

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, July 19, 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.

PLEDGE OF ALLEGIANCE AND OPEN MEETING ACT STATEMENT: Chairman opened the meeting at 7:30pm and led everyone in the Pledge of Allegiance.

SWEARING IN: COUNCILMAN MICHAEL WEAVER –Councilman Michael Weaver will take the place of Councilwoman Leah LaMonica. Mr. Weaver could not be present for this meeting.

ROLL CALL: Mr. Culhane, Mr. D’Agostino, Mr. Fette, Mr. Lintner, Ms. Russo, Mr. Stefanelli, Chairman DE Pinto
Also Present: Ms. Lawlor, Planner, Ms. Green, Planner, Mr. Dour, Acting Engineer, Ms. Hutter, Land Use Administrator, Mr. Regan, Board Attorney
Absent: Councilman Weaver, Mayor Ghassali, Mr. Teagno

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

ZONING REPORT: Mr. Fette stated he did a follow up letter on the Dunkin Donuts for delivery times. He is working with the borough attorney on abandoned vacant property. The Culhane property has an \$85,000 lien, they have pulled his driver’s license and he has been pulled over and has paid bail and is still driving around. The two properties that are of concern are The Culhane Property and 5 Wayne Street. There is a legal process and they are working through it via this method for property maintenance issues.

SITE PLAN REVIEW COMMITTEE: Mr. Stefanelli stated there was one applicant Block 2504 Lot 21 Mr. and Mrs. Cherven of 12 Maple Avenue; they want to do a small addition. They will need two variances one for lot coverage and one for rear yard setback. The committee had no major issues with the proposal and they will be filing an application shortly.

ENVIRONMENTAL COMMISSION LIASION REPORT: Ms. Hutter gave a brief report. Ms. Hutter stated that the commission is concerned with the landscaping plan for Montvale Super Value. They believe that irrigation is needed and they would like to see a better designed plan. She will be doing a memo of the details to the board chairman by the end of the week.

CORRESPONDENCE: placed on back table

APPROVAL OF MINUTES: July 5, 2016- A motion to approve was made by Mr. D’Agostino and seconded by Mr. Lintner with Mr. Stefanelli abstaining and all others stating aye.

USE PERMITS: none

PUBLIC HEARINGS (New) :

Master Plan Reexamination Report OR Districts with Parking Garages and Assisted Living- Ms. Green was called upon and sworn in. Ms. Green prepared the report entitled Master Plan Reexamination, dated July 6, 2016. The Reexam has the five components for a Master Plan Reexamination. Page 5 shows the maps of the OR 3 and OR4 properties. The OR Districts grew rapidly between 1966 and 1974. The majority of these buildings were originally built for one tenant buildings, IBM, Mercedes-Benz, Merck-Medco, A&P Toys “R” Us, Butler Aviation, and more. Now when you drive around there are signs for space for lease. Over the years the office market has changed. The internal office layout has changed too. The new trend is shared or communal office

space. Some of these changes have resulted in the loss of all the previously aforementioned single tenants. The problems and objectives related to the 2014 and 2016 Reexaminations were discussed. In the 2008 Master Plan it recognized the need for change in the OR zones. What are the current status of the Objectives and Goals-have they been alleviated? The current status of the goals were incorporated into Chapter 3. On page 11, letter "c" encourage the expansion of the office sector. The current status is that in 2012 the Borough amended the OR-4 District to permit fitness centers and hotels as conditionals uses. The ordinance was also amended to permit multi-level parking garages in the Or-4 Districts on lots with at least 5 acres. Finally the lot coverage was increased to 45% for all of the office research Districts in 2012. In 2015, the Supreme Court ruled that the NJ Council on Affordable Housing has failed to act and as a result, the courts will be assuming jurisdiction over the Fair Housing Act. The order divided municipalities into one of three categories those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH Process.

After the adoption of the 2014 Reexamination a series of events occurred that altered the Borough's assumptions regarding the viability of the OR Districts. First, in November of 2014, the Sony Corporation placed its 220,000 sq. ft. office building on the market. The overwhelming majority of the Sony campus is located in Park Ridge with 7 acres of the parking located in Montvale. In March 2015 Sony sold the campus, including its 1982 office building to Hornrock Properties. Then in January 2015 Mercedes Benz announced that the company would be relocating its headquarters to Atlanta, Georgia. They have been in Montvale since 1972. The company has a sizeable campus covering three properties, 1 and 3 Mercedes Drive and 1 Glenview Road. It was the second largest employer in Montvale. The move will affect about 1,000 employees who worked on the three parcels, which total 31 plus acres.

Many of the buildings are 30 years old and have not received any renovations over the years. These events have affected the sustainability of our office research districts. That is the reason why the Borough is proactively plan to redo these zones to provide alternative uses to the corporate office space. The A & P headquarters building also became available for sale. The grocer had filed for bankruptcy in 2010 and emerged from chapter 11 bankruptcy protection in March of 2012 as a private company. The A & P is located at 2 Paragon Drive, where it was a sole tenant since the building was constructed in 1974.

Recommendations:

1. There are a number of properties that currently exceed the maximum permitted lot coverage which are as follows: 1 Glenview 74.2%, 10 Van Riper 67.3% Increase building height to 3 stories in all four OR (Office Research) Zones
2. Increase FAR to 35% in all four OR Zones
3. Increase lot coverage to 50% in all four OR Zones
4. Permit multi-level parking garages in all four OR Zones
5. Allow multi-level parking garages on lots with at least five acres. A parcel that has more than 15 acres may be permitted a second multi-level parking garage.
6. Permit multi-level parking garages built into a slope to have a maximum of three levels above grade surface parking on the downhill side. The uphill side of the garage would be limited to the existing Ordinance standard of two levels above grade surface parking.
7. Permit assisted living facilities in the OR-3 and OR-4 Zones as a conditional use. Recommended conditions include:
 - a. Minimum of ten acres
 - b. Frontage on a County Road
 - c. Additional conditions/standards will be crafted after the Council authorizes us to commence the ordinance work

Page 34 was reviewed, the recommendation is to increase the FAR to 35% in all OR Districts. The additional permitted square footage would require supplementary parking. The recommendation would be increase the total lot coverage in all four OR Districts to 50%.

Parking Garages was discussed. Over the years has been approached by numerous of parking spaces provided on the lot. These spaces are required to be used primarily for visitors. No more than 15% of the maximum permitted lot coverage shall be devoted to parking areas in the front yard. The recommendation is to permit multi-level parking garages in all OR districts. Allow multi-level parking garages on lots with at least five acres. A parcel that has more than 15 acres may be permitted a second multi-level parking garage. Permit multi-level parking garages built into a slope to have a maximum of three levels above grade surface parking on the downhill side. The uphill side of the garage would be limited to the existing Ordinance standard of two levels above grade surface parking. The section should also be amended to note that any variance from Section 128-7.5E is a "C" Variance, not a "D" variance.

Assisted Living Facility is also a part of the reexamination. It is recommended that it would be a conditional use. It is a stepping stone for people who cannot live alone but are not ready for a nursing home. It will have to have access on a county road. A portion of the beds would qualify for affordable credits. On page 39, there are no section in need of redevelopment. One minor amendment page 22, under existing parcel conditions, a footnote was added.. The Or 3 and 4 were used as sample to present on the ground conditions for the OR districts. Based on a field review, the development pattern of the Or-1 and Or-2 Districts is similar to that of the OR-3 and OR-3 Districts. Finally it should be noted that all four OR districts have the same maximum structure height, floor area ratio and maximum lot coverage..

A motion to open to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. Mr. John Hague, attorney, he represents Genworth owner of 110 Summit Avenue came forward in regard to the parking for assisted living. The parking ratio was discussed. Ms. Green stated it is being addressed on page 38. The crafting of the ordinance will state it in there.

A motion to close was made by Mr. Culhane and seconded by Mr. Stefanelli all stating aye.

Comments from board members:

Mr. Stefanelli stated Ms. Green did a great job. Mr. Lintner stated he was very surprised about the wetlands on all these properties and it was very informative. Chairman stated it was very well written report. Mr. Culhane made a statement about Goal 2, talked about the revitalization of the downtown; he believes what the county is recommending on the road for Super Value is not consistent. Mr. Culhane stated that the DePiero approval there are to be about the road improvements. Ms. Green stated that it is covered on page 31. Everyone was in agreement that it was an excellent report. Mr. Regan had prepared a resolution in anticipation of an approval. Chairman read by title only. A motion to introduce was made by Mr. Lintner and seconded by Ms. Russo a roll call vote was taken with all stating aye.

PUBLIC HEARINGS (Con't):

Block 1601 Lot 15-Montvale Super Value, LLC-12 Railroad Avenue-Amended Site Plan Application-D(3) Conditional Use Variance-See transcript

RESOLUTIONS: none

OTHER BUSINESS: none

OPEN MEETING TO THE PUBLIC: no public present

ADJOURNMENT: A motion to adjourn was made by M r. Stefanelli and second by Ms. Russo with all stating aye.

Next Regular Scheduled Meeting –August 2, 2016 at 7:30pm

Respectively submitted by:

**R. Lorraine Hutter
Land Use Administrator**