

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, December 6, 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.

Chairman DePinto opened the meeting at 7:40 PM and led everyone in the Pledge of Allegiance.

ROLL CALL:

PRESENT: John Culhane, John Ryan, Mayor Designee; Dante Teagno, Christopher Gruber, Robert Zitelli, Javid Huseynov, William Lintner, Frank Stefanelli, Councilmember Koelling, and Chairman DePinto

ALSO PRESENT: Andrew Hipolit, Borough Engineer; Dipti Sheth, Acting Borough Engineer; Robert Regan, Board Attorney; 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/BOROUGH PLANNER: None

ZONING REPORT: Mr. Gruber – Building 300 at The District has received their Certificate of Occupancy. Building 400 at The District is almost complete with the footings and foundation for the new building. AR Landmark on at 12 Van Riper Ave is near completion of the framing of the first floor and is anticipated to be completed by Summer of 2023. The Toll Brother's project is moving forward with the submission for permits on two more buildings leaving only four buildings left to be built. The other projects in town are progressing slowly due to supply issues, and the holiday season.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – The Environmental Commission met on November 14th and they discussed the plastic bag recycling which has dropped off significantly. Also, the DPW is maintaining the trail down by Huff Pond.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli – This evening we heard four applicants. The first one was Twin Oaks who has a new owner. He is looking to do a lot of new improvements to the building (both interior and exterior). The second applicant was Parkland Estates on Spring Valley Road – they are single family homes which needed slight adjustments to the grading of the properties. Next is Taco Bell on Kinderkamack Road – they are looking to do both interior and exterior changes to the building. The board didn't approve of the colors that were proposed to the exterior of the building so they will be coming back with updated plans. The last applicant was 17 Philips Parkway for a Use Variance Application. They are looking to rent it out so we will most likely see a use permit application come before the planning board in January.

MASTER PLAN COMMITTEE REPORT: Mr. Lintner – This evening we met with Bob Hanrahan and he gave us a report on the ERI. We changed coarse a little bit and we are going to have the Environmental Committee take the lead in developing the Environmental Resource Inventory and we will make it a part of the Master Plan. As a result of the Environmental Committees activities, we will now move forward to the next phases of the plan.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES:

October 18, 2022 – A motion to approve was made by Mr. Lintner and seconded by Mr. Teagno. There was no discussion on the motion. All in favor stated aye. Mr. Huseynov abstained.

November 1, 2022 – A motion to approve was made by Mr. Ryan and seconded by Mr. Culhane. There was no discussion on the motion. All in favor stated aye. Mr. Lintner and Mr. Huseynov abstained.

DISCUSSION: None

USE PERMITS:

Block 2401 Lot 2 – Pascack Valley Board of Education – 28 W. Grand Avenue – Suite 2

(2,037 sq. ft.)

Yas Usami, Business Administrator and Board Secretary of Pascack Valley, stepped forward to represent the school district. Mr. Regan swore Mr. Usami into the record. Mr. Usami made a correction to the hours and days of operation (Monday-Friday, 8:00am-4:00pm) which was then amended. Chairman DePinto then read the application into the record. They currently occupy space in the building (5,576 sq. ft.) however, this would be additional occupancy within the building. Mr. Usami identified the two signatures that were on the application. Mr. Usami gave a brief overview of the intended use of the additional space. He stated that it would be used as strictly administrative use whereas only employees of the district or visitors would be using it as well as the parking spaces on the premises. It will be used primarily for Special Education and transportation and related services. Attached to the application was the Montvale Police Department form. A motion to approve was made by Mr. Culhane and seconded by Mr. Ryan. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 3004 Lot 2 – North Point Management, Inc. – 50 Chestnut Ridge Road – Suite 205-206

(9,093 sq. ft.)

Mr. Bolson of Meyerson, Fox, Mancinelli & Conte stepped forward to represent client, Harry Horowitz. Mr. Regan swore in Mr. Horowitz. Chairman DePinto then read the application into the record. Mr. Horowitz identified both of the signatures on the application. Mr. Horowitz then gave a brief overview of the business. They are currently located on Chestnut Ridge Road but they are looking for a larger space. They will not be doing any alterations to the existing floorplan; they will only be doing cosmetic changes. There will be no storage of materials and no overnight parking of any commercial vehicles. They manage buildings such as collection of rent, landlord/tenant actions, building maintenance. Attached to the application was the Montvale Police Department report, a list of zip codes and a floorplan of the subject space. They will not be making any changes to the floorplan, just strictly painting and updating. Also, no vehicles will be stored on premises overnight. Chairman DePinto clarified that two separate suites will now be occupied by this one tenant. There will be an interior door that will combine both spaces.

Mr. Gruber stated that they will need new tenant permits in order to take over the space. No other comments/questions arose from any board members. A motion to approve was made by Mr. Huseynov and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 3101 Lot 1 – Lwin Family Co, LLC d/b/a Hissho Sushi – 32 Chestnut Ridge Road (20 sq. ft.)

Mr. Bolson of Meyerson, Fox, Mancinelli & Conte came forward to represent Rupeshi Modi. Mr. Regan swore in Mr. Modi. Chairman DePinto read the application aloud into the record. Application was amended to read parking in common and Mr. Bolson agreed. Mr. Modi identified both signatures on the application. Attached to the application was the Montvale Police Department form, a list of zip codes (Exhibit A) and a floorplan (Exhibit B). This sushi company will be taking space within the Sushi kiosk of Fresh Market. There will be no changes to the space, they are strictly just taking over the space of the previous owners. A motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

PUBLIC HEARINGS (NEW): None

PUBLIC HEARINGS (CONT):

Block 2411, Lot 7.01-Sam Matthews -19 Hillside Terrace – Major Soil Movement Application

Charles Osterkorn (licensed engineer) came forward to represent his daughter, Kirstin Osterkorn, Engineer and Planner, who could not appear tonight. Mr. Osterkorn was sworn in by Mr. Regan. Mr. Osterkorn then gave a brief overview of this proposal and his plot plan was marked into evidence as A5. They have an existing lot from north to south and they are proposing a new dwelling, seepage pits in the front, a retaining wall in the back, and they are proposing to move the trees with an exception of the adjacent neighbor to the north. Ms. Osterkorn met with the neighbor who had an issue with this retaining wall from the previous meeting and they came to an agreement to move the retaining wall 4 feet off the property line. They brought this wall closer to the proposed building. Mr. Osterkorn feels like the changes they have made have improved this property and have made the neighbors happy. He stated that they wrote a letter explaining all of their changes. Chairman DePinto marked Ms. Osterkorn's letter as Exhibit A6

(dated November 23, 2022). Chairman DePinto also marked the Collier's technical review letter as B5 (dated November 30, 2022). Mr. Regan stated that this Collier's technical review letter will be added to his resolution that he will write as an attachment. Chairman DePinto polled the board for questions. Mr. Culhane stated that he believes there should be geo-tech fabric added to the retaining wall. Mr. Regan will add that as a condition in his resolution. No other questions or comments arose from any board members.

A motion to open the meeting to the public was made by Councilmember Koelling and seconded by Mr. Culhane. Mr. George Heckert (36 Earie Avenue) came forward. Mr. Regan stated he was already sworn in from the previous meeting. Mr. Heckert would like the trees that are currently on the property line (Lot 8.01) to stay where they are. Mr. Osterkorn agreed to this. Mr. Regan will make that as a condition in his resolution. No one else from the public came forward. A motion to close the meeting to the public was made by Mr. Stefanelli and seconded by Councilmember Koelling.

A motion to approve was made by Councilmember Koelling and seconded by Mr. Stefanelli. There was no discussion on the motion. All in favor stated aye.

A 5-minute break was taken at 8:30pm. Councilmember Koelling, Mr. Ryan and Chairman DePinto recused themselves.

Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Preliminary Major Site Plan and Major Subdivision Approval-this public hearing is carried to January 3, 2023 with no further notice required.
See attached transcript.

RESOLUTIONS:

Block 2411, Lot 7.01-Sam Matthews -19 Hillside Terrace – Resolution Granting Major Soil Movement

A motion to introduce was made by Councilmember Koelling and seconded by Mr. Stefanelli. Mr. Regan stated minor changes. A roll call vote was taken with all members stating aye.

OTHER BUSINESS: None

OPEN MEETING TO THE PUBLIC: A motion to open the meeting to the public was made by Mr. Teagno and seconded by Mr. Zitelli. All in favor stated aye. No one from the public came forward. A motion to close the meeting to the public was made by Mr. Zitelli and seconded by Mr. Ryan. All in favor stated aye.

ADJOURNMENT: A motion to adjourn was made by Mr. Teagno and seconded by Mr. Zitelli. All in favor stated aye.

Next Scheduled Meeting is the Reorganizational and Regular Meeting: January 3, 2023

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator

APPLICATION OF MONTVALE GROVE, LLC

SUMMARY OF TESTIMONY

Continued Public Hearing Held December 6, 2022

At the outset of the continued public hearing held on this date, there was marked into evidence as Exhibit A-15 a report of the applicant's traffic engineer Elizabeth Dolan, P.E., dated October 24, 2022 who was qualified in the field of traffic engineering. Commencing her testimony, Ms. Dolan stated that she was retained to assess before development and after development traffic characteristics and to determine the appropriateness of access from Spring Valley Road. She reviewed existing traffic volumes, with a focus on anticipated peak hours pertaining to the proposed development. Traffic counts were taken on November 16, 2021 from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. at the Spring Valley Road intersection with Akers Avenue. The morning peak hour was from 7:30 a.m. to 8:30 a.m. and the evening peak hour from 4:30 to 5:30 p.m. Her analysis notes that 3 of the 19 residences will be attached affordable units, with all units, including the 16 market-rate units, being age-restricted. Trip generation projections were taken from the Institute of Transportation Engineers ("ITE"), Trip Generation Manual, 11th Edition, 2021. During the morning peak hour, it is anticipated that three (3) vehicles would enter the development and eight (8) would exit, for a total of eleven (11) trips. The evening peak hour estimates six (6) vehicles entering and five (5) exiting, for a total of eleven (11). Ms. Dolan stated the fact that the development will be age-restricted and will generate less traffic than single-family or multiple-family

residences. She stated that eleven (11) trips in the peak hour is not deemed significant, with the ITE Manual establishing that 100 or more peak hour trips should require Traffic Impact Studies, with the traffic volume being substantially below this threshold.

Continuing her testimony, Ms. Dolan stated that existing traffic volumes were increased by 1.5% per year over a projected two-year development timeframe. She stated that the growth rate is consistent with NJDOT estimates and used to develop future “no build” traffic volumes. Future “build” traffic volumes were established by surcharging the site generated traffic volumes onto the future “no build” traffic volumes. The “no build” traffic volumes are shown on Figure 4 of her report and the “future build” traffic volumes depicted on Figure 5.

The Traffic Report also evaluates whether the existing roadway system can accommodate the estimated traffic volumes. This involves a Level of Service (“LOS”) Analysis. Existing traffic conditions result in a LOS of C, which is deemed acceptable, with the estimated traffic volumes resulting from the development being described by the Engineer as “minimal”. She stated that the site access drive is consistent with the Residential Site Improvement Standards (“RSIS”), as is proposed parking, with 74 parking spaces provided and 38 required. RSIS requires for visitor parking .5 space per unit, with the 19 units requiring 10 visitor spaces and 12 being provided. The Engineer stated that only one access point is required for emergency vehicles and that the site triangle at Spring Valley Road is sufficient. She stated that the development as designed will operate safely and be consistent with criteria and accepted standards. She

noted that the development, if comprised of 19 single-family homes, the peak hour trips would be 16 in the a.m. peak and 19 in the p.m. peak and would still provide a LOS of C.

Marked into evidence as Board Exhibit 3 was the report of Borough Engineer Hipolit dated November 18, 2022 which reviews Ms. Dolan's Report dated October 24, 2022 (Exhibit A-15). The Board was advised by Mr. Hipolit that the site distance triangle appears to extend slightly through the adjacent lot to the north, Block 2002, Lot 12, and the applicant will need to confirm if a sight triangle easement will be needed from the property owner. He also stated that the development will not alter traffic patterns pertaining to the school across the street, noting that the development will be age-restricted and that the minimal traffic associated with the proposed 19 units will not alter traffic conditions to any significant degree. His Report also notes that the site provides adequate circulation, parking and sight distance at the site access intersection with Spring Valley Road. In response to a question, Mr. Del Vecchio stated that based upon preliminary discussions with County officials, no restrictions pertaining to turning movements would be required from the site driveway.

It was also noted that the applicant's engineer would discuss with Mr. Hipolit drainage conditions and whether any revisions are required from that component of the plan.