. They do need a design waiver from shade trees for the planting every sixty feet in the street right of way. The details indicate a five foot fence but testimony Ms. Green stated indicated that it would be a six foot fence she asked for clarification. The bollards were discussed. Ms. Green stated she is concerned about the visibility of the dumpster, the plantings right now will be 18 inches high. She believes the 6- 8 ft. evergreens should be wrapped around from the back to the side to provide a better screening of the enclosure. Mr. Hals was trying to give an open visual from site to site and not making a wall area. Chairman asked that he make the plan comply to the 6 ft. It will be one more thing we can eliminate. He asked that he wrap the trees around the dumpster. Mr. Hals was in agreement. Mr. Hals stated that the detail is incorrect and he will change it to 6 feet in regard to the fencing of the dumpster. Chairman asked Mr. Hals what testimony does he have to present to the board in order for a convenience store of this nature to be successful it needs to be the size that he is proposing. Mr. Hals stated he can only state from personal experience and from other convenience stores that he has done. Mr. Hals stated that around 2500 sq. ft., is the level that the convenience stores usually start at. He has done one less than 2400 sq. ft., because the site was so small. Generally they are 2500 to 3000 sq. ft. stated Mr. Hals. Discussion of parking and no on site street parking. Chairman stated that the site has to handle its own on-site parking requirements. Chairman asked Ms. Green how big does a convenience store need to be to be successful in a community with a population of under 8,000 people with another convenience store three hundred feet to the north and one further up in Park Ridge. Ms. Green stated she is aware of any state rule, and she will do some research on the matter. Mr. Culhane stated that there was a prior application where the Mayor and Council let the applicant's employees obtaining parking permits for the municipal lot. He also asked about the tanks and their ages. Mr. Hals stated that they were replaced in 1991 and they are double walled tanks. They are usually good for 50 years. Mr. Stefanelli stated that he doesn't believe the parking would be inadequate and he would like to see some additional information. Councilmember LaMonica stated that there is a no-idling ordinance in town and that typically a gas station/ convenience store patrons are the violators. She is not a fan of signs but maybe there should be a small sign

stating no idling. Mr. Lintner asked if the pricing freestanding sign will have a Chestnut Mart sign added to it. Mr. Hals stated no. A motion to the open was made by Mr. Culhane and seconded by Mr. Stefanelli and all in favor stating ayes. No one from the public wishing to be heard was made by Mr. Teagno and seconded by Mr. Stefanelli. Discussion of when to carry the meeting ensued. It was carried to the April 19th meeting.

RESOLUTIONS:

1. **Block 2002 Lot 3-LSREF4 Rebound, LLC-5 Paragon Drive-Major Soil Movement-** A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all stating ayes.

OTHER BUSINESS: Mr. Regan spoke about the Turnpike Authority Salt Shed he stated that they do not want to come in for a review before the board. They will only submit their plan. They are supposed to come in for a Section 31 review of the plan. Mr. Regan stated to Ms. Hutter to expect the plan.

OPEN MEETING TO THE PUBLIC: A motion to open to the public was made by Mr. Stefanelli and seconded by Mr. Culhane with all stating aye. No one from the public wishing to be heard a motion to close was made by Mr. Stefanelli and seconded by Mr. Lintner.

ADJOURNMENT: A motion to adjourn was made by Mr. Teagno and seconded by Mr. Culhane with all present voting ayes.

Next Regular Scheduled Meeting - March 15, 2016 at 7:30pm

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator