

REGULAR MEETING OF THE MONTVALE PLANNING BOARD
MINUTES

Tuesday, March 7, 2023

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 7:51pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

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

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

ABSENT: William Lintner, and Andrew Hipolit, Borough Engineer

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

ENGINEER/BOROUGH PLANNER: None

ZONING REPORT: Mr. Gruber - AR Montvale at 12 Van Riper is on schedule for a February 2024 completion time. 20-22 Phillips Parkway is proceeding accordingly with a June 2023 completion time. Building 100 has been notified to remove the now leasing sign as they are 100% occupied. Rumble Boxing and Hot Yoga have had inspections and should be ready for finals soon.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – The trail down by Memorial, evergreens have been planted between the recycling center and the trail. DPW is now maintaining the trail. Plastic bag recycling continues but has dropped significantly and

Montvale Cleanup Day will be April 22nd down at the red shed so please come and volunteer if you are interested. Also, a trail is going in on Summit Avenue that the town has purchased.

SITE PLAN COMMITTEE REPORT/MASTER PLAN COMMITTEE REPORT: Mr. Stefanelli – This evening we went over the Master Plan and we discussed a survey that will be going out to businesses and residents. As soon as we get a draft, we will review it and also have the Mayor and Council review it and then send it out to everyone. Regarding Site Plan Review, there was one applicant which was SHG Montvale on DePiero Drive which was for North Market temporary signage for construction. The committee gave the ok to do so.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES:

December 6, 2022 – A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

February 7, 2023 – A motion to approve was made by Councilmember Koelling and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Ryan abstained.

DISCUSSION:

Historic Preservation Plan Proposal – Ms. Green gave a brief overview of her proposal dated March 2, 2023. At our previous Master Plan Committee meeting Mr. Vorhees marked up the Historic Preservation plan that was in the 2008 Master Plan. Since Mr. Vorhees took the time to make these detailed changes, Ms. Green plans on typing up his text changes and adding it to the Master Plan that she is in the process of completing for 2023. A motion to approve this proposal 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.

USE PERMITS:

Block 1902 Lot 8 – Rubinstein Plastic Surgery Center, LLC – 160 Summit Avenue (3,384 sq. ft.)

Antimo A. Del Vecchio, Esq. of Beattie Padovano, LLC stepped forward to represent client Ron Rubenstein. Mr. Regan swore in Mr. Rubenstein. Chairman DePinto then read the application aloud into the record. Attached to the application was the Montvale Police Department form and he will be submitting a list of zip codes to Lorraine Hutter. The application was amended to read that the applicant is intending to use 3,384 sq. ft. instead of 3,140 sq. ft. of the premises. Also, the total number of parking spaces should read 0 instead of 12 and the parking should read as in common. The application was also amended to read 0 parking spaces assigned. No questions arose from any board members. Mr. Gruber stated that he will need a new tenant certificate and a new set of permits. A motion to approve was made by Mr. Ryan and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 3004 Lot 2 – Portum Health, LLC – 50 Chestnut Ridge Road, Suite 120 (3,431 sq. ft.)

Andrew Bolson of Meyerson, Fox, Mancinelli & Conte, P.A. stepped forward to represent client who could not attend this evening. There were no changes to the application that was submitted. Chairman DePinto then read the application aloud into the record. Attached to the application was the Montvale Police Department form, a list of zip codes and a floor plan. Mr. Bolson identified the two signatures on the application. Mr. Bolson stated that this location is where the billing, HR, CFO and CEO will be located for a healthcare facility that is located in another state. This is a new startup company and they currently only have 3 employees however, they hope to get up to 25 employees as time goes on. Mr. Kurz stated that they will need to have the building have updated signage of who is located in which office. Mr. Bolson agreed. Mr. Gruber stated that he will need to get a new tenant certificate and he also will not be able to sublease this building out if they do not grow the company like they intend to. They are looking for such a large space however, they only have 3 employees listed on the employee zip code list. Mr. Bolson agreed. Chairman DePinto would like to put a resolution in place so the space could not be subleased. He would also like an update in 6 months of the employee zip codes. A motion to have Mr. Regan write a resolution to approve was made by Mr.

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

PUBLIC HEARINGS (NEW): None

A 10-minute break was taken at 8:28pm.

PUBLIC HEARINGS (CONT):

Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Preliminary Major Site Plan and Major Subdivision Approval – Councilmember Koelling, Mr. Ryan and Chairman DePinto recused themselves for this application. Mr. Stefanelli stepped forward as Vice-Chairman.

Antimo A. Del Vecchio, Esq. stepped forward and recalled Mr. Dipple to finish his testimony from last meeting. Mr. Dipple was previously sworn at the last meeting and remains under oath. Mr. Regan marked Mr. Hipolit's review letter dated January 31, 2023 as **B4**. Mr. Dipple referred to his Exhibit as **A21**. Mr. Dipple stated that he spoke to the County of Bergen about sidewalks from the North to South end of the property across its frontage, they believe it would be an enhancement to the property. They also discussed landscaping and the county reviewed their landscaping plan and they approved it. With the addition of the sidewalk there would be a widening of Spring Valley Road and new landscaping however there would be no change to the actual development. The next exhibit **A22** dated 2/24/23, Mr. Dipple made revisions to regarding a fire truck being able to fit into the development if there were a fire. Mr. Dipple created more room coming into the development and there would be no concern for trucks going in and out. Even the smaller vehicles such as garbage trucks and vans would have no issue. It was required by RSIS that trucks can maneuver throughout the site. Regarding stormwater, Mr. Dipple has drywells shown throughout his plans so that confirms one of Mr. Hipolit's questions. There were comments about the breakup in the lot and he testified that the applicant would be open to dividing the lots as per the boroughs request. That is something that is still open. The location of the access point to Spring Valley Road is located specifically as per RSIS. Ms. Dolan testified that's where it needs to be by County standard which is directly across from Akers. That's where the entire design started from since they needed to follow those guidelines. Garbage and refuse will be rolled out to the curb from

each home and a private hauler will come to pick it up. Regarding the mail, mailboxes will be attached to each dwelling however, they still need to confirm specifics with the postmaster. Mr. Dipple stated that in terms of road layout and parking spaces it is fully compliant with RSIS. The project complies with all stormwater requirements as well. The lighting is also compliant however there is one waiver regarding illumination. There are two spaces adjacent to the affordable unit and three spaces across from it that would need one more light post. A residential site usually has a much less lighting than a commercial site so they didn't want to be overkill with the lighting in this development however, if the board feels like they need these specific spots to be illuminated more, Mr. Dipple has no problem adding one more light to illuminate those five spaces. Mr. Del Vecchio had no additional comments. Mr. Culhane asked how far the patios are from the property line. Mr. Dipple stated that they are all about 2 feet from the property line. Some of the dwellings have a walkout basement due to the grade. The stairs take you from the living floor down to the patio, none of them have decks. Mr. Culhane asked about the traffic movement coming into the site. When a vehicle is making a left into the site and a vehicle from the north side is existing, who has the right of way? Mr. Dipple stated that the vehicle coming into the site would have the right of way in his opinion. Ms. Sheth stated that she advises the applicant to submit revised plans with the new calculations of soil testing so they can do a final review. Mr. Del Vecchio had no issue with that however, with the soil testing he would need more time in order for him to obtain the results from the soil test. He would like that to be a condition of approval. Ms. Sheth understood and she would like to get all of the data once they come in. Also, the stone wall that's existing around the site would be left undisturbed.

Mr. Kurz commented that the turning radius for the fire apparatus is adequate. He is okay with everything regarding trucks coming in and out of the site.

Mr. Gruber asked about the sidewalks and who will be responsible for the sidewalks. Mr. Del Vecchio stated that the county will be responsible since it's a county road. Mr. Gruber asked who will be removing the snow in the winter? Mr. Del Vecchio stated that it will be the HOA. Mr. Gruber asked where the snow storage will be? Mr. Dipple stated that there are spots located throughout the development to put the snow which he stated earlier in his testimony at the last meeting. The HOA will be in charge of the snow removal and storage in those

specific locations. He located the landscaping in such a way to make room for snow for this development. Mr. Gruber is concerned with the snow and having that impact rescue vehicles getting into the site. Mr. Del Vecchio stated that the snow does not impact turning radius. Mr. Dipple stated that could be written into the HOA documents that snow would have to be off the roads in order to maintain road width. Mr. Gruber thought that would be important to include in the HOA documents. Mr. Gruber asked about lighting and he believes there needs to be some restriction for each home regarding exterior lighting. He usually gets complaints from neighbors in developments such as this where they don't like light trespassing into their property. There is a light trespassing ordinance in Montvale and he could see where someone would get LED lights to illuminate their patio and it would be too bright for their neighbor. Mr. Dipple stated that would be an HOA concern however, maybe he can put in a restriction of lights per property in the HOA documents. Mr. Del Vecchio can consult with the architect and he can restrict backyard lights. Mr. Regan stated he can make that a condition of approval.

Ms. Green's review letter was marked as **B5** dated 2/6/23. Ms. Green asked about storage of trash and the one affordable unit that does not have a garage. Mr. Dipple stated that they will most likely have a trash room in the garage or near the front door. He would have to consult Mr. Montoro however it does not need to be stored in the unit. Ms. Green asked if that affordable unit had a driveway and Mr. Del Vecchio stated no it does not. Ms. Green is concerned about the center unit not having a location for garbage. She would need revised plans to show this concern. Also, lot 14.06 is not listed on the grading plan and it appears that there is a substantial drop from the front of the home to the rear of the home. Mr. Dipple stated that there is a set of stairs from the main floor to the backyard however, this specific property will not have a walkout basement. Mr. Dipple stated that lots 14.04, 14.03, 14.18, 14.17 will have walkouts and lots 14.07, 14.08, 14.09 and 14.10 will have walkouts on the western side. Ms. Green stated that the architectural drawings they received do not illustrate a walkout basement. Mr. Del Vecchio stated that he will check with Mr. Montoro if the board will receive updated plans. Also, Ms. Green brought up the building height of the units and these height differences could trigger a D6 variance. On **sheet C04** there is a building height calculation and according to that table, 6 of those dwellings require a variance. Mr. Dipple gave the average of the dwelling heights however not the specifics for each dwelling. Ms.

Green is concerned about 6 lots being greater than 28ft. and the building height is 35ft. Mr. Regan needs clarification on these numbers because this can trigger a D6 variance. The lots that are in question are in the rear of the development (14.07, .08, .09, .10) which exceed the height. Ms. Green questioned the retaining wall which might need relief and the southwest corner which has parking above the retaining wall – if a resident hits the gas instead of the break a car could go right through that wall. Mr. Dipple stated that he can add a guard rail which was an oversight. Ms. Green asked about snow storage and if any landscaping were to be damaged from the snow storage areas it would be fixed. Ms. Green would like to make this a condition of approval in the resolution.

On the major subdivision plat (SP01), Ms. Green would like the dimensions to be cleaned up a bit as well as lot 14.11. Mr. Dipple agreed. The parking table has not been revised according to the RSIS so Mr. Dipple needs to adjust that as well. Ms. Green asked at what point will they receive an update of plans with the correct dimensions of the retaining walls? Mr. Dipple will add it to the next submission. Ms. Green asked about the use of garages; she would like it to be stated that the client needs to make a stipulation that the garages cannot be converted into living space. Mr. Dipple stated he can agree to that.

Mr. Zitelli asked how many variances there were for this project. Ms. Green stated that there are currently 134 variances at this point but its obviously increasing. Mr. Regan said that he counted 1 D1-variance, 1 D5-variance, and 134 C-variances and that's without counting the D-6 variance height.

Mr. Del Vecchio stated that they were encouraged to present a development that was more creative than just a residential home. They proposed something like Flintlock and that freaked everyone out so they went the route of something with individual lots and when you put individual lots with their own individual lot lines, it starts creating duplicate variances multiplied by the number of lots you have. Mr. Regan stated that he agreed that its unavoidable based on the design. Mr. Del Vecchio didn't want everyone to just see the large number of variances without recognizing how they got to that point.

A motion to open the meeting to the public was made by Mr. Teagno and seconded by Mr. Zitelli. All in favor stated aye.

1. **Robert Gearloff – 23 Spring Valley Road:** Mr. Gearloff asked how many feet between the property and the curb? He was concerned about adequate snow storage. Mr. Dipple stated that there is about 12.63 feet at the pinch point and then it widens out to 18-20 feet. Mr. Gearloff was concerned about pushing the snow to make it harder for cars to park. He also asked what is the actual width of the road? Mr. Dipple stated 24 feet which complies with RSIS.
2. **Cynthia Arnold – 34 Spring Valley Road:** Ms. Arnold asked how wide the road was and Mr. Dipple responded 24 feet. Ms. Arnold asked that if a car is parked it would make it 21 feet isn't that correct? And wouldn't it make it difficult for a fire truck to come through? Mr. Dipple said that the width of any vehicle is 8.5 feet and there would be enough room for it to come through. She also was concerned about the pine trees that are located along that road and if they were going to be taken away. Mr. Dipple stated that if some of them had to come out they would be replaced.

A motion to close the meeting to the public was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated aye.

A 5-minute break was taken at 9:50pm.

Mr. Del Vecchio stated that they plan on adjusting the grading of the lot so they can remove the height variance aspect that came up during Ms. Green's review. The D-6 will be eliminated and most of the variances will be C. They will be putting an additional retaining wall to adjust the grade. Mr. Del Vecchio will be resubmitting new plans. Due to this adjustment, Mr. Keenan Hughes, Planner, was able to come up to testify. Mr. Regan swore in Mr. Hughes.

Mr. Hughes reviewed the application, plans, planning board minutes, master plan, professional board comments and reviews to make his testimony. He stated that this property is located within the R-40 zone which is a single-family zone. It is a zoning area that doesn't anticipate this particular type of development and that is what is triggering the variances. Looking back at the Borough's 2008 Master Plan, the borough had a desire to provide more senior housing

opportunities and to diversify housing stock. Meanwhile, there are some significant demographic trends that he wants to point out. The senior population (over age 65) in Montvale back in 2000 was 12.6%. Over the last 15-20 years that percentage has changes. Around 2016 the census stated that Montvale's senior percentage of ages 65 and over had increased to 18.5% of the population. The most recent snapshot we have of 2021 the percentage in Montvale has increased to 19.6% of that aged community so that's a 55% increase from 2000. Mr. Hughes stated that there is clearly a growing population of this age group. That desire for additional senior housing that was expressed in the Master Plan back in 2008 will be reflected in this proposed development. This pocket neighborhood will still be able to live in a single-family home product but the maintenance of the home is on the community rather than the individual homeowners. It becomes an alternative to a traditional senior housing like a town home or multifamily option. There is no current zoning district that is conducive to this type of lot. The closest among the conventional single-family districts is an R-10 zone. There is an affordable housing zone (AH9) located at Serrell Drive which is probably the closest design to this proposed development. This is a novel form of development that hasn't really occurred in Montvale or in Northern NJ. This is a new and emerging form of Senior housing but still remains consistent with the goals and objectives from the Borough's Master Plan. This is what's driving the variance relief that is required for this development to work. They are requesting D-variance relief for density specifically related to the 3-unit affordable housing building. All of the C-variances needed are related to the size of the lots themselves. Mr. Del Vecchio will be eliminating the height variance of the traditional single-family homes. In Mr. Hughes view, this is a transitional location whereas non-residential locations to the west and southwest as well as residential locations to the north becomes a key factor to the suitability of this site. It is within walking distance to the Shops at DePiero's, and the high school. The overall density is not out of line from what the Borough has as an R10 zone. In his view, the size and overall shape of the lot can support this development. In summation, he hopes the board looks favorably at this development to support senior housing.

Regarding the negative criteria, he believes there is no significant adverse impacts. There are no unmitigated prospects regarding density, the architecture that's proposed is consistent with the character of nearby residences, the 3-unit affordable unit will still have the look and feel of

a single family residential dwelling, adequate buffering's are being provided to residents in the North and along the front of the property on Spring Valley Road (which will minimize visual impacts in the surrounding area), they are also doing their best to minimize tree disturbance. There is also no light spillage on adjacent properties. In terms of stormwater management and environmental concerns, they are getting close to having board approval and all concerns are being addressed for this project. Also, there are no significant impacts to traffic circulation on the surrounding roadway network from the testimony you heard from Ms. Dolan. All of these factors would hopefully allow this board to grant approval for this development because there are no substantial detriments to the public good.

Mr. Del Vecchio asked if this project were to be proposed at a lower number of units, would it change the impact to the community that surrounds the project. Mr. Hughes does not think it impacts the community at all it would simply be a lost opportunity to the boroughs master plan of satisfying the need for senior housing.

Vice-Chairman Stefanelli polled the board for questions. Mr. Huseynov asked if having this development would increase the median age? Mr. Hughes stated, no, there will be no measurable effect on the community with 16 units. The project is being proposed because there is a need for senior housing. Mr. Teagno asked how they think this development is suitable with the number of variances it has? Mr. Hughes stated that its all about small lots all zoned for 1 acre development. They need relief without changing the integrity of the R-40 zone. Mr. Teagno asked about seniors being on a fixed income and how can that target group be able to afford a home in this development? Mr. Hughes couldn't answer the question because he doesn't know what the sales price would be for each unit. Mr. Culhane was concerned about the 5-foot side yards that are proposed. He asked how this is justifiable. Mr. Hughes stated that this is a different form of development. It is more tight knit and more walkable to the other areas in town. This is a potential market of people feeling comfortable living that way. It is simply a different way of living and Mr. Hughes thinks they have sufficient space. Mr. Culhane also stated that he does not believe the affordable units all being located in one residential home integrates well in the community. He thinks the affordable units be distributed throughout the community, not all together in one single building. Mr. Hughes

stated that the affordable units are all one bedroom, not a whole house. He has made it look like the rest of the homes from the exterior. Mr. Zitelli asked what the benefit is of all these lots vs. one lot. Mr. Del Vecchio said the original was 2 lots however, this board encouraged them to divide the lots to make it easier to manage. By having single family ownership, they can make a change to their home a lot easier than having to come back to the board to get an amended site plan or HOA approval if they were apart of an association. This layout or form of ownership was more welcome than the original filing. Mr. Zitelli asked about walkability to get to the Shoppes at DePiero's because it's a hike up Grand Avenue. He disagrees of its walkability because it is not an easy walk as its heavily trafficked, especially as people are getting older.

Ms. Green stated that she would like the opportunity to read Mr. Hughes' transcript so she can come back next meeting with her questions.

A motion to open the meeting to the public was made by Mr. Teagno and seconded by Mr. Culhane. All in favor stated aye.

1. **Robert Gearloff – 23 Spring Valley Road** – Mr. Gearloff asked for a list of other locations that have this design concept for him to look at. He doesn't know why Montvale is the Guinea pig. Mr. Hughes stated that he will bring a list of other developments like this for Mr. Gearloff to look at. Mr. Gearloff asked if any other town asked for this prototype? Mr. Hughes stated no, he has not seen this form for specifically senior development. Mr. Gearloff asked, do you have to get affordable housing for approval? Mr. Hughes stated no, the 3 affordable housing units will follow the regulations. Mr. Gearloff asked if there will be windows in between the houses. Mr. Del Vecchio stated that was a question for the architect. Mr. Gearloff stated that most of the houses on Spring Valley Road are under an acre. Wouldn't this start a domino affect going up the road? Mr. Hughes stated no, it wouldn't because this property is unique. If the borough was presented with another development like this, they would have to satisfy the boards concerns from the master plan which we are already satisfying. Mr. Gearloff had no other questions.

2. **Ronald Singh – 29 Spring Valley Road** – Mr. Singh asked about the senior population numbers that Mr. Hughes stated earlier in the evening. He asked if Mr. Hughes was intending to show an increased need for senior housing in Montvale particularly? Mr. Hughes stated yes, he was showing that there was an aging population in the Borough of Montvale which generates a need for this senior development. Mr. Singh stated that those numbers showed that Montvale is retaining more residents than other towns in the surrounding areas. Mr. Hughes said that's part of it but not all residents who are 65 and older will want to live in apartments or town homes, this is a transition to a house as they age. Mr. Singh asked about the last 3 years of going through a pandemic, did he consider the closeness of the homes if it would be a concern for public health? Mr. Hughes stated that he did not think this form of development would facilitate a public health concern. There is no evidence in connection to public health impacts.

3. **Shanelle Singh – 29 Spring Valley Road** – Ms. Singh asked if Mr. Hughes could talk more about safety and how it might change with this development. Mr. Hughes responded that based on the testimony that was said, all of it focused on traffic impacts, pedestrian safety, onsite design in terms of circulation and access for emergency vehicles, environmental concerns, stormwater management – all of those potential impacts, there is nothing in the records showing that there are any potential impacts in the surrounding areas that aren't mitigated by the design of the site. Ms. Singh stated that she thinks his testimony did not cover pedestrian safety. Mr. Hughes thinks he did go over that because he mentioned crosswalks as well as the sidewalk along Spring Valley Road which is what he was referring to. Mr. Hughes clarified that his testimony covered substantial impacts to the public good and looking at the community as a whole in the surrounding area his opinion is that there is no evidence of any unmitigated significant adverse impacts of the surrounding area. Ms. Singh asked what is that based on because Ms. Dolan gave information on traffic patterns. Mr. Hughes stated that his testimony was about the pedestrian crosswalks and sidewalks.

A motion to close the meeting to the public was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated aye.

Mr. Del Vecchio stated that he would like to try to wrap up at the next meeting. Vice-Chairman requested updated plans that would need to be submitted. This application will be carried to our next public hearing scheduled on March 21, 2023.

RESOLUTIONS: None

OTHER BUSINESS: None

OPEN MEETING TO THE PUBLIC: No one from the public came forward.

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

Next Regular Scheduled Meeting: March 21, 2023

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator