

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, May 3, 2016 7:30pm**

**Council Chambers, 12 Mercedes Drive, 2<sup>nd</sup> 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.

**PLEDGE OF ALLEGIANCE AND OPEN MEETING ACT STATEMENT:** Chairman DePinto opened the meeting at 7:36pm and led everyone in the Pledge of Allegiance. The Open Meeting Act Statement was read into the record.

**ROLL CALL:** Mr. D 'Agostino, Mr. Fette, Mayor Ghassali, Councilwoman LaMonica, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, and Chairman DePinto

**Absent:** Ms. Russo,

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

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/  
BOROUGH ENGINEER:** none

**ZONING REPORT:** Mr. Fette passed around pictures of 225 Summit Avenue. Montvale Landscaping-has done the dumping of mountains of mulch there. He has issued a violation. At another site they had a salt dome installed in the rear at the A&P site. It was precast block with a metal frame with a cover. Summons were also issued. They were using as a staging area. There were complaining from the neighbors at the Enclave. Mr. Fette stated he sent a summons to Sloan Kettering as well making them aware of the situation. They had not given any permission for the dumping. Mr. Fette stated that the materials are not being used at Sloan Kettering as on the way out of the parking lot there are tire tracks of the mulch going off the premises. Chairman told Mr. Fette to do what he needs to do. Mr. Fette state there is a dumpster is on the site overflowing at Sloan Kettering. It is not shown on the site plan. The interior of the building has been demo now. 25 Philips Parkway has been issued summons on Friday due to the illegal parking of vehicles of Mercedes Benz cars. Fire Prevention has found out who the owner is of the building. There are more vehicles in that parking lot now. He doesn't have the appropriate approvals from the town. Mayor stated that they didn't get permits for any of this. Mr. Fette asked about Flintrock he received an application for a pool and wasn't sure what the resolution stated, he remembers that only certain lots were able to put pools. Chairman stated in the resolution it states which one. Mr. Fette stated he will check, the applicant clearly wants to put a pool in and if it is not a lot that permitted it he will need to come back to the planning board.

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli stated that KPMG, 3 Chestnut Ridge Road, came in for a parking expansion at the site. Suggestions were made and they will be filing an application shortly.

**ENVIRONMENTAL COMMISSION LIASION REPORT:** Mr. Teagno stated they have not had their meeting this month as of yet.

**CORRESPONDENCE:** placed on back table

**DISCUSSION:**

**Request of an Extension of Approval per NJSA 40:55D- 52 for Block 1103-Lot 5-  
Request for an Extension of Approval per NJSA 40:55D-for Block 301 Lots 2 and 3**

**Metropolitan Home Development at Werimus, LLC- Mr. Del Vecchio of Beattie Padovano came forward represented the applicant. There are two properties one is Spring Valley South for 6 lots for single homes. May 2, 2006, adopted Resolution. Spring Valley North for the townhouse project on the northerly boundary line of New York.**

**The Spring Valley North project was the subject of three Resolutions adopted on April 1, 2007, November 20, 2007, and August 19, 2008 they received automatic extensions which will expire on June 30, 2016, for 81 units of which 18 are affordable. Each of these properties the interest of the property was held by Mr. Bonnabel who recently passed. The estate is trying to clear something up. They are here this evening for an extension for one year from June 30, 2016 to be extended to July 1, 2017. Mr. Regan stated he reviewed both submissions and he recommends the board authorize the approvals. A resolution on each application will be needed. A draft of the developer agreements has been done and they are ready for signature stated Mr. Del Vecchio.. Chairman asked can it be extended again? Mr. Regan stated yes . Chairman asked for a motion to have the board attorney prepare resolutions to grant the extensions as supported by the record. A motion was made by Mr. Lintner and seconded by Mr. D'Agostino with all voting aye.**

**APPROVAL OF MINUTES: April 19, 2015, A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner, a roll call vote was taken with Mr. Fette abstaining and all others stating aye.**

**April 5, 2015-A motion to approve was made by Mr. Teagno and seconded by MR. Lintner. A roll call vote was taken with Mayor Ghassali and Ms. LaMonica abstaining and all others stating aye.**

#### **USE PERMITS:**

- 1. Block 2408 Lot 2-Francine Ganguzza d/b/a Vision Reel Productions-8 S. Kinderkamack Road- Ms. Ganguzza came forward. Ms. Hutter gave a summary of events. Ms. Ganguzza is already in the building and a sign had been posted. Mr. Fette issued a summons on both as she didn't have the required permits. Mr. Fette stated his reasoning and was upset that his summons, have been ignored and that Ms. Ganguzza didn't appear in court. Chairman carried this application to the next meeting in order for Ms. Ganguzza to have settle the issues with the summons. It is being carried to May 17.**

#### **PUBLIC HEARINGS (New) :**

- 1. Block 805, Lot 41- Kevin & Chimene Kelley- 39 Pennsylvania Avenue- Zoning Variance Application- Mr. and Mrs. Kelley came forward. Mr. Fette stated that it was an oversight on his part and the applicant had did their submission but the variance was not picked up. Mr. Fette stated that he received a complaint from the neighbor next door. The person is a tenant not the actual owner stated Ms. Kelley. Mr. Kelley stated he went door to door with his notices and she had signed off on it. Mr. Lintner chaired this portion of the meeting. Mayor Ghassali asked Mr. Fette are we taking precautions so this doesn't happen again. Mr. Fette stated he was having some personal issues and believes that is what caused the oversight. He takes full responsibility for the oversight. Mr. Hipolit's office also didn't pick it up as well. The applicant is seeking a 4ft. variance. They are seeking 11 feet side yard instead of the 15 feet. It affects only the side yard. Mr. Lintner went over the application. Ms. LaMonica asked if they could take a look at screening the area with additional trees. Mr. Kelley stated yes he can but there are a lot of trees there now. All members were in agreement for the variance. Mr. Lintner asked about the space between the garage and the property line. Mr. Kelley stated that they will put in 6 to 12 inches from the property line boulders and trees with a walkway path. There will be seepage pits for the leaders. Mr. Dour stated that Maser missed it as well and looking at the plan now they are conforming, and with the seepage pits in place. A motion to open to the public was made by Mr. Stefanelli and seconded by Mr. Teagno. No one from the public wishing to be heard a motion to close was made by Mr. Stefanelli and seconded by Mr. Teagno with all in favor stating aye. A motion to approve the prepared resolution was made by Mr. Teagno and seconded by Mr. D'Agostino, a roll call vote was taken with all stating aye.**

2. **Block 1607 Lot 7-Susie Robinson Frazelle- 21 Waverly Place-Zoning Variance Application-carried to May 17th**

**PUBLIC HEARINGS:** (Con't)

1. **Block 2405-Lots 1, 2 and 26-NJ Energy Corporation-28-30 Kinderkamack Road-Site Plan & Variance Application-** Mr. DelVecchio came forward representing the applicant. This application had been before the board two times before, December 15, 2015 and March 1, 2016. There were many questions at the last meeting of March 1, 2016. A 13, architectural plans were marked. Two gables have been added and goose neck lights, the windows have been updated as well. The site plan drawings were marked as A12, dated March 10, 2016. The vacuums were removed. The color version was marked as A15 of the Architectural plans. Mike Kuybida architect came forward. He went over the changes. There are no floor plan changes. The elevations have changed. The brick has been removed. At the base is a stone base around all four sides. ON the sides is a hearty plank siding. They have added two gables with goose neck lighting. The windows have been changed. There are only two sections of the glass that are solid. The dormers are added on the front and right side of the building. They have changed the roof profile to accommodate the dormers. The roof material is an asphalt shingle. Chairman stated he thought they had discussed. Chairman stated that he has done a good job with the changes, however, he is not in favor of a timberline roof. Simulated roof will be done. Chairman asked for samples of the stone veneer. Samples were passed around Ms. Green asked why the one window didn't have the mullions. She asked if the window is for the cashier or is it for signage. Mr. Del Vecchio stated for both. The first one is for visibility and the other side is for signage. The 20% is the two windows stated Mr. Del Vecchio. Ms. Green doesn't like the stone. Mr. Del Vecchio stated they are willing to have Ms. Green meet with the architect and would be the deciding factor on the color. Mayor asked about the back door that was discussed at the last meeting.

Ms. LaMonica stated that there is a Benjamin Moore color of green that is in the downtown area. She asked Ms. Green to take a look at it. Chairman asked about the wall mounted light fixtures. They point straight down.

Mr. Halls was the next person to testify. He described the changes. A 6' vinyl stockade fence along the easterly property line will be added. The proposed fence height on the dumpster is now labeled as 6' high. The landscaping between Wayne St and the new parking area has been increased to 6' high. A concrete filled steel bollard detail has been added to the plans. The existing curb cuts which are thirty-one (31) feet on Wayne Street, thirty-six (36) feet on the northerly access point, and thirty-six (36) feet at the southerly entrance. The engineer next referenced Exhibit A-3, Sheet 3, which proposes a reduction of the driveway widths to thirty (30) feet on Wayne and Kinderkamack and thirty-five (35) feet at the southerly entrance, all in excess of the maximum of twenty-five (25) feet permitted in §128-9.10C(3) but a reduction from existing conditions.

The air pump is proposed to be relocated while they have removed the vacuum unit. The seepage pit detail has been revised to support H2O loading with access from the parking lot. The topsoil stockpile has been now relocated to be

further away from the residential use. The architect stated that the sole signage will be “Chestnut Mart” depicted on Exhibit A-13, and that the hardy plank trim above the windows and beneath the gutters will have no signage.

Cleanout details for the roof leaders have now been added to the plan. A detail of the proposed doghouse manhole has been added to the plan. They are reducing the overall coverage. Mr. Hals stated he has had a number of conversations with Mr. Timszak. Considerable discussion ensued pertaining to widening of Kinderkamack Road, with the applicant’s engineer indicating that he had had multiple discussions with Eric Timsak of the Bergen County Planning Board, and it appears that Exxon had previously paid the County \$6,000.00 for future road widening. However, the road widening in front of Valley National Bank was never constructed. The applicant agreed to undertake the road widening in front of the Bank, agreeing to perform the widening if the County fails to do so, and recognizing that the widening in this area is really the County and the Bank’s responsibility. The Board agreed not to require bonding in connection with the road widening in front of the Bank. They are proposing to do the road widening. Exxon has no interest in this property. Chairman stated that the county has taken monies from property owners for road widening.

County still has the \$6,000.00. They are fully willing to do the work in front of their own property. A motion to open to the public was made by Ms. LaMonica seconded by Mr. Stefanelli. No one from the public wishing to be heard, a motion to close was made by Mr. Teagno and seconded by Mr. D’Agostino. Mr. Del Vecchio asked for a favorable vote. Marked into evidence as Board Exhibit 5 was a report of Board Planner Darlene A. Green of Maser Consulting dated April 15, 2016. The planner indicated that most of her comments had been addressed, and she confirmed that the variances listed on pages 3 through 5 of her report remain applicable, except the variance pertaining to the condition relating to driveway width. The Ordinance requirement limits driveway width to a maximum of twenty-five (25) feet, and the plan proposes a reduction from existing nonconforming conditions pertaining to driveway width, although still non-compliant. Since the condition is not being exacerbated but being brought into closer compliance, a *d(3)* variance is not required.

A motion to approve was made by Mr. Stefanelli and seconded by Mr. D’Agostino, a roll call vote was taken with Ms. LaMonica abstaining and all others voting aye.

**RESOLUTIONS:** none

**OTHER BUSINESS:** Proposal for Professional Planning Services Redevelopment Investigation and Redevelopment Plan for a1 and 3 Mercedes Drive and 1 Glenview road from Darlene Green, Maser Consulting.-Ms. Green went over the Proposal. A discussion ensued about parish halls and meeting rooms. A motion to approve was made by Mr. Stefanelli and seconded by Ms. La Monica. A roll call vote was taken with all voting aye.

**Tree Ordinance was discussed. Mayor Ghassali stated that they want a definition of clear cutting and**

**they are sending it back to the Environmental Commission.**

**OPEN MEETING TO THE PUBLIC: no public**

**ADJOURNMENT: A motion to adjourn was made by Mr. D'Agostino and seconded by Mr. Teagno. A roll call was taken with all stating aye.**

**Next Regular Scheduled Meeting –May 17, 2016 at 7:30pm**

**Respectively submitted:**

**R. Lorraine Hutter  
Land Use Administrator**