

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, August 7, 2018 - 7:30 pm

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 10:00 pm 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 OPENING PUBLIC MEETINGS STATEMENT:

Chairman DePinto led everyone in the Pledge of Allegiance and read the Open Public Meetings Act Statement.

ROLL CALL:

PRESENT: Mr. Culhane, Councilwoman Curry, Mr. Fette, Code Official, Mayor Ghassali, Mr. Lintner, Mr. Stefanelli, Ms. Russo, Environmental Commission Liaison, Alt.#1, Ms. O'Neill, Alt.#2, Chairman DePinto

ALSO PRESENT: Mr. Hipolit, Borough Engineer, Ms. Green, Borough Planner, Mr. Regan, Esq., Board Attorney, Ms. Rowland, Acting Land Use Administrator

ABSENT: Mr. D'Agostino, Mr. Teagno

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

ENGINEER: Per Chairman's request, Mr. Hipolit gave a report on the meeting preceding tonight's Planning Board meeting, wherein they met with the owners of The Alexa Condominium Development, together with their attorney, engineer and architect. Revised plans from 2005 had been requested. Chairman advised the changes were de minimus in nature. An application will be forthcoming to amend the previously approved site plan.

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: Ms. Russo had no report, as the Environmental Commission meets next Monday.

SITE PLAN REVIEW COMMITTEE REPORT: None

ZONING BOARD LIAISON REPORT: None

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CORRESPONDENCE: Placed on back table

APPROVAL OF MINUTES: None

USE PERMITS:

1. **Block 2602, Lot 1 - AM Tree Developmental Nursery School, LLC, 210 Summit Avenue - 600 sq. ft.** - The Chairman read the application into the record. Christine Dattoli, applicant, was sworn in and testified. Frank Uzzi, Esq. represented the applicant. Applicant seeks to occupy the premises on or about September 1, 2018. The space is presently vacant, formerly occupied by a physical therapist. No interior changes; hours of operation are Monday - Friday 7am - 6pm. Parking on premises; no signed parking spaces. Applicant gave the nature of the business and operations as a developmental nursery school, in business for 34 years, presently operating in Montvale. They wish to lease this space strictly for their office, bookkeeping and paperwork purposes, leaving their current space for the nursery school. Mr. Fette commented a CCO application is necessary. There were no further questions or comments. A motion to approve was made by Ms. Russo and seconded by Mr. Culhane. A roll call vote was taken with all Board Members stating aye.

2. **Block 1001, Lot 1 - Sulzer US, LLC, 135 Chestnut Ridge Road - 6,814 sq. ft.** The Chairman read the application into the record. Attorney Edelstein represented the applicant. Shannon Marshall, applicant, was sworn in and testified. Hours of operation are Monday through Friday 8am - 6pm. 30 people would occupy the property, not 65 as stated. This would be corrected. Lease states 55 parking spaces provided. Applicant intends to occupy the premises 9/1/18. The total size of the building was left out of the application. Chairman asked for a site plan showing the parking spaces. Applicant's attorney accepted an amendment to the application showing zero. Applicant to contact the landlord and provide information prior to seeking CCO, or the CCO will not be granted. Building permits were applied for by landlord and work commenced. Mr. Fette would check on this and meet with the applicants tomorrow. Chairman advised they would move forward subject to this meeting and providing the required information requested. Counsel accepted amendment to number of employees as 30. 30 parking spaces are required. The number of parking spaces provided should be amended to 30. Ms. Russo asked for type of operations, and the response was office.

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The Chairman commented they could put off the application for two weeks and clarify all this information with the landlord and return. Applicant's counsel agreed. There were no further questions or comments. The matter was carried to the August 21, 2018 meeting.

3. Block 1902, Lot 5 - Dong Heon Oh, DDS, PC, 305 W. Grand Avenue - 2,400 sq. ft. - The Chairman read the application into the record. The applicant was represented by legal counsel. They do not currently occupy space in the building and would take occupancy November 1st as an orthodontist practice. A floor plan was provided. Hours would be Monday - Saturday 8am - 7pm. The application was amended as follows: Par. 5A - 5 employees and 5B - 5 parking spaces. Total spaces on site were 32. There were no further questions or comments. A motion to approve was made by Ms. O'Neill and seconded by Mr. Culhane. A roll call vote was taken with all Board Members stating aye,

4. Block 1902, Lot 5 - Rothman Institute of New Jersey, P.A., 305 W. Grand Avenue - 5,000 sq. ft. - The Chairman read the application into the record. The applicant was represented by legal counsel. Michael Sheerin, applicant, was sworn in and testified there were no changes to the application as submitted. The size of the building is 27,162 sq. ft. Applicant does not presently occupy space in the building. The intended use is a medical practice. Monday - Friday 7am to 6pm. Maximum number of employees 12. Number of parking spaces required 12; parking spaces required for visitors 10. There are 100 parking spaces on site. A list of employee zip codes was attached, as well as a floor plan for the 5,000 sq. ft. applicant intends to occupy. Chairman asked for applicant to expand on the type of practice listed as orthopedic medical practice. Applicant described their practice and stated there would be no surgery. An ambulance or transportation are rarely needed. Applicant stated they meet the need for handicapped parking, and this is a great location for them. Chairman asked where their space is in relation to the southern parking. It would be on the North side, and the rear entrance is closest to their space. The site signage would be coming in. There were no further questions or comments. A motion to approve was made by Mr. Stefanelli and seconded by Ms. O'Neill. A roll call vote was taken with all Board Members stating aye.

The Board took a five minute recess.

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PUBLIC HEARINGS (CONT'D):

1. Block 1102, Lot 2.01 - TSL Pike Predevelopment, LLC, 110 Summit Avenue - Amended Site Plan Application with Variances - Transcript previously provided;

2. Block 1103, Lot 5 and Block 403, Lot 1 - Metropolitan Home Development at Werimus, LLC, 87 and 91 Spring Valley Road - Amended Site Plan and Major Soil Movement Application - This application has been carried to August 21, 2018;

3. Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6 - Triboro Square - Mercedes Drive, Grand Avenue and Glenview Avenue - Planned Unit Development, Preliminary and Final Site Plan (Phase I), Planned Unit Development and Preliminary Site Plan (Phase II) - Glenview Road (PUD) - This application has been carried to August 21, 2018;

4. Block 1903, Lot 7 - Toll Brothers, Two Paragon Drive - Amended site Plan and Major Soil Movement Application - This application has been carried to August 21, 2018;

5. Block 1902, Lot 5 - ARV at Montvale Grand LLC-Amended Site Plan Application - This application has been carried to August 21, 2018;

6. Block 201, Lot 3 - Lawrence and Tania Pinto, 121 Upper Saddle River Road - Minor Subdivision Application - This application has been carried to August 21, 2018;

RESOLUTIONS:

1. Block 2802, Lot 2, Qualifier C001A - Montvale Farm Pizza d/b/a Blaze Pizza, 38 Farm View - Resolution Granting a Use Permit and Approval of Signage - A motion to approve was made by Ms. O'Neill and seconded by Mr. Culhane. There were no additional changes. It was clarified there would be no additional outdoor seating as stated in paragraph four, as read by the Board Attorney. A roll call vote was taken with all eligible Board Members stating aye.

2. Block 505, Lot 3 - Mario Jacovino, 31 Terkuile Road - Resolution Granting Variance Relief - A motion to approve was made by Mr. Lintner and seconded by Ms. O'Neill and seconded by Mr. Culhane. A roll call vote was taken with all eligible Board Members stating aye.

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DISCUSSION:

ORDINANCE NO. 2018-1458: AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF MARIJUANA AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE

ORDINANCE NO. 2018-1459: AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT VAPOR ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF VAPOR PRODUCTS AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE

The ordinances were passed by the Mayor and Council on First Reading and forwarded to the Planning Board for its comments and recommendations prior to the Second Reading. Mayor Ghassali stated the intention of the Council is to prohibit marijuana sales and vaping lounges. There is a section regarding medical marijuana. They spoke with Sloan-Kettering who has no plans now but would keep it open for the future. As long as vaping stays below 25% of the total business, it is not considered a vaping lounge. A discussion ensued with comments and opinions by Board Members following. The majority of the Board was in favor of both Ordinances. The Chairman commented enforcing the prohibition of vaping products is difficult. Mr. Fette suggested drafting a letter and sending it to the businesses, and also visiting the stores. Chairman polled the Board as to limited businesses to a square footage of space for vaping and prohibit businesses entirely dedicated. The majority was in favor. A letter would be drafted from the Planning Board to the Mayor and Council the next day.

OTHER BUSINESS: None

OPEN TO PUBLIC: No one from the public present.

ADJOURNMENT - A motion to adjourn was made by Ms. Russo and seconded by Mr. Culhane.

Next Regular Scheduled Meeting: August 21, 2018 at 7:30 pm

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Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Acting Recording Secretary