

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, December 6, 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 led everyone in the Pledge of Allegiance and read the Open Meeting Act Statement into the record.

**ROLL CALL:**

**Present:** Mr. Culhane, Mr. Fette, Mr. Lintner, Mr. Teagno, Mr. D 'Agostino, Councilman Weaver, Mr. Stefanelli and Chairman DePinto

**Absent:** Mayor Ghassali and Annmarie Russo

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

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER:**

**ZONING REPORT:** Mr. Fette gave his report.

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli stated that there were three applicants, Davis Company 3 Paragon Drive. O&R put a substation behind there and they are looking to do major landscaping plan. NJ Energy Lighting the Exxon Station will be doing a lighting change, and St. Joes High School to replace their monument sign and put up an electronic sign all are looking to come before the board in January.

**ENVIRONMENTAL COMMISSION LIASION REPORT:** No report

**CORRESPONDENCE:** placed on back table

**DISCUSSION:** Calendar 2017- All Present approved the 2017 Calendar.

**APPROVAL OF MINUTES:** November 1<sup>st</sup>, 2016 A motion to approve was made by Mr. D'Agostino and seconded by Mr. Teagno with Mr. Stefanelli abstaining and all others voting aye.

**USE PERMITS:**

**Block 2401 Lot 2-Aaron Rabin CPA PC-28 West Grand Avenue-(1000 sq. ft.)-** Mr. Steve Cohen represented the applicant Mr. Aaron Rabin. Chairman read the application into the record. B1 is the zone. Signatures were verified. Mr. Rabin stated he is an attorney and a CPA and he has a technical assistant that will be with him. A motion to approve was made by Mr. Culhane and seconded by Mr. Teagno with all present voting aye.

**Block 3004 Lot 2-Our Accounting Service LLC-50 Chestnut Ridge Road -(3100 sq. ft. currently occupied and adding 1100 sq. ft. totaling 4200 sq. ft.)** Mr. Robert Mancinelli represented the applicant. David Byth represented the company. Chairman read the application into the record. They currently occupy space in the building of 3100 sq.ft. and they are looking to occupy an additional 1100 sq. ft. bringing the total square footage to 4200. The application was amended to read 16 employees and no new employees are to be added at this time. Parking spaces 16 and number of spaces for visitors is zero. There are unnumbered spaces. Parking spaces were discussed. Certain lots are numbered. There is an addendum to their existing lease. Parking is within common with the other tenants in the building. Zip codes were not included with this application as no new employees are being added. The number of rooms was discussed. There are two offices, one conference room and two bathrooms. The 1000 feet will be open space, they do not have any plans for this space as they didn't want to be landlocked.

Their employees park in the unmarked spaces. Signatures were verified. Mr. Fette stated that they need a CO. A motion to approve was made by Mr. Lintner and seconded by Mr. D 'Agostino with all present stating aye.

**Block 1902 Lot 8-Kitex USA Inc. 160 Summit Avenue-(additional 3100 sq. ft.)** Mr. Robert Mancinelli came forward representing Mr. George Thomas. They now occupy suite 110 and will be adding Suite 101. Parking was discussed and a parking layout was attached. The third and fourth banks are no reserved spots. On the east side the entire side is open. Mr. Fette said there has always been plenty of space for parking. Applicant stated that they specialize in baby clothing. Their employees design clothes for six months ahead of time. Once the designs are made they take them to their customers. Mr. Culhane stated that 7300 sq. ft. is 25% of the occupancy of the building, they should be having 35 parking spots stated Mr. Culhane. Mr. Fette stated that the stuff has been demoed and they have applied for their permits. They hope to have the work completed within the next two weeks. A motion to approve was made by Mr. D'Agostino and seconded by Mr. Culhane with all present stating aye.

**Block 708, Lot 2-Michael Andolina-d/b/a North Point Service-99 Kinderkamack Road-(1500 square feet entire building 750 sq. ft. to be occupied)** -The name of the application was changed to Mike & Giulia LLC. Mr. Andolina came forward with his attorney Mr. Albert Birchwalf of Ridgefield NJ.. The property will be used the same. The top floor being storage and office and the bottom floor used for repairs and installation of accessories. A prior resolution from February 2013 is made part of the Use Permit Application Approval. There will be no outdoor storage of equipment or supplies and the maximum amount of time a vehicle after having been repaired may be stored on the exterior of the premises shall be two days. Vehicles for repair shall not be kept on the premises in excess of 30 days. There will be no repair in the street or public right of way. No more than three vehicles may be parked within the front yard area at any one time. A motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli with all present stating aye.

**Block 703-Lot 7- Sadhana Yoga Studio LLC-133-149 Kinderkamack Road-(4,700 sq. ft.)** Ms. Stephane Tengi represented the applicant Mr. Hirt. It is in the B1 Zone. - There will be two yoga rooms, 2 changing rooms and a bathroom. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner with all stating aye.

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

**Block 3102 Lot 1.01 and Block 2701, Lot 2-KPMG LLP-3 and 75 Chestnut Ridge Road-Application for Preliminary and Final Site Plan Approval, Variances, Environmental Impact Statement Approval and Major Soil Moving Permit Approval –Mr. Andy DelVecchio represented the applicant..** The existing campus is 34 acres the two parcels comprise a land area of 1,958,548 square feet, or 44.96 acres, There will be a 3 phase expansion of the renovation. The application seeks various approvals for certain improvements, which include additions to all four (4) sides of the former Winebow building, restriping of off-street parking, expansion of existing parking, as well as new lighting and landscaping. The application proposes the construction of these improvements in various phases, which have been denominated as Phases 1, 1A, 1B and 1C.

They plan on renovating 75 Chestnut Ridge Road and to bring it up to KPMG standards. KPMG ultimate goal is to have all these connecting with another addition to the data center. Antimo A. Del Vecchio, Esq. who marked into evidence as Exhibit A-1 the notice documents comprising two volumes. Counsel for the applicant provided the Board with an overview of the proposal and described the existing KPMG facility at 3 Chestnut Ridge Road and the area to the north of the subject property, formerly occupied by Winebow and known as 75 Chestnut Ridge Road which was recently acquired by the applicant. He noted the total site acreage of the two parcels at 44.96 acres. The improvements on the 3 Chestnut Ridge Road parcel comprises 281,196 square feet of floor area, with the 75 Property totaling 64,135 square feet, or a total current building floor area of 345,331 square feet. Building height is limited to two (2) stories and 35 feet. The existing former Winebow building has a height of 38.4 feet and while the additions along the Chestnut Ridge Road façade will be two (2) stories, due to the slope of the property the building will be three (3) stories along the rear façade which faces the Garden State Parkway. The proposed addition will be 38.4 feet in height, in excess of the 35 feet permitted by Ordinance. Maximum lot coverage is limited to 45%. The existing lot coverage, inclusive of both parcels, is 42.8%. Upon the completion of Phase 1C, lot coverage would increase to 48.17%, with the applicant proposing some 3.18% of porous pavement to mitigate this proposed nonconformity.

Section 128-7.5B(1) limits the maximum front yard devoted to parking, inclusive of aisles and driveways, to 15%. This would increase to 17.8% upon completion of Phase 1C<sup>1</sup>.

In addition, §128-7.5B(1) also limits the number of parking spaces in the front yard to 15% of total parking, and are required to be primarily utilized by visitors. A total of 357 spaces are proposed for the front yard, which is 17.8% of the total number of parking spaces, which are not designated primarily for visitors.

- Exhibit A-2 Site plan drawings comprising
  - 25 sheets, last revised to November 17, 2016
- Exhibit A-3 Correspondence from Steven Napolitano, P.E. of SNS Architects & Engineers, PC detailing the basis for an exemption from the requirement of submitting an EIS
- Exhibit A-4 Color version of Floor Plan, Architectural drawings and Lighting
- Exhibit A-5 Color version of proposed Elevations (Drawing D-4C of Exhibit A-2)
- Exhibit A-6 Color version of Floor Plan (Sheet D-1 of Exhibit A-2), including (a) Ground Floor, (b) First Floor, (c) Second Floor, (d) Roof Plan
- Exhibit A-7** Aerial view of the overall site plan

Mr. Lignos indicated his familiarity with the property and focused on the 75 Property, noting that the topography drops from the north to the south and to the rear, with the existing building being three (3) stories in the rear and two (2) stories in the front. Marked into evidence as Exhibit A-8 was a series of eight (8) photographs depicting existing conditions at the 75 Property, the building which was constructed in 1968 comprised of steel frame construction with a brick face, glass and aluminum panels with a floor area of 64,135 square feet. The intention is to strip the building down to its structure and to rebuild and redesign the facility. The existing roof may be replaced.

Continuing his testimony, Mr. Lignos described the various Phases, which will include building infill on all sides and a three (3) story addition, all as depicted on Sheet Y-2 of Exhibit A-2. In Phase 1A, the existing building will increase in floor area from 64,135 square feet to 89,009 square feet, an increase of 24,874 square feet. Phase 1B would add an additional 11,553 square feet, increasing the total floor area to 100,562 square feet. Phase 1C will result in an increase in floor area of 51,473 square feet, bringing the total floor area to 152,035 square feet. Most of the interior of the structure will be demolished and the maximum height will be 38.4 feet. He described the four (4) building elevations and noted that the materials to be used will be similar to the character of existing improvements elsewhere on the property. He described the two different textures of granite and the high-performance tinted vision and etched glass. The northern point of the building will be the most granite-cladded, with the front and east elevations being comprised of aluminum and one (1) inch insulated glass, which he described as an "Oculus system". The southern elevation will have a horizontal louvre intended to permit the emission of sunlight.

Marked into evidence as Exhibit A-9 was a material board, and as Exhibit A-10 a color version of Sheet D-6 of Exhibit A-2. According to Mr. Lignos, the design is intended to bring light into spaces while shielding the sun. Skylights will also be installed to accomplish this goal. He marked into evidence as Exhibit A-11 three (3) photographs of the tensile fabric imaging, which is silver in color and would be located in the front and back of the building, and he described the proposed front canopy to be comprised of glass and steel.

The architect next addressed signage and described the two (2) existing freestanding signs, one of which on Chestnut Ridge Road is nonconforming. Both will be replaced with conforming signs, with one on Chestnut Ridge Road and one facing the Parkway. Marked into evidence as Exhibit A-12 was the signage plan, and the architect confirmed that the new signage will meet Ordinance standards. The architect referred to Sheet D-4A of Exhibit A-4 which depicts the building signs on the east and west elevations. These are comprised of tensile fabric, with the sign not being lit and not being visible at night.

Referring to Exhibit A-11, the architect noted that the photograph on the right of this exhibit depicts the typical panel, noting the setoff from the glass, with the left showing how a ghosted image could be set into the fabric. Board Chairman De Pinto requested that the record indicate that the tensile fabric will not impair firefighting. Mr. Lignos indicated that with respect to Exhibit A-11, as one moves away from the building the image depicted will not be visible. He noted that there exists a 384 foot setback from Chestnut Ridge Road, and that landscaping on the front of the property will preclude the façade sign to be readily visible. Mr. Stefanelli agrees with Mr. Fette he asked about the material the longevity. Mr. Lignos stated they last for about 10 years. On the easterly elevation, the façade is approximately 165 feet from the Garden State Parkway. Councilman Weaver asked how from the street. Mr. Lignos answered it is 384 feet from the street.

The Board Chair questioned the applicant's counsel as to the phasing of the project. In response, Mr. Del Vecchio stated that Phases 1A and 1B would be constructed simultaneously, and Phase 1C may follow thereafter. The new parking would be constructed in two Phases, with the first Phase immediately and the second Phase, located to the rear of the data center, being built when Phase 1 is constructed.

Testimony in support of the application was provided by Steven Napolitano, a licensed professional engineer who was sworn and qualified in this field. Commencing his testimony, Mr. Napolitano stated that he had visited the site and the surrounding area and had prepared the engineering drawings (Exhibit A-2) and the request for an EIS exemption (Exhibit A-3). Mr. Napolitano summarized Exhibit A-3 pertaining to the request for an EIS waiver, addressing the criteria in §128-17.10. In response, the Board Engineer stated that he had no objection to the granting of such waiver in view of the fact that the site had already been substantially disturbed, and the Board agreed with this determination.

The engineer reviewed existing site conditions and focused on the approximate 8.5 acres pertaining to the 75 Property, which is north of the applicant's corporate headquarters. He described the 75 Property as being improved with an office building having two (2) to three (3) stories, 65,000 square feet of floor area, and 200 parking spaces. The property line running east and west between 3 and the 75 Property would be removed, with one (1) tax parcel being created. Consolidation of the two parcels results in a land area of just under 45 acres, and he noted that there are two (2) existing curb cuts from Chestnut Ridge Road to the 75 Property, one of which will be removed. This is depicted on Sheet Y-2 of Exhibit A-2. He also described the connection between the two properties, with an access to Chestnut Ridge Road opposite 50 Chestnut Ridge Road on the westerly side of said street. The engineer referred to the testimony of Mr. Lignos as to the proposed increase in size and floor area to the 75 Property, with Phases 1A, 1B and 1C. He described the additional at grade parking, noting the porous pavement and parking areas closest to Chestnut Ridge Road. Parking will increase under all the Phases from the existing 1,684 to 2,003. Existing grades and topography inhibit the placement of parking, as does the presence of existing utilities and wetlands, and none of the latter will be disturbed. A Letter of Interpretation ("LOI") has been applied for from the Department of Environmental Protection ("DEP"). The engineer also noted the new parking proposed to the rear of the existing data center totaling 75 spaces.

Marked into evidence as Exhibit A-13 was a plan entitled, "Proposed Parking Phasing Plan" dated November 17, 2016. The additional parking will be constructed in two Phases aggregating, as noted above, 319 spaces. Phase 1 is at the north and west sides of the 75 Property encompassing 158 spaces. Phase 2 will total 161 new spaces, with 75 to the rear of the data center, and the remaining between the data center and Chestnut Ridge Road. The engineer stated that Phase 1 of the parking will provide an adequate number of spaces for the building's addition proposed under Phases 1A and 1B, with the Phase 2 parking addressing the additional square footage proposed under Phase 1C.

Continuing his testimony, Mr. Napolitano stated that more than one-quarter ( $\frac{1}{4}$ ) acre of new disturbance will result under the proposal. He described the underground detention system west of the 75 Property in the existing parking area, and also the underground detention to the rear of the data center. Applicable Stormwater Ordinance and Stormwater Management Regulations will be met and stormwater reductions achieved. Sheet SL-1 of Exhibit A-2 depicts the site lighting plan, and Mr. Napolitano described the new light poles and fixtures proposed throughout the site and indicated that the maximum lighting intensity at the property line would be .5 fc. He also addressed the soil movement permit, with soil movement mostly related to cut, with 9,083 cubic yards to be exported from the site, with soil movement mostly related to the new building addition foundations and the underground detention basin. Approximately in excess of 1,000 cubic yards will be used on the site.

The issue of number of parking spaces was next addressed by Mr. Napolitano, who noted that Phases 1A and 1B and the 2,003 spaces proposed would exceed the 1,852 permitted for Phase 1 and 1,909 spaces for Phase 2. In addition to variance relief for Phases 1A and 1B, front yard parking at 9.4% of the total number of spaces would increase to 17.8%, in excess of the 15% limitation in §128-7.5B(1). The engineer indicated that additional front yard parking is necessary due to the presence of wetlands to the rear of the property, as well as grading conditions and banks of substantial utility lines. While lot coverage at 48.17% upon

completion of Phase 1C will exceed the 45% maximum permitted, the use of porous pavement, aggregating approximately 3.18%, is designed to mitigate this proposed condition. In the engineer's opinion, the site will operate in a safe manner, consistent with good engineering design practices. In response to a question, Mr. Del Vecchio stated that the estimated number of employees upon completion of the project will be 1,900.

The temporary parking will be discussed by Mr. Napolitano. All of the parking to the front of the building will be 1A. The rear will be constructed at a later date stated Mr. Del Vecchio. They plan on maximizing the parking to its limit.

Mr. Steven Napolitano was sworn in. Mr. Napolitano went over his letter dated November 16, 2016, which was marked as A3. There will be approximately 9,083 cubic yards of net soil to be exported from the site. Existing conditions were discussed. 75 CRR is approximately 8 ½ acres, 65000 sq. feet building and there are 200 parking spaces on site. With the purchase of this property the intention is to remove the property line from east west, yielding the property to be 45 acres. There are two curb cuts off of the chestnut Ridge Road one of those ingress egress would be removed. Drawing Y2 was marked as A2 and discussed. 75 Chestnut Ridge Road is now connected to 3 Chestnut Ridge Road across from 50 chestnut ridge road. Porous pavement was discussed. There will be a total of 319 parking to be added.

Total 2003 cars. Sheet Y3 was referenced and discussed. There is a big grade range change between 75 and 3 chestnut Ridge Road. They have submitted for an LOI but they are not submitting to the DEP as they are not disturbing anything within that area. Proposed parking plan was marked as A13. It shows two parking phases 1 and phase 2. The parking areas have all been designed. Drainage of the site was discussed. There is a quarter of an acre of disturbance. They have provided an underground detention basin. There is new lighting proposed. The lighting plan sl1, the lighting is quite old there. They are providing all new poles and lights, it would serve it well stated Mr. Napolitano. The y are not going more than ½ foot candle.

Questions from board members: Mr. Culhane asked about the additional parking and handicapped spots. Mr. Napolitano stated that there are two near the building. Mr. Culhane stated that maybe they should look again and see if any can be moved closer. Mr. Hipolit asked them to take a look at it and he doesn't think they are conforming anymore. He also asked if there are staggering times for leaving. Mr. Napolitano stated he doesn't know. Chairman asked for them to get an answer for the next meeting.

Mr. Fette stated that the parking lot at the data center is always empty but the other lots are full. Mr. Fette asked what the benefit is of adding another one behind the center. There is a large grade difference between properties and utilities that run through it and that is why they didn't move the parking stated Mr. Napolitano.

There is a shuttle between the buildings stated Mr. Napolitano.

Mr. Weaver asked about the number of employees. Mr. Del Vecchio stated approximately 1900 employees. Meeting was opened to the public by Mr. Stefanelli and seconded by Mr. Lintner. No one from the public wishing to be heard a motion to close to the public was made by Mr. Teagno and seconded by Mr. Stefanelli with all stating aye. Public hearing was carried to January 3, 2017.

**PUBLIC HEARINGS (Con't): none**

**RESOLUTIONS: ~~Block 2001 Lot 4~~ Sharp Electronics & 100 Paragon LLC-100 Paragon Drive-Site Plan Application – A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane with all present stating aye.**

**OTHER BUSINESS:**

**OPEN MEETING TO THE PUBLIC: no one from the public present**

**ADJOURNMENT: Motion to adjourn was made by Mr. Culhane and seconded by Mr. Lintner with all stating aye.**

**Reorganizational and Regular Meeting –January 3, 2017**

**Respectively submitted by:**

**R. Lorraine Hutter, Land Use Administrator**