

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, September 19, 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 opened the meeting and read the Open Meeting Act Statement into the record.

**ROLL CALL:**

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

**Absent:** Mr. Culhane

**Also Present:** Ms. Green, Borough Planner; Mr. Hipolit, Board Engineer; Mr. Regan, Board Attorney

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/**

**BOROUGH ENGINEER:** Mayor stated that the Office of the Governor is looking to do a RFP to bring Amazon.com to NJ. We do not have 100 acres of green space that they are looking for but they looking also for different spaces for office space in North Jersey. They are taking part in the RFP and he has asked some of the companies with testimony of why they chose Montvale. He wanted to thank KPMG, Sharp Electronics, Flight Centre and Sloan Kettering. They are having a mediation session with Fair Share Housing, Hekemian and Hornrock on Tuesday at 2:00pm -He also wanted to talk about Mercedes Drive being torn up by the developer and they have asked them to do repaving of the road. It has not been done as of yet. The Mayor stated the work that has been done has caused the damage to the road and that they should be responsible.

He would like to know if they can mandate a time of when they have to repave the road. Mr. DePinto stated that they met with construction manager of the site last week and we were of the understanding that they would pave it. Mr. Hipolit stated that we do have recourse. Any approval that is given and subject to their approval it is stated that they must be fixed. If they do not fix it voluntarily we are holding a \$2,000,000 bond. Councilman Weaver stated didn't we speak about this last meeting and weren't they in agreement to pave beyond that was agreed upon. Mr. Hipolit stated they will fix it or they will not get their bond back. Mayor stated we want the road back to what it was before they started the construction.

**ZONING REPORT:** Mr. Fette stated that they discovered a three family at 11 Myrtle Avenue. Letters have been sent out to have the home come back into compliance. They have until October 27<sup>th</sup> and re- inspection will be done at that time. There is also a motorcycle repair shop being done out of a home on Cameron Court. A letter was sent to the homeowner to cease and desist and that has been rectified. He will keep an eye on it moving forward.

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli stated that they met with MSKC at 225 Summit Avenue. They are looking to submit a sign package for the site of directional signage and wayward signs. They all need variances. The committee believes that they are justified for the site and that they will be coming before us sometime in December.

**REGIONAL PLANNING COMMITTEE REPORT:** Ms. O'Neill stated they have not met since the last report.

**ENVIRONMENTAL COMMISSION LIASION REPORT:** Mr. Teagno stated that they had met last night. They spoke about the Pee Wee field and they came up with suggestions to submit to Councilman Weaver and his committee. Councilman Weaver stated with the support of the council they are forming a committee that will include major stakeholders in town, including planning board, environmental, senior, Montvale Athletic League, PTO and MEF. Each organization has been asked to identify one or two representatives. He hopes to have a meeting by the end of the month and one time per month to the end of the year with the purpose of generating ideas for the property. Those ideas will then be presented to the Governing Body in time for budget conversations so if any allocations are needed it can be considered.

**CORRESPONDENCE:** placed on back table

**DISCUSSION:**

**APPROVAL OF MINUTES:** August 1, 2017 carried to the next meeting

**USE PERMITS:**

1. **Block 1902 Lot 8-Corporate Styles, Inc. (The CSI Group)-160 Summit Avenue-(6,774 sq. ft.)-** Ms. Janice Gatto represented the applicant, Richard Cannaba. The employee number was changed to 20 full-time and 4 part-time. Chairman read the application into the record. Mr. Fette stated that CCO can be done after improvements. A motion to approve was made by Mr. D 'Agostino and seconded by Mr. Stefanelli. A roll call vote was taken with all voting aye.
2. **Block 2702 Lot 2 and Block 3102 Lot 1.01-Restaurant Associates Inc.-3 and 75 Chestnut Ridge Road-(15,210 sq. ft.)-**Mr. Del Vecchio came forward representing the applicant, Jessica Perez. The hours of operations was amended to read 7:30 am. Chairman DePinto read the application into the record. Signatures were identified. This is for the cafeteria and coffee bar that is being built at KPMG. The coffee bar is in building 4 on the first floor and the cafeteria will also be in building 4 on the second floor. It should be completed by year end. The coffee bar is completed and they are waiting on inspections from the building department. She will be operating the facility and it is to serve the 1300 +/- employees of KPMG. Mr. Lintner asked about the number of employees vs the number of required parking spots. Ms. Perez stated that she has vans that will take multiple people to one location and for catering events. Mr. Del Vecchio stated that the application should be revised to state 18 to 20 employee parking spaces. Chairman stated that no vans are allowed to park overnight parking. Mr. DelVecchio stated as far as he is aware there will be no parking overnight. The CO inspection will be done after the renovations are done. Mr. Stefanelli asked for information on Restaurant Associates. They are a food service company. They are based in the northeast. The parent group is Compass Group stated Ms. Perez. A motion to approve was made by Mr. D 'Agostino and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.

