

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

## **Minutes**

**Tuesday, July 11, 2022**

**Municipal Complex 12 DePiero 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: Mr. Culhane, Mr. Ryan, Mr. Lintner, Mr. Stefanelli, Mr. Teagno, Mr. Zitelli and Chairman DePinto

Absent: Mr. Gruber, Mr. Huseynov, Councilmember Koelling, Ms. Green, Planner

Also Present: Mr. Regan, Board Attorney; Mr. Rasched, Traffic Engineer, Mr. Hipolit, Board Engineer; Ms. Hutter, Land Use Administrator

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

ENGINEER/BOROUGH PLANNER: none

ZONING REPORT: none

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli stated he has no report.

SITE PLAN COMMITTEE REPORT: Taco Bell is looking for to updating their site. Landscaping, different colors and lighting. Rockland Electric on Kinderkamack Road updating the substation. They will be filing an application shortly.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES: NONE

USE PERMITS:

Block 2702 Lot 1.01 C1001- SHG Montvale MB I LLC-100 Market Street (1170 sq. ft.)- Mr. DelVecchio represented the applicant Mr. Doug Cohen. Chairman read the application into the record. Parking spaces were confirmed to 1193. Building number 1 Shared parking arrangement 156 residential and retail. Within the residential building the leasing staff is there. Mr. Cohen stated that there are two offices. One for storage and the other is where they work with potential residents and to work with any issues for current residents. 100 units are leased and 40 units have already moved in. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Teagno. A roll call vote was taken with all present stating aye.

#### PUBLIC HEARINGS (NEW):

1. Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Preliminary Major Site Plan and Major Subdivision Approval –**at the request of the applicant this hearing is carried to August 2, 2022**

#### PUBLIC HEARINGS (CONT):

1. Block 1102 Lot 3 – Gray Capital, LLC – 100 Summit Avenue – Preliminary and Final Site Plan Approval and Major Soil Movement—**carried to July 19th, 2022**
2. BLOCK 3201, LOT 6-SHG Montvale MB, LLC-Preliminary and Final Site Plan Approval, Amended PUD Approval, Soil Movement Approval and Variances – Mr. Ryan left as he cannot vote as it is a D Use Variance. -**See Transcripts- meeting carried to August 2, 2022**

#### DISCUSSION:

1. **AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED “SITE PLANS,” AND AMENDING AND SUPPLEMENTING CHAPTER 400, “ZONING,” OF THE BOROUGH CODE TO TRANSFER THE BOROUGH’S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH’S SITE PLAN REQUIREMENTS-Chairman asked the board attorney if he reviewed this. The advantage of the adoption of this ordinance it will protect the board because they are included. It will take out the site plan conditions. The performance standards were discussed. Ms. Hutter went over some corrections. It should state planning board attorney not both. Page 14, references the site plan review. The environmental commission was removed. It was discussed on page 15 item number 2. It states 21 days. The requirement is 10 days. It was decided to leave it at the 21 days as written. Page 9 it states 3,000 sq. ft. and in the next paragraph it states one acre. It was stated to take out the one acre and reference the 3,000 sq. ft. A motion to make a recommendation for adoption to the Mayor and Council the approval with the above changes was made by Mr. Lintner and seconded by Mr. Teagno all in favor stating aye.**
2. **Frank Banisch Letter-Chairman gave a summary of the letter. Mr. Banisch was called in regard to Montvale Family Apartments. In Ms. Green’s letter it states that the affordable units will be designated and, in the resolution, we included her letter that they needed to be in compliance with the letter. The Walter’s Group is objecting to be compliant with Ms. Green’s letter. Their position is that if there are two affordable apartments next door to each other and they don’t get along and they would need to move them they would have to move one and wouldn’t want to be held to without violating any conditions. The second example is that if they rented an apartment on the third floor and they became handi-capped and needed to move them to the first floor. They stated that this may be rarities but it can happen. The chairman refused to sign the site map and developer’s agreement because they were not willing to comply. They have a concern with losing the funding. All other applicants in the Borough of Montvale have always complied with the request of numbering and placement. The Walters Group goes to Mr. Edwards Special Counsel, Frank Banisch, Master complaining. Mr. Banisch stated that this development is fully affordable. It was recommended by Mr. Regan to have the chairman sign**

the developer's agreement with a motion by the board. We gave them the land, a pilot on taxes, and we are giving them \$375,000 and an additional \$25,000. The board was in agreement to have the chairman and secretary. A motion was made by Mr. Lintner and seconded by Mr. Stefanelli. All present stating aye.

RESOLUTIONS: none

OTHER BUSINESS:

OPEN MEETING TO THE PUBLIC: no public present

ADJOURNMENT: Mr. Stefanelli and seconded by Mr. Lintner all in favor stating aye.

Next Regular Scheduled Meeting: July 19<sup>th</sup>, 2022

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator