

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, April 20, 2021 -Remote Meeting (see below)

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.

You are invited to a Zoom webinar.

When: April 20, 2021 07:30 PM Eastern Time (US and Canada)

Topic: Planning Board Regular Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87191375276?pwd=YWxUR3NQRUNTTy9FM0c5eGlyOWZoUT09>

Passcode: 872909

Or iPhone one-tap:

US: +13126266799,,87191375276#,,,,*872909# or +19294362866,,87191375276#,,,,*872909#
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Webinar ID: 871 9137 5276

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OPEN PUBLIC MEETINGS STATEMENT -Please be advised that due to the state of emergency and public health emergency declared by Governor Phil Murphy pursuant to Executive Order 103 and in an effort to prevent further spread of COVID-19, this Planning Board Meeting will be held virtually via Zoom in lieu of an in-person meeting. Notice of this meeting has been advertised in the RECORD and placed on the website. Documents have been posted on the website under the planning board agenda under documents.

All public will be muted until the chairman opens it up to the public for questions only of each applicant's or board professional testimony. The public can address their questions to the chair and he will direct it to the appropriate person. When at the end of the public hearing the chairman will again open it up to the public for comments. If you have a comment, please hit the raise hand symbol and I will acknowledge you. Please state your name, spell your name and give your address when asking questions or giving comments. All questions and comments will be directed through the chair and he will in turn direct it to the appropriate person.

ROLL CALL:

PRESENT: Theresa Cudequest, John Culhane, Councilmember Curry, Mayor Ghassali, Christopher Gruber, William Lintner, Frank Stefanelli, Dante Teagno, Robert Zitelli, Javid Huseynov, Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Andrew Hipolit, Borough Engineer; Darlene Green, Borough Planner, Lorraine Hutter, Land Use Administrator and Erica Davenport, Assistant to the Land Use Administrator

ABSENT:

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

None

ZONING REPORT: Mr. Gruber reported that a TCO has been issued today, 4/20/21, for 200 Market Street. Beattie Padovano is planning on moving in Friday of next week and start opening for business on Monday, the following week. Next, the salt shed at the Old Western Union building has been contacted and was told that the shed needs to be removed. Montvale Landscaping, the company who put the shed there, explained to Mr. Gruber that they did get approval however Mr. Gruber did not find anything in their file so he issued them a summons and told them to remove it immediately. There will be some Fish and Chip signs around town for an event that will be held on Saturday, 4/24/21. The signs will be removed on Sunday, 4/25/21. CityMD has removed the signs from the windows because they went over their limit for window signs. Also, Mr. Gruber received a complaint for 25 Philips Parkway regarding a dumpster located in the back of the building. He contacted them and they explained that the dumpster is there to remove office debris and it will be removed on Friday. They also plan on removing/replanting some plants on their property. Mr. Gruber explained to them that if they change anything, it needs to be approved by site plan.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Montvale Cleanup day took place on 4/10/21 and there were about 110 residents who participated. They picked up 1,100 pounds of trash. Also, the Environmental Commission is reviewing the tree ordinance to see if they need to make any changes. Mr. Zitelli will keep us posted if any changes are made.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli reported that there were three applications. The first application was Block 1102 Lot 2.01 – 110 Summit Avenue – they were looking to do some recreation and amenity improvements to their site such as putting in a new walking path, a Pickle Ball court, a dog run and covered parking. We gave them some information and they are going to take another look at everything with the comments they received from the Site Plan Committee. They may come back to the Board as an application. The second application was Block 1102 Lot 3 – 100 Summit Avenue – this was a proposed Healthcare Center/Nursing Home. There are going to be 130 beds. He believes that they will be moving forward to the Board with an application. The third application was Block 2802 Lot 2 – Cyclebar – 28 Farm View – they wanted temporary use of the outside. The Board granted them usage for weekends.

CORRESPONDENCE: On website

APPROVAL OF MINUTES: None

DISCUSSION: None

USE PERMITS: None

PUBLIC HEARINGS (NEW):

1. **Block 2202 Lot 10 & 11 – Janovic – 23 Akers Avenue – Major Subdivision Application**
<https://drive.google.com/drive/folders/1lz140WKP--EHNGZAJmhFsjUot6fz6ySf?usp=sharing>

Frank Ferraro, Attorney, came before the Board on behalf of the applicant. Bob Regan asked if the notices were in order and Erica confirmed. Mr. Ferraro had witnesses -

Walter Janovic, applicant; Sean McClellan, Engineer and Harry Tuvel, Professional Planner. Mr. Regan swore in Sean McClellan, Andrew Hipolit and Darlene Green. Mr. Ferraro explained why this application is a major subdivision. The property historically has been two separate lots, family owned since the 1940's. At that time, they were two separate lots (2202-10 and 2202-11) – to this day the lots still show up on the tax map as two separate lots. However, the zoning changed from R15 to R40 and since these lots are undersized, the lot size requirement became greater. These two lots have become non-conforming to the required lot size and as a result by operation of law they have merged. Mr. Ferraro is looking to re-establish these lots as two separate building lots. They are also requesting a lot area variance for lot 10 (18,704 sq. ft.) and lot 11 (15,750 sq. ft.). They are also requesting a lot width variance where 200 feet is required under the R40 zone requirements; Lot 10 will be 106.88 ft and Lot 11 will be 90 ft. The side yard for Lot 10, where 50 ft. is required, is proposed to be 44.7 sq. ft. for the aggregate side yard. Currently it is 37.9 sq. ft. so they are looking to mitigate that non-conformity. The new Lot 11 that they are proposing will be fully conforming to the R40 requirements. There will be no bulk variances necessary. Finally, regarding lot coverage, 30% is required and lot 10 is currently 40.8%. They have an EIS waiver, and they are also willing to comply with any shade tree requirements as a condition of approval. They believe these variances are consistent with the building variances of the area.

Mr. Regan was unsure why they are deeming this a major subdivision. Since Mr. Ferraro is trying to re-establish lot 10 and lot 11, and one of the widths of the lot will have a width of 90 feet, this is his reasoning as to why he is proposing a major subdivision. Mr. Regan stated that he believes it is a minor subdivision since it is not more than four lots, not a new development, not a new street and he is not extending an off-tract improvement. Mr. Regan deemed this as a minor subdivision. Mr. Ferraro had no objection.

Chairman DePinto marked into evidence A1 the minor subdivision plan dated 1/29/21. A concept view that Mr. Ferrara showed on screen (not distributed) was marked as A2. The survey dated 1/27/21 was marked as A3. Mr. McClellan then gave a brief overview of his plans to the Board. Mr. McClellan stated that lot 11 is a vacant lot and lot 10 is fully developed. The chimney on lot 10 encroaches on the current lot line so that's why they are looking to move the lot line approximately 7 feet to the north. The developed lot will have a 2-story, single family home with a pool cabana. They are not proposing to have any bulk variances; everything will fit within the setback lines, the

combined side yard setbacks and the building and lot coverage will all be conforming. Chairman DePinto marked Mr. Hipolit's technical review letter dated 3/30/21 as B1. Mr. Hipolit summarized his findings. He takes no objection to the application being deemed a minor, no objection to an EIS waiver request and no objection to a shade tree waiver. They may need soil movement calculations since they are now a minor not a major. Mr. McClellan responded that he will provide all of the information that Mr. Hipolit requested in his letter. Chairman DePinto polled the Board for questions. Chairman DePinto marked the application filed as A4.

Chairman DePinto opened the meeting up to the public. A motion was made by Councilwoman Curry and seconded by Ms. Cudequest. A roll call vote was taken with all members stating aye. The first members from the public came forward – Richard and Janet Maniscalco, 8 June Lane, Lot 4. Mr. Maniscalco was concerned with the drainage of the property. The second member from the public – Neil Briet, 21 Akers Avenue, Lot 9. Mr. Briet was also concerned with the drainage of the property. The next member of the public came forward – Ken and Persia Barile, 31 Akers Avenue. They are 3 houses up from the empty lot. They questioned the size of the lots, water runoff/grading of lot 11. Persia requested to center the property lines. Chairman DePinto closed the meeting to the public. A motion was made by Ms. Cudequest and seconded by Mr. Lintner. All in favor stated aye.

Mayor Ghassali wanted to give the public an assurance of the water runoff and Mr. McClellan explained that once they get the final plans, he will show that there will be a proper drainage system for the water runoff. Mr. Regan then swore in Harry Tuvel, Planner and deemed Mr. Tuvel fully qualified. Mr. Tuvel brought forward the concept plan to show the Board and the public what the proposed home will look like. The positive criteria are that the existing and proposed lots would be consistent with the lots in the immediate vicinity. Most of the lots along Akers Avenue and June Lane – none of them conform with R40 and most, if not all, of them are characterized by R15 zoning. The variance requested meets the criteria under C2. From a planning perspective, they have met the proofs for the variances being requested and do not rise to a level of detriment to the public good. The proposed subdivision maintains the character of the neighborhood and they are in fact improving lot 10 by reducing the existing non-conformities with regard to the side yard and coverage, as a result of moving the lot line to the North. Mr. Ferraro stated that the concept is essentially a 4-bedroom house. Chairman DePinto marked into evidence Ms. Green's technical review letter dated 3/4/21 as B2. Ms. Green gave a brief summary of her findings.

She confirmed that they are going to comply with the shade trees so that waiver would be eliminated. Mr. Ferraro had no objection. Ms. Green questioned comment number 3, Mr. McClellan stated that they will not be disturbing the slopes that are greater than 15% on the site. There were also some discrepancies in the bulk table with regard to what is a variance vs. a pre-existing, non-conforming condition and if they were granted approval, it would all need to be corrected. Mr. Ferraro agreed to that condition. Ms. Green also asked for clarification for RSIS for parking. Mr. Ferraro stated that the concept is a 4-bedroom house with a 2-car garage and that will be up to RSIS standards. Mr. McClellan stated that the 2-car garage and driveway will provide room for up to 4 cars.

Chairman DePinto marked the Fire Department review dated 3/3/21 as B3 and the Police Department review dated 2/24/21 as B4. Chairman DePinto also marked the County of Bergen review letter as B5. Then, the Board was polled for questions or concerns. Mr. Culhane proposed having the building on lot 11 be centered. Chairman DePinto agreed with his comment. Mr. Ferraro had no objection to that comment. Chairman DePinto then polled the board for their thoughts on centering the building on lot 11. The decision was unanimous to center the building.

A motion to open the meeting to public was made by Ms. Cudequest and seconded by Mr. Culhane. All in favor stated aye. Richard Maniscalco came forward and asked what the proposed plan was for lot 10. Mr. Ferrara explained that lot 10 is still in family ownership, owned by the estate. He is unsure if that family is going to occupy it at some point or sell it down the road. Persia Barile then came forward and asked to see the picture of the proposed house again. She questioned the location of the driveway/layout of the house. Mr. Ferrara explained that this is simply a proposal, subject to change. Persia also doesn't want a mansion and questioned the size of the proposed building. Mr. Ferrara stated that the square footage will be somewhere around 3,500. Mr. Regan swore in Walter Janovic. Mr. Janovic specified that the size of the home would be maximum 3,800 sq. ft. Mr. Ferraro stated that everything they are proposing is going to be within the building envelope. Rich Maniscalco came forward again and questioned the depth/size of the proposed home. He stated that it is larger than his home. Chairman DePinto closed the meeting to the public. A motion was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated aye.

Chairman DePinto opened the meeting up to the public one last time. A motion was made by Ms. Cudequest and seconded by Mr. Stefanelli. All in favor stated aye.

Chairman DePinto wanted the input from the public if they loved it or hated it. Mr. Maniscalco came forward and stated that if it keeps in line with the other homes in the area then he would be fine with it. Mr. Barile then came forward and stated that he appreciates the fact that they re-considered centering the house and he wants the size of the house to be within the same size as the other homes. Ms. Barile came forward and also stated her concern with the size of the proposed home. Then, Mr. and Mrs. Breit came forward questioned if anything would be carried over to another meeting? Chairman DePinto stated that this would be the only public hearing for the developer to obtain the building permit. Ms. Breit also questioned the construction noise and limitations. Mr. Gruber stated that construction hours are from 7am until dusk, Monday thru Friday. No weekends. A motion to close the meeting to the public was made by Ms. Cudequest and seconded by Mr. Culhane. All in favor stated aye.

Chairman DePinto polled the board for their opinions. Mr. Teagno stated that he is in favor of this and he commented that the size of the building envelope is the maximum given of what the size of a building could be built on. It does not necessarily mean the house will be that big. All others were in favor of this application. Chairman DePinto motioned for the board attorney to prepare a resolution incorporating all of the requirements stated on the record. Chairman DePinto would like revised plans to show new drainage sent directly to the board professionals. Chairman DePinto would also like to cap this building at 3,800 square feet. Also, the landscaping of the property should be looked at by our environmental committee which is a condition of approval. A motion was made by Mr. Lintner and seconded by Ms. Cudequest. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

A ten-minute break was taken.

PUBLIC HEARINGS (CONT):

1. **Block 2802 Lot 2 Qualifier C001A & C001B – Montvale Development Associates II. LLC – Mercedes Drive and Grand Avenue West** – Application for Amended PUD Approval; Amended Phase II Preliminary Site Plan Approval; Final Site Plan Approval; Use Variance for Medical Offices and Soil Movement Approval

<https://drive.google.com/drive/folders/1px9O5AdSgCmo2uldXt2YGtBUVfYLOuQK?usp=sharing>

Minutes for this application were taken by audio transcript – see attached. Since a D-1 variance is being requested, Councilwoman Curry and Mayor Ghassali were excused.

2. **Block 2904 Lot 4 - Bank of America - Chestnut Ridge Road - Amended Site Plan -Lighting**
https://drive.google.com/drive/folders/15Y_tPQAcuf2AJHRpGm_48-Xnhcuk_7e4?usp=sharing

The application has been requested by the applicant to be carried to May 18, 2021. No further notice will be posted other than this announcement.

3. **Block 1002 Lot 7 - Waypoint Residential Services, LLC - 127 Summit Avenue -**
Application for Preliminary and Final Site Plan and Bulk Variance Approval and Soil Movement- click below link for documents to view
<https://www.dropbox.com/sh/3wpdvdnuuypl6l/AADMHQKfrPI-jfJZs9Z7cOY3a?dl=0>
https://drive.google.com/drive/folders/1qNHGWalyWhFQKjckE4JzItxV_cdJbTy1?usp=sharing
<https://drive.google.com/drive/folders/1484vkWtkSafI5nUb9rEJemFjV7EuOCBQ?usp=sharing>

Peter Wolfson, Attorney, appeared before the board to make an announcement. He confirmed that Waypoint is withdrawing their application and a letter will be submitted to the Board stating this.

RESOLUTIONS:

Block 1607 Lot 9 – Hoffmann – 23 Waverly Place – Application for Zoning Variance
<https://drive.google.com/drive/folders/1OeIR58SKmzORHETLYRg-mCS0bkL-EJn0?usp=sharing>

A motion to introduce was made by Mr. Teagno and seconded by Mr. Lintner. One typo was on page three, fourth line from the bottom says font instead of front. A roll call vote was taken with all members stating aye.

OTHER BUSINESS: None

OPEN MEETING TO THE PUBLIC: No one from the public was present.

ADJOURNMENT: Motion to adjourn was made by Ms. Cudequest and seconded by Mr. Stefanelli.

Next Regular Scheduled Meeting Remote: May 4, 2021 at 7:30 PM

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator