

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**Minutes**

**Tuesday, December 5, 2017 - 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 led everyone in the Pledge of Allegiance. The Open Meeting Act Statement was read.

**ROLL CALL:** Mr. Culhane, Mr. D'Agostino, Mr. Fette, Mayor Ghassali, Mr. Lintner, Ms. Russo, Ms. O'Neill, Mr. Stefanelli, Mr. Teagno, Councilman Weaver and Chairman DePinto

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

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

**ZONING REPORT:** Mr. Fette spoke of 11 Myrtle-3 family houses being used as a 3 family. Violation was issued. 46 Boxwood was discussed. Also 31 Marion Road it appears to be a two family. Mr. Fette has issued a violation.

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli stated that Jelfer from CVS Shopping on Chestnut Ridge Road sent came before the committee. They are looking to install solar panels. They will be working through the building department.

**REGIONAL PLANNING COMMITTEE REPORT:** no report

**ENVIRONMENTAL COMMISSION LIASION REPORT:** They have not met since our last meeting stated Mr. Teagno.

**CORRESPONDENCE:** placed on back table

**APPROVAL OF MINUTES:** October 17, 2017- A motion to approve was made by Mr. D'Agostino and seconded by Ms. O'Neill. A roll call vote was taken with Mr. Culhane, Councilman Weaver and Chairman DePinto abstaining and all others voting aye. , November 21, 2017- carried to the next meeting.

**USE PERMITS:** Block 3004 Lot 2- Montvale Executive Offices, LLC-50 Chestnut Ridge Road-(5624 sq. ft. ) Ms. Kathryn Walsh represented the applicant, Ms. Stone. Mr. Regan swore in the witness. Chairman read the application into the record. Ms. Stone gave an overview of the use. CPA firm they provide professional advice, tax preparation. They receive most of their information electronically. A lot of their clients are from out of the country. A motion to approve was made Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.

**PUBLIC HEARINGS (New) :**

**Master Plan Amendment-**The Amendment relates to properties known as the **Sony/Hornrock property**, known and designated as **Block 3302, Lot 1**, being more commonly known as 12 Van Riper Road, and the **A&P property**, known and designated as **Block 1903, Lot 7**, being more commonly known as 2 Paragon Drive. Ms. Green gave a brief

summary of the amendment to the Master Plan. A motion to approve was made by Mr. Culhane and seconded by Mr. D'Agostino. A roll call vote was taken with Councilman Weaver voting no and all others stating aye.

- Possible Resolution

**Master Plan Amendment**-The Amendment relates to properties formerly occupied by **Mercedes-Benz** and now owned by affiliates of the **S. Hekemian Group, LLC**, being known and designated as **Block 2702, Lot 1, Block 2801, Lot 2, and Block 3201, Lot 6**, being more commonly known as 1 and 3 Mercedes Drive and 1 Glenview Road –Ms. Green gave an overview of the Master Plan Amendment. A motion to introduced was made by Mr. Stefanelli and seconded by Mr. Culhane with Councilman Weaver voting no and all others stating aye.

- Possible Resolution

Block 2702, Lot 1 and Block 2801, Lot 2 (also known as 1 and 3 Mercedes Drive) and Block 3201, Lot 6 (also known as 1 Glenview Road) (collectively, the “Mercedes Properties”) are currently owned by the S. Hekemian Group, LLC and/or its subsidiaries or affiliates; and

## **DISCUSSION:**

### **ORDINANCE NO. 2017-1436**

ORDINANCE FOR BLOCK 2702, LOT 1, BLOCK 2801, LOT 2 AND BLOCK 3201, LOT 6- 1 AND 3 MERCEDES AND 1 GLENVIEW ROAD - AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE MIXED-USE PLANNED UNIT DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

Block 2702, Lot 1 and Block 2801, Lot 2 (also known as 1 and 3 Mercedes Drive) and Block 3201, Lot 6 (also known as 1 Glenview Road) (collectively, the “Mercedes Properties”) are currently owned by the S. Hekemian Group, LLC and/or its subsidiaries or affiliates; and

- **RESOLUTION FOR ORDINANCE NO. 2017-1436- A motion to recommend the approval of the Ordinance back to the Mayor and Council stating it was consistent with the Master Plan was made by Mr. Lintner and seconded by Mr. Culhane. A roll call vote was taken with Councilman Weaver voting no and all others voting aye.**

### **ORDINANCE NO. 2017-1437**

1. **AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE AH-6A DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO Block 1903, Lot 7 (also known as 2 Paragon Drive)**

