

# **REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**Tuesday, May 18, 2021**

**Municipal Complex 12 Mercedes Drive, 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.

## **ROLL CALL:**

**PRESENT:** Theresa Cudequest, John Culhane, Councilmember Koelling, John Ryan, Mayor Designee; Christopher Gruber, Javid Huseynov, William Lintner, Frank Stefanelli, Dante Teagno, Robert Zitelli, 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 – 25 Philips the bushes will be replaced at the corner of the building.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Zitelli – There was a meeting last night (May 17, 2021) and they approved the tree removal for residents on North Street. Huff Pond has been dredged and it is currently being dried out and then it will be tested for contaminants. There was also discussion about a community garden project down by Memorial for residents to grow tomatoes, strawberries, etc. Mayor and Council will need make a decision about this hopefully some point soon. Also, Mr. Hanrahan would like to come meet with the board to discuss some things that are going on around Memorial Drive. Ms. Hutter stated that a deer almost drowned in Huff pond and police had to come get him out. There needs to be better fencing around the pond for better safety for wildlife and any

residents that may be in that area.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli – This evening there were three applicants that came before the Site Plan Review Committee. The first applicant was MP Chinese Kitchen, located at 1-30 Chestnut Ridge Road, and they were looking to put in new signage for their restaurant. They decided to go with a black color for the letters of their sign. Next was Atlantis Fresh Market located at 12 Railroad avenue, they were looking to put in larger glass windows with new façade and signage. The last applicant was Bellissimo located at 12 Kinderkamack Road, they were looking to put in a stationary awning. The committee gave them specific options to choose from rather than having it be stationary. If Bellissimo decides to put in a stationary awning then they would have to come before the planning board.

**CORRESPONDENCE:** On the back table

**APPROVAL OF MINUTES:** April 20, 2021 – A motion to approve was made by Ms. Cudequest and seconded by Mr. Teagno. There was no discussion on the motion. Roll call vote was taken with all members stating aye. Councilmember Koelling and Mr. Ryan abstained.

**DISCUSSION:** Lighting Ordinance – this was carried to the later portion of the meeting.

**USE PERMITS:**

**Block 3201 Lot 5 – EcoCom Inc. – 25 Philips Parkway - (644 sq. ft.)**

Joeseeph Oey was the attorney representing the applicant, Stephen Chen. Ms. Chen was sworn in by Mr. Regan. Chairman DePinto read their application into the record. Ms. Chen added the unit number as Suite 205 and the zone should be listed as OR-4. These were the only changes made to the application. Attached to the application was the Montvale Police report as well as the list of zip codes for employees working at that location. Ms. Chen gave a brief overview of the nature of the business. They primarily handle paperwork of goods coming in from China. They will have some goods be stored on site such as totes and hangers. No questions arose from board members. Mr. Gruber stated that they must come to the Building Department and apply for a CCO. A motion to

approve was made by Mr. Stefanelli and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 2402 Lot 9 – Elite Auto Repair – 1 Park Street - (1,000 sq. ft.)**

Ernest Dubose was sworn in by Mr. Regan. Mr. Dubose is the owner and operator of Elite Auto Repair. Mr. Dubose was not represented by an attorney. Chairman DePinto read the application into the record. Mr. Dubose is responsible for the repair shop however; he is not responsible for the actual building. The landlord is not maintaining the property as it should and Chairman DePinto doesn't want to issue a CCO without the property being cleaned up. Mr. Dubose is willing to clean it up in order to get the CCO. No other comments arose. A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 1903 Lot 6 – Creative Pavers – 136 Summit Avenue - (884 sq. ft.)**

Brett Unger and Corey Manger came forward and were both sworn in by Mr. Regan. They were not represented by an attorney. They are currently located in Suite 203 but they are looking to take over 203A. Their application is amended to read both suites. No alterations will be made to the space. There will be 8 total parking spaces – parking in common with other tenants. Mr. Unger gave a brief overview of the nature of the space being utilized. He stated that it is general office space. They would like to occupy these spaces on June 1, 2021. No questions arose from the board members. A motion to approve was made by Ms. Cudequest and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 2701 Lot 3 – LasComp Institute of IT – 85 Chestnut Ridge Road - (1,277 sq. ft.)**

Shamsul Alam came forward as the applicant and was sworn into the record by Mr. Regan. Gregory Meese, attorney, represented Mr. Alam. Chairman DePinto read the application into the record. Mr. Alam needs to submit the total number of parking spaces so we can have that on record. Mr. Alam gave a brief overview of the intended use of the space. It will be used primarily as an office space. No questions arose from

the board members. A motion to approve was made by Ms. Lintner and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

## **PUBLIC HEARINGS (NEW):**

### **Block 2504 Lot 11.01 – Cindy Rich – 9 Cottage Avenue – Zoning Variance Application**

Richard Abrahamson represented the applicant. The engineer, Mr. Eikenlot, was also present along with the owner, Cindy Rich. The owners did an addition to their single-family home (R-10 zone) in April 2018, increasing the building coverage which is the main reason why there are being heard tonight. This was a board approved subdivision and they added 3,000 sq. ft. to their lot area. The building coverage goes over the standard for the zone where 20% is the standard and 23.11% is the proposal. This is a continuation of the same development. Prior, there were a lot of pre-existing, non-conformities on the property. Before they added the land, the building coverage was 26.92% without an addition. When they added the land, it brought it into compliance but now with the addition it is at 23.11%. The positive of this is that they are eliminating the pre-existing encroachment on the rear setback. The coverage is now a lesser percentage now that they added land. The size of the coverage of the property is not a negative because it is a fully conforming lot.

Mr. Regan swore in Mr. Hipolit, Ms. Green and Mr. Eikenlot. Mr. Eikenlot gave a brief explanation from an engineering point of view. The total square footage of the home with be in the neighborhood of 3100 including the garage. The plot land that he used during his briefing was marked as A1. Mr. Hipolit's review was marked as B1 dated April 13, 2021. Mr. Hipolit gave a brief summary of his review. He confirmed that there is no longer a generator being proposed. Ms. Green's review letter dated April 12, 2021 was marked as B2. Ms. Green then gave a brief summary of her review. The Police Department review dated March 22, 2021 was marked as B3. The Fire Department review dated March 30, 2021 was marked as B4. Plans by Jan Morino dated March 8, 2021 were marked as A2. Chairman DePinto polled the board members for questions. Mr. Culhane questioned the soil movement calculations

and Mr. Hipolit confirmed that there will only be 24.7 calcs being moved so it's only a minor. No other questions arose from the board.

A motion to open the meeting up to the public was made by Mr. Stefanelli and seconded by Ms. Cudequest. All in favor stated aye. No one from the public was present. A motion to close the meeting to the public was Mr. Stefanelli and seconded by Ms. Cudequest. All in favor stated aye. A motion to request the Board Attorney to prepare a resolution was made by Mr. Teagno and seconded by Mr. Huseynov. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**PUBLIC HEARINGS (CONT):** None

#### **RESOLUTIONS:**

##### **Block 2202 Lot 10 & 11 – Janovic – 23 Akers Avenue – Major Subdivision Application**

Chairman DePinto read the title into the record. A motion to introduce was made by Mr. Linter and seconded by Mr. Stefanelli. Mr. Regan went over the changes. A roll call vote was taken with Mr. Teagno, Mr. Ryan, Mr. Huseynov and Councilmember Koelling abstaining and all other members stating aye.

**OTHER BUSINESS:** Lighting Ordinance – Chairman DePinto believes that the governing body has probably received some complaints from neighbors of residents about lights shining into their property at night. Mr. Gruber stated that they do not have the personnel or equipment to go around the neighborhood at night to enforce this lighting ordinance. Chairman DePinto would like a letter to be drafted to give to Mayor and Council stating that that this ordinance be tabled for now to allow the board professionals more time to come up with specific recommendations pertaining to this lighting ordinance. The board professionals would like another month to make their comments. Ms. Green stated that this should go to zoning to get their perspective on it.

Chairman DePinto also brought up outdoor dining, gyms, yoga studios and their usage of tents. Putting a tent in the parking lot during COVID made sense to accommodate less numbers inside in order to keep a 6-foot distance. However, now that the state is allowing more people indoors,

there shouldn't be outdoor tents too because its eliminating parking spots. Where are all of these people going to park? These restaurants and gyms will need site plan approval. The real issue is parking and public safety. The governing body passed this resolution however, he doesn't believe they took into consideration the parking aspect. Now that we are coming out of the pandemic, a letter should go back to Mayor and Council that there are problems this creates with parking. There has been an increase in car accidents in parking lots and they don't want anyone to get hurt.

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

**ADJOURNMENT:** A motion to adjourn was made by Ms. Cudequest and seconded by Mr. Zitelli.

**Next Regular Scheduled Meeting:** June 1, 2021 at 7:30 PM

Respectfully Submitted,

Erica Davenport  
Assistant to the Land Use Administrator