**PUBLIC HEARINGS (New)** : none

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

Chairman made the announcement that Block 2002 Lot 14 at the request of the applicant it be carried to October 3<sup>rd</sup>.

1. **Block 2002 Lot 14-Tonelli Development Corp.-20 Spring Valley Road-Minor Subdivision, Zoning Variance Application (D), Amended Site Plan Application-** **At the request of the applicant this application is being**
2. **carried to the next regular meeting of the planning board on October 3<sup>rd</sup>, 2017 at 7:30pm**

**Block 3102 Lot 1.01 and Block 2701 Lot 2-KPMG LLP- 3 and 75 Chestnut Ridge Road-Amended Site Plan and Variance Application, Major Soil Movement Application-** Mr. Del Vecchio came forward to represent the applicant KPMG and to continue testimony. Updated plans and reports were supplied to the board and were marked. A16 Grading Plan of SNS July 25, 2017., revised September 8, 2017. A17 is the Stormwater Report last revised September September 2017. A18 SNS Retaining Wall Calculations dated August 2017, A19 is the Dolan and Dean Traffic Study dated 9/13/17. The plans addressed all the comments in the Maser letter dated September 19, 2017. Addressing Exhibit A-16, Mr. Napolitano described the revisions to the plan, noting that handicapped spaces have been relocated and the turning radius for trucks revised. Pervious or porous areas have been added reducing impervious coverage. A twelve (12) inch water service line has been added to run from Chestnut Ridge Road to loop the water system as requested by the Fire Department. Retaining wall calculations have been included, and the Stormwater Management Report updated. The witness referred to Drawing D-5 of Exhibit A-16 which refers to the south parking deck, and described the Standpipe Utility Room depicted on the Ground Floor Plan. Similarly, on Drawing D-8 a Standpipe Utility Room has been added to the north parking deck on the easterly side of the ground floor. The additions of the Standpipe Utility Rooms have resulted in a loss of eight (8) parking spaces, with the revised plan now having 2,897 spaces, in contrast to the prior plan (Exhibit A-12) which provided for 2,905 spaces. A total of thirty-nine (39) handicapped parking spaces will be interspersed throughout the site.

The applicant's engineer next referenced the proposed salt storage accessory structure depicted on Drawing Y-2 of Exhibit A-16. The salt shed would be eighteen (18) feet deep, thirty (30) feet in width, and twenty (20) feet in height. Since the height exceeds the maximum permitted height for accessory buildings of twelve (12) feet as set forth in §128-6.3.2A(1), a variance is required. Mr. Napolitano referred to the salt storage shed as shown on Drawing Y-1 and its location one hundred seventy (170) feet from the southerly property line and is sited as far to the rear of the property as wetlands and other site conditions would permit. He noted that regulations require a covered structure for salt sheds, and the proposed building would be a block structure with a dome roof and will not be visible from Chestnut Ridge Road or the southerly property line, even without screening, but the plan proposes screening of the structure.

Marked into evidence as Board Exhibit 3 was the report of the Engineer Andrew R. Hipolit dated September 19, 2017. The Board was advised by Mr. Hipolit that most issues as detailed in his report have been addressed, except for two (2) items under "Traffic", paragraphs 49 and 50. He noted that the existing traffic signal will remain at its current location and will not be moved as St. Joseph's High School across the street objected to such modification. However, the traffic signal will need to be re-timed and synchronized. Mr. Hipolit stated that the truck turning template referenced in paragraph 50 of his report is acceptable. The remaining items in his report may be conditions of any approval granted by the Board. Mr. Hipolit recommended that as condition of approval that the Borough be part of the discussion with the County and the applicant pertaining to the timing and synchronizing of the traffic signals.

Marked into evidence as Board Exhibit 4 was the report of Borough Planner Darlene A. Green dated September 14, 2017. She first referenced paragraph 2b at page 7 of her report pertaining to illumination levels of the multi-level parking garage and the Ordinance requirement that illumination levels on the top level of the garage would be reduced to Code minimum egress levels one-half hour before the use is closed and no earlier than one-half hour before it opens, which will be required to be adhered to. Several other issues were raised by her, including the number of lighting fixtures on top of the two (2) fixtures which appears to be thirty-one (31) fixtures. The applicant's engineer stated that the fixtures would be forty (40) feet from the parapet wall and that under parapet lighting will be within the interior of the deck as reflected on Drawing SL-1 of Exhibit A-16. In response to Ms. Green's concern regarding the detail pertaining to the dumpster recycling area, Mr. Napolitano stated that this area is depicted on Drawing Y-2, noting the new building wall screening the entire dumpster area, which area will not be seen unless one is inside the loading dock area. The engineer stated that there will be no variation as to lighting times referable to the fixtures at the top levels of the deck, which will comply with the Ordinance standard. Mr. Napolitano also referenced a new Exhibit (A-20), the Salt Storage Screening Plan. The applicant seeks to store two (2) bucket loaders on site during the winter months between November 1<sup>st</sup> and March 30<sup>th</sup> to permit immediate on-demand clearance of snow and ice. Mr. Del Vecchio stated that in case of snow they need to get the parking lot and sidewalks cleared quickly for the size of the campus and he feels that the request is a much needed one to have the equipment stored on site. They would need to be out of operation for 18 to 24 hours if the equipment wasn't on site. These bucket loaders and the shed itself will be screened so as not to be visible from neighboring properties and adjoining rights-of-way. Chairman asked for specific time frame of the equipment being stored on site. Mr. Del Vecchio stated November 1 to March 30. He asked that be put into the resolution by Mr. Regan. Mr. Napolitano went over the lighting. They are 40 feet from any parapet walls. They are showing lighting on the walls underneath the parapet for the additional lighting. They meet the distance and pole height for the ordinance stated Mr. Napolitano. Questions from board members: The Mayor asked if there would be charging stations. Mr. DelVecchio stated in a previous approval they have for one or two proposed and they are not proposing any in the garage.

Continuing his testimony, Mr. Demerich referenced Exhibit A-20 and the six (6) circles which represent fourteen (14) to sixteen (16) foot high green giant arborvitae plantings. He also described the screening for the bucket loaders, which will be six (6) to eight (8) feet high plantings, as well as the screening of the parking areas and described in detail the various plant materials by species, as well as areas where supplemental plantings are proposed. It was determined that as a condition of approval, the Board's landscape architect Gus De Blasio of Maser Consulting will determine the appropriate locations for the planting of the ninety (90) trees intended as a substitute for the landscape buffer areas surrounding the parking garages. Mr. Del Vecchio stated that they will plant them where ever they would like them.

Testimony in support of the application was provided by Richard M. Preiss, a licensed professional planner who was qualified in this field. Commencing his testimony, Mr. Preiss indicated that he had reviewed the applicable zoning provisions, particularly the Section governing parking garages as set forth in §128-7.5. He also reviewed the Master Plan, and he indicated his agreement with Ms.

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Green's analysis as to the required variances as set forth in her report dated September 14, 2017 (Board Exhibit 4). He provided an

overview to the Board as to the reasons for the granting of the variances, noting that the location of two parking garages has the objective of minimizing the impact on the community while allowing the applicant to have adequate parking for its operations. The variance relief may be justified based upon the *c(1)* hardship standard, with Mr. Preiss noting that the property contains multiple buildings which prevent adherence to a number of the standards which may only be met by demolishing various structures. He noted the importance as outlined in the Master Plan of maintaining corporate facilities in the Borough, and that the granting of the relief will also support this Goal in the Master Plan which would substantially outweigh any detriment and may be justified under the *c(2)* standard for variance relief.

Continuing his testimony, Mr. Preiss addressed each of the ten (10) variances which are implicated by the application as outlined in Planner Green's letter dated September 14, 2017 (Board Exhibit 4). The planner next addressed the negative criteria for variance relief and stated that the variances may be granted without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance. He indicated that many of the Ordinance provisions which require deviation relief do not envision a campus style development on nearly 45 acres of land. Mr. Preiss noted the distance of the property from nearby buildings, with the building addition and parking decks as proposed being a substantial distance from property lines. In his opinion, there will be no negative impact from the proposed development, which he believes meets the intent and purpose of the zone plan and Zoning Ordinance. He also stated that the granting of relief would promote various Goals and Objectives of the Borough's Master Plan, including the 2016 Master Plan Reexamination Report. Mr. Preiss stated having KPMG remain and grow in Montvale has multiple benefits in terms of adding employment which is adding spending dollars within the community as well as a ratable point of view. A motion to open to the public was made by Mr. Stefanelli and seconded by Ms. Russo. No one from the public wishing to be heard a motion to close was made by Mr. D'Agostino and seconded by Mr. Stefanelli.

Mr. Del Vecchio in his closing remarks referenced a conversation with Jim Beattie. Mr. Beattie had told him it is hard to get clients and it is even harder to keep them but once you have them you need to make sure you keep them. Mr. Del Vecchio stated that they are your greatest source of your revenue. He analogies the conversation with tonight's conversation of being able to keep the largest corporate tenant in Montvale. Mr. Preiss' comment and the board members are true as we all worked very hard to keep this corporate tenant here in Montvale and we have all played our part in making these plans a reality and he believes we all have something to be proud of at the end of the day when this project puts a shovel in the ground. It balances the needs of the corporate tenant with the needs of the community in a respectful manner and to the adjoining property owners who will be next to this property day in and day out. It is a remarkable that they can come to this final plan, he is more than proud to say that he has had his hand in getting this approved and built if this gets approved and hope the board feels the same and vote affirmatively on this application.

Chairman went to board members for comments:

Mr. D'Agostino stated that the plan that is being proposed is extremely well done from a planning prospective and there is no real impact on the community and he finds no objection to the application. Ms. O'Neill agrees in regard to the variances and the proposal

is a positive improvement to the site. Mr. Teagno stated he agrees with what has been said, and it is a great solution for the applicant's needs. Mr. Fette stated that we would see a different plan if we were dealing with vacant land as Darlene had said. What they are proposing works well. The parking garages blend with the building and landscaping and he is excited to see the finished project. Mr. Stefanelli remembers when their first parking garage got voted down in Montvale. He believes all the collaboration of all parties from starting with site plan review and moving this forward that it has been a given taken on all sides and it is something that we can all be proud of and he cannot wait to see the final product. It will be an asset to the town. Ms. Russo agreed with all the comments. Councilman Weaver stated that the words that had been used from different board members such as give and taken, consideration of impact on community, and Mr. Del Vecchio's comment regard to the owner doing this project in a way that was in a respectful manner is something that is appreciated by this board, and as an elected official on the podium it is appreciated by him. He believes his councilmembers would agree and hopefully that is something that will continue with other interested parties that come before the Council and this board. He thanked KPMG. Mr. Lintner stated it was a pleasure to hear such a professional presentation from an applicant who reacted after each meeting with minor changes based upon comments by our professionals and members of the board. He believes Mr. Stefanelli is right that they need to understand more what a campus is and look into what the requirements are as they are probably different from what our ordinances allow now and also the applicant has introduced this stencil screening which they have not seen on the SHARP building as of yet and a significant amount will be on this building and it is something that the board looks at in terms of ordinances because if someone wants something on it and we consider it a sign we will be bouncing it around with significant variances each time we listen to it.

Mr. Lintner stated about 25 years ago this property was owned by a trust fund, and the zoning board spent over two years of an applicant wanting to put up a hotel on it, and finally they lost interest and it was withdrawn. Now we have a terrific neighbor and long term neighbor. Mayor Ghassali stated that some projects you need to hold your nose to vote on it and then some projects that you love to work with it and this is one that you want to work with and he enjoyed the professional's presentations. It was done very tastefully and professionally and he is proud to have KPMG as our largest employer not only in the Borough but close to the County. He also wanted to say that they settled the tax appeal in the last few days with KPMG. He is in full favor of it and very happy to have KPMG here in Montvale. Chairman stated he agrees with all that has been said. It has been a learning experience because we have never addressed in our ordinances true campus style developments and this evolved over the years starting with the first 4 buildings, it is a challenging piece of property with its topography and wetlands, given the challenges and given the cooperation that the borough received from the applicant he believes that jointly that have come up with something that everyone can be very proud of and we can look towards the future in modifying our ordinances to the point where it may encourage other developers to do an assemblage of properties if they see the benefits associated with campus style development. He believes this can serve as that model. He is pleased to have had involvement from site plan review to this final meeting in what the project outcome will be.

A motion to approve the board attorney to prepare a resolution of approval was made by Mayor Ghassali with a  
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second from Mr. Teagno. A roll call vote was taken with Mr. D'Agostino abstaining and all others voting aye.

## **RESOLUTIONS:**

1. **Block 2802 Lot 2 (C001)-Starbucks Coffee-Mercedes and Grand-Chairman** read by title only. A motion to approve was made by Mr. Lintner and seconded by Mr. D'Agostino. A roll call vote was taken with Ms. Russo abstaining and all others voting aye.

**OTHER BUSINESS:** The Mayor asked about a car being parked at 210 Summit Avenue over the weekend, an old Mercedes. Mr. Fette stated he will look into it. Mr. Stefanelli asked about the mini-cooper parked on Railroad Avenue next to 22 Railroad. It is damaged in the front with a tarp over it. Mr. Fette will also look into that.

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

**ADJOURNMENT:** A motion to adjourn was made by Mr. Stefanelli and seconded by Mr. D'Agostino with all present stating aye.

**Next Regular Scheduled Meeting –October 3, 2017**

**Respectively submitted by:**

**R. Lorraine Hutter  
Land Use Administrator**