- **RESOLUTION FOR ORDINANCE NO.. 2017-1437-A motion to recommend the approval of the Ordinance back to the Mayor and Council stating it was consistent with the Master Plan was made by Mr. Lintner and seconded by Mr. Teagno. A roll call vote was taken with all present voting aye.**
- 10 minute break

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

**Block 2501 Lot 11-Robert Boyle and Nancy Wilson-1 Fairview Avenue-Variance Application-at the applicant's request this public hearing is being carried to December 19<sup>th</sup>. Chairman made the announcement that it was being carried to December 19<sup>th</sup> with no further notice required.**

**Block 2408 Lot 26-Richard Queen-7 Franklin Avenue-Amended Site Plan Application Requesting a D(1) Use variance, D(3)Conditional Use, Multiple C Variances-** Mr. Regan stated that Councilman Weaver and the Mayor weren't eligible to sit for this application. Mr. Whittaker represented the applicant. Mr. Whittaker gave an overview of the project. He stated that the applicant is the contract purchaser of the property and proposes a sixteen (16) unit residential development with a set aside for affordable housing. Of the sixteen (16) units, twelve (12) would be two-bedroom apartments comprising approximately 1,000 square feet of floor area and four (4) units would be one bedroom, each with an area of approximately 700 square feet. He stated that the proposal is intended to provide an attractive development from an architectural standpoint, and he believes it would be a good transition from residential development on one side and commercial on the other and would be an asset to assisting in the revitalization of the downtown area. Michael Hubschman, a licensed professional engineer who was qualified in this field was the first witness. The Site Plan Application and Notice documents were marked into evidence as Exhibits A-1 and A-2. Marked into evidence as Exhibit A-3 was Sheet 5, Existing Conditions Plan, revised to November 17, 2017. An aerial photo of the site was marked into evidence as Exhibit A-4 and a Building Height Schematic prepared by Mr. Hubshman and dated December 4, 2017 was marked into evidence as Exhibit A-5. He described the site as comprising a land area of .79 acres, or approximately 34,000 square feet, in the B-1 Business District. He described the surrounding development and applicable zoning, and noted that the location of the property is one hundred (100) feet from the corner of Kinderkamack Road. The proposed plan on Exhibit A-3 sets the building to the front of the parcel and away from the adjoining residential area. The proposed building would have a footprint of one hundred forty-four (144) feet in length and sixty-one (61) feet in width, with eight (8) units per floor and entrances on the north and south sections of the building. The thirty-one (31) parking spaces proposed meet the requirements of the Residential Site Improvement Standards ("RSIS"). A twenty-five (25) foot wide driveway would provide ingress and egress, with one way in and out, and a road widening easement of 9.15 feet is depicted on the plan. He described the location of the refuse area, which is away from the front of the property and that the two (2) ADA spaces would conform to the applicable requirement.

Continuing his testimony, Mr. Hubschman referred to the proposed Landscaping Plan shown on Sheet 4 and described the various plantings proposed, with an evergreen buffer facing the adjoining townhouse development, all of which would be six (6) feet in height. Plantings are also proposed around the refuse area. He also described the bollard lighting around the sidewalk areas and the three (3) light fixtures, one of which would be moved farther away from the adjoining townhouse development as recommended in the reports of the

Board's Engineer and Planner. The proposed lighting would be seventeen (17) foot high LED fixtures and meet the Ordinance requirement. The Engineer also described the drainage improvements which would connect to a basin at Franklin Avenue and Kinderkamack Road. A total of four (4) seepage pits six (6) feet in diameter surrounded by three (3) feet of crushed stone are intended to accommodate runoff from the building. He stated that marked into evidence as Board Exhibit 1 was a report of Board Engineer Andrew R. Hipolit of Maser Consulting dated November 29, 2017, and Mr. Hipolit's associate Chris Dour provided testimony. It was confirmed that the building height would be 26.74 feet and that lot coverage would be 65.42% it is above what is allowed by ordinance. The balconies depicted are faux, and Mr. Hubschman stated that the bathrooms will be ADA compliant. The HVAC compressors will be ground-mounted. Mr. Hubschman stated that soil movement will be limited to the construction of the basement area and that a soil movement application will be submitted. He stated that the revised size of the refuse area (7.5 feet by 10 feet) is adequate to service the development. In addition, Mr. Whitaker stated that Comments 26 through 31 of Mr. Hipolit's report of November 29, 2017 will be met. the drainage design will meet Borough standards and RSIS.

The Board Chairman indicated that the applicant should consider the use of pervious pavers to mitigate the proposed lot coverage. He also recommended that the HVAC units be kept away as far as possible from the townhomes to the east, which should be concealed with fencing and landscaping. Mr. Hubschman also indicated that a drain will be added to the seepage pit to address Item 27 in Mr. Hipolit's letter. He stated that the proposed bollard lighting will be three and one-half (3½) feet in height with a low intensity and twenty-four (24) wattage. The three (3) light fixtures would be 17.5 feet in height, and the Chairman requested that the design be ornamental, and that the two (2) lights along Franklin Avenue match the existing Borough Street lights.

Marked into evidence as Board Exhibit 2 was a report of the Police Department dated September 26, 2017 which questioned the width of the twenty-five (25) foot access driveway. In response, Mr. Hubschman stated that this constitutes a standard aisle width and meets the twenty-four (24) foot RSIS requirement. Also marked into evidence as Board Exhibit 3 was a report. that the bathrooms will be ADA compliant. The HVAC compressors will be ground-mounted. Mr. Hubschman stated that soil movement will be limited to the construction of the basement area and that a soil movement application will be submitted. He stated that the revised size of the refuse area (7.5 feet by 10 feet) is adequate to service the development. They will need to file a separate application for a Major Soil Movement at a later date. In addition, Mr. Whitaker stated that Comments 26 through 31 of Mr. Hipolit's report of November 29, 2017 will be met. The Board Chairman

indicated that the applicant should consider the use of pervious pavers to mitigate the proposed lot coverage. He also recommended that the HVAC units be kept away as far as possible from the townhomes to the east, which should be concealed with fencing and landscaping. Mr. Hubschman also indicated that a drain will be added to the seepage pit to address Item 27 in Mr. Hipolit's letter. He stated that the proposed bollard lighting will be three and one-half (3½) feet in height with a low intensity and twenty-four (24) wattage. The three (3) light fixtures would be 17.5 feet in height, they are 24 watts and the Chairman requested that the design be ornamental, and that the two (2) lights along Franklin Avenue match the existing Borough Street lights. Marked into evidence as Board Exhibit 2 was a report of the Police Department dated September 26, 2017 which questioned the width of the twenty-five (25) foot access driveway. In response, Mr. Hubschman stated that this constitutes a standard aisle width and meets the twenty-four (24) foot RSIS requirement. Also marked into evidence as Board Exhibit 3 was a report of the Fire Department dated September 18, 2017 which requested that a hydrant be installed on the island on the west side of the proposed driveway. Mr. Hubschman stated that the building will be sprinklered and the hydrant will be located consistent with the Department's recommendations. Mr. Fette recommended that any approval should be conditioned upon the removal of snow from the property so as not to obstruct traffic aisles and parking spaces. His concern with property maintenance with the snow removal. Chairman said if you shift the landscaping it would work for the snow removal. Mr. Stefanelli agrees with Mr. Fette about having somewhere in the resolution that they remove the snow from the site. Mr. Stefanelli would like the condensers moved as there is no way for anyone to have outside space. Ms. Russo stated that there is no place for people to play and she is also not in favor the condensers on both sides. The architect was called as the next witness. Testimony in support of the application was provided by Matthew G. Evans, a licensed architect who was qualified in this field. The architect's plans were marked into evidence as Exhibit A-6 which comprise two sheets: the Floor Plans (Sheet A-1) and Elevations (Sheet A-2). Also marked into evidence as Exhibit A-7 was a rendering of the exterior. The Board was advised by Mr. Evans that there would be eight (8) units on each floor and that the sixteen (16) units would be comprised of four (4) one bedroom and twelve (12) two bedrooms. The first-floor units will also be handicapped accessible, which will not be the case with the second-floor units since no elevator is proposed. One-half of the basement area will be unfinished and will be available for storage, with the balance being for mechanicals and a utility room on the Franklin Avenue side.

Continuing his testimony, Mr. Evans referenced the Elevations (Sheet A-2 of Exhibit A-7) and described the view from Franklin Avenue and the surrounding area. The building would have a stone veneer with Hardie

plank and Hardie shake siding with three-dimensional shingles and dormers and gables. He described the balconies as “decorative Juliet balconies” and noted the shutters and the earth tone colors. The building and one-half of the basement will be sprinklered. Referencing the dormers, he described them in detail. The architect confirmed that the building is below thirty (30) feet in height and thus compliant. The building will be fully sprinkled. Questions from board members: Mr. D’Agostino asked about the elevations on the first floor. They said the engineer can get this information. Ms. O’Neill asked about the storage room. There will in the basement. Mr. Stefanelli asked about the siding. Mr. Evans stated it would be Hardie plank. A motion to open to the public Ms. Russo seconded by Mr. Stefanelli. Lou Baldanza came forward. He was sworn in by Mr. Regan. He is the owner of the site behind Charlestown Court Townhouses and he would like to compliment the owner on the design of the townhomes. In general, he thinks it is a great plan and he doesn’t have any issues with this. He would like to see lighting contours. He would like the reduction of the lighting in the parking lot as it reflects into his development. Linda Ornio, Akers Avenue asked what zone it is the B1 Zone. They are not taking down any additional trees. A motion to close was made by Ms. O’Neill and seconded by Mr. Stefanelli. This application will be moved to January 16<sup>th</sup> 2018. No further notice will be required.

#### **PUBLIC HEARINGS: (Con’t)**

1. **Block 2002 Lot 14-Tonelli Development Corp.-20 Spring Valley Road-Minor Subdivision, Zoning Variance Application (D), Amended Site Plan Application-** A motion was requested by Applicant to Bifurcate Application- Mr. Chewcaskie came forward represented the applicant. The applicant can ask for the request. They want to separate the home from the townhomes. Mr. Regan gave an overview. Mr. Voorhees sent a letter to the planning board and was marked as B4. Mr. Voorhees was sworn in. He is the chairman of the Historical Preservation. He stated that the home is a historic home one of 16 in Montvale. 9 of these homes have designated and they would like to have this home preserved. He asked that the agreement be put into the developer’s agreement. Ms. O’Neill asked about the square footage of the house area as it being reduce will negatively impact the designation. Mr. Cascino came forward with a revised drawing marked A22 dated September 15, 2017. Mr. Casino went over the changes. The single-family home they increased the lot size to over 20,000 sq ft. They adjusted the location of the garage and the driveway stayed the same. They also eliminated two of those buildings back to the rear. They eliminated two variances for lot coverage and rear yard setback. The multifamily reduced the units to 11 units. There are 9 market rate and 2 affordable stack units. They slid the building back as far as they could. It is 222 feet back from Spring Valley Road. The neighbor to the south is an office building. They gain some other benefits. The benefits they gained was the ability to reduce the variances to 3 from 6 on the multi-family portion. Minimum rear yard, minimum, side yard and minimum width total. Mr. Cascino had an exhibit that shows the plan. It was marked as A23 called Comparison versus of the original plan and the revised plan. Another handout was marked as A24 the determination of the lots in the area are conforming in the R40 zone. He only looked at



R40 zone to the north and northeast. There are 29 lots on both sides of Spring Valley Road and Akers Road. There are 25 that are non-conforming due to lot size and road frontage. The area in red are non-conforming. The lot that they are proposing of the ½ acre with the house is similar to many of the non-conforming lots. Mr. Casino's planning report was marked as A7 was based on the original plan of 14 units and many more variances. He presented a comparison of the then and now. They still need a D1 Use Variance and they still a D5 for the number of units. The bulk variances were discussed. Originally 6 and 7 on the single family and they have been reduced to 3 and 5. They are still requesting a C2. He believes that a D1 Use Variance is obtainable. The positive is 55d.a . (Medici). Another special reason is if the board can find that this site is sufficient area for a residential use on the property. The area is located in a mixed commercial area to the west and south and residential use. He believes it to a transitional use and multifamily use. Keeping the single-family home keeps it to the closet to the existing single-family homes north and east and it would have the less negative impact to the area. They have tucked the multifamily into the site in the southwest corner stated Mr. Casino it serves as a transitional buffer between the residential and commercial use. There was a concern about the driveway of the home which had two now neither will be eliminated. There will be only one driveway where it would not conflict with the high school. The area does allow schools and they believe that it will be a lower generating traffic than other uses that could be there. It will be 5 to 6 generated trips during peak hours. The two affordable units will help meet the borough's obligation. It gives the residents an option to move to a smaller home and stay in the area. The proposed basin will reduce the runoff coming from this site. They believe they meet the negative criteria that there will be no detriment to the public good. He doesn't believe that it will impact the neighborhood. There will be landscaping between the commercial. There are two residential homes to the east. Keeping the home doesn't have an impact as it is the same. The other home will be across from the basin. They have reduced the size of the basin which will be landscaped. The neighbor to the north. Eliminating the driveway is an improvement stated Mr. Cascino. Under the C Bulk Variances under in established in Kaufman VS. Warren Township and further modified by Pallon vs So. Plainfield. It states the board is allowed to look at the entire proposal not individual variances. Does the benefits of the development out way the determinants? Mr. Cascino stated that he believes it does and it gives it a buffer and is a better alternative of other permitted uses such a day care, school public or private or a weight station. The benefits of the project is the additional housing to people who wants to downsize. Ms. Greens review letter was marked as B5. Chairman asked about the transitional area that Mr. Cascino is she in agreement with him with respect to the vitally in creating transitional uses between residential and commercial areas. Ms. Green stated she is in agreement. She mentions another project on that road in regard to the 99 Spring Valley Road and Bear Brook which act as a transitional area. She referenced the Master Plan. Chairman asked if she would consider the Nottingham Court as a transitional area. She said yes. They are between single family and commercial. Chairman asked about Rolling Ridge. She stated that they also act as transitional area along with the Enclave. Chairman stated that there are many other areas of multifamily development that are transitional areas. Chairman's concern was if we have done it in other areas with no harm would she consider this use within the borough and has worked. Ms. Green stated she agrees. Mr. Hipolit was sworn in. Chairman asked Mr. Hipolit his opinion on the transitional use. Mr. Hipolit stated back in the 90's they

had many that came in and they have worked. It is common stated Mr. Hipolit. Mr. Hipolit stated that the traffic study that they did for the Shoppes of DePieros and the impact for this development is minimal. Mr., Hipolit stated it is consistent with what they have done in other areas in Montvale. Questions from Board Members:

**Mr. Teagno has some concerns. He believes that allowing multifamily in the R40 is not a particular suited lot then making it long and narrow. He stated that Spring Valley Road traffic is a concern for him. There are many multi-family homes emptying on to Spring Valley Road. He believes that the calculations should be more. Mr. Culhane asked about is planning report. He stated that no church or school would not be permitted on this property as it is too small. He stated that he sees no need transitional zone. He sees the neighboring property for a transitional zone where does it end. Mr. Fette and Mr. Stefanelli no comments. Ms. Russo asked about the other sites of transitional projects what size were the lots.**

**Mr. Lintner asked that on the tax map it is 2.07 acres but all the documentation states it is less. The tax map doesn't reflect the update of the property because of the easement. Mr. D'Agostino has no issue with the transitional zone. It is however a tight site. Ms. O'Neill, she doesn't agree that the site is suitable and there is too much on the site. Mr. Chewcaskie stated they would like to comeback. The meeting will be carried to the meeting of December 19<sup>th</sup>, 2017 7:30pm and if an extension of time is needed Mr. Chewcaskie is granting it. No further notice required.**

#### **RESOLUTIONS:**

1. **Block 2802 Lot 2 (C001A)-Beets Juice Bar-**Mercedes and Grand Avenue-1300 sq. ft.- Chairman read by title only. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane. Mayor Ghassali and Ms. Russo abstained with all others voting aye.

#### **OTHER BUSINESS: none**

**OPEN MEETING TO THE PUBLIC:** a motion to open to the public was made by Mr. Stefanelli and Mr. Culhane. A member of the public came forward asking why the public didn't get to be heard. The resident was very concerned about not being heard and that the Franklin Avenue was put on as a new public hearing first and the continuation was on second. The chair\man stated that is his call and that is their procedure. Sharon from Akers Road. She asked what is a non-conforming lot and feels it is now going to be held her against it. Chairman stated non-conforming is within size or dimensions. Because some of those lots are short of one acre, they are considered non-conforming. It doesn't affect the usage and enjoyment. Mr. Regan stated that these issues should be dealt with during the public session of this application. She would want everyone to realize about the amount the children walking up and down the street. The chairman stated that it will be opened to the public for questions only of the professionals. At the very end of public hearing the chairman will reopen it to the public for comments and then you can say what they want about the project. Robert Geerlof, 23 Spring Valley Road stated that this should have been carried to the meeting so that everyone who left because of the lateness. He may ask and return for a vote at the next meeting. IT will be opened of the professionals and then it will be open for comments. Chairman stated he gives a wide berth when it is open up to the public. He cannot cut off the professionals. Chris Roche came forward what about transitional properties. He would like the acreage on these transitional properties. The tax maps are available stated Mr. Hipolit. The Enclave on Summit Avenue were R40. They subdivided it into townhouses near the Sloan Kettering and Single-Family homes. Mr. Hipolit landscaping is buffering. Transitional use is when you take a



high use of commercial to high density housing and then lower density. A motion to close the meeting was made by Mr. Stefanelli and seconded by Mr. Lintner with all stating aye.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Lintner and seconded by Ms. Russo with all in favor stating aye.

**Next Regular Scheduled Meeting –December 19, 2017**

**Respectively submitted by:**

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