

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**  
**MINUTES**  
**Tuesday, July 18, 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 7:44 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

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

**ALSO PRESENT:** Robert Regan, Board Attorney; Darlene Green, Borough Planner; Carl O'Brien, Borough Engineer; Berge Tambalakian, Acting Engineer and Erica Davenport, Assist. to the Land Use Administrator

**ABSENT:** William Lintner; Robert Zitelli and Lorraine Hutter, Land Use Administrator

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER/BOROUGH PLANNER: None

ZONING REPORT: Mr. Gruber – The District's building 100 & 300 as of July 17, 2023 are fully leased with the exception of the stand alone building in front of 200 Market Street. The project at the corner of Grand and Phillips Parkway is awaiting transformer and switch gear from Orange and Rockland Utilities which is holding up final the inspections for Everbrook Academy. The Wedge Hill project on Spring Valley has #2 & #4 homes currently started.

ENVIRONMENTAL COMMISSION LIAISON REPORT: None

SITE PLAN COMMITTEE REPORT/MASTER PLAN COMMITTEE REPORT:

Mr. Stefanelli – The Master Plan meeting was first and we reviewed Darlene's letter and we are going to set up a meeting with Bob Hanrahan to discuss our comments. We also discussed the survey and we are going to meet with the economic development committee at our next meeting. For Site Plan Review, we met with AR Landmark located at 12 Van Riper for an

amended site plan. We discussed some changes they had mostly regarding the transformer. We will be seeing them at a future meeting for an amended site plan. Lastly was BP North America located at 28 Chestnut Ridge Road. They are seeking a variance for signage and will also be coming to a future meeting.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES: **June 20, 2023** – 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. Mr. Stefanelli abstained.

**DISCUSSION: Montvale BOE Memorial School - Modifications**

Mr. Regan stated that this is a Section 31A review and this means that any governmental agency that takes on a capital project is required to submit the plans to the Planning Board for review and recommendation in conjunction with the Master Plan. This is not a formal hearing; this is just simply a review to determine this plan is consistent with the Master Plan. Andrea Wasserman, Business Administrator came forward along with Mike Fiori, Architect. Mr. Fiori gave a brief overview of the plans submitted. They plan on constructing an addition consisting of 5 classrooms; one new classroom for each grade due to an increase in class sizes that will be coming up in the next few years. There will also be an expansion of the parking lot. There are currently 88 parking spaces and once this addition is done there will be a total of 105 parking spaces. Chairman DePinto stated that he believes they should include EV charging stations since there is a demand with more electric vehicles being purchased. Mr. Fiori will take a look into that and include that into the parking area. There will be fencing on top of the retaining walls to a total height of 14 feet. The design of the fence will be a black vinyl coated chain link fence. Ms. Green had no objections regarding the plans. Chairman DePinto read the fire department review into the record. Mr. Gibbons' review letter dated July 10, 2023 stated that the fire hydrant be relocated next to the red shed in the back of the building on Memorial Drive. Mr. Fiori will take a look at relocating that. Chairman DePinto then read the Police Department review stating they had no comment regarding the plans.

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

#### USE PERMITS:

##### **Block 3201 Lot 2 – Push to Walk – 11 Philips Parkway (11,678 sq. ft.)**

Jim Bryce, Esq. came forward from the law firm of Murphy McKeon P.C. He is representing client Cynthia Templeton and Robert Tillsley. Mr. Regan swore in Ms. Templeton and Mr. Tillsley. Chairman DePinto then read the application aloud into the record. 4d. was amended to read Zone OR-4. Attached to the application is a floor plan and a list of employee zip codes. Ms. Templeton gave a brief explanation of the business. She stated that this is a non-profit organization focusing on rehabilitation from spinal injuries, brain injuries, Multiple Sclerosis, stroke, and other forms of paralysis. This is a program run by certified trainers and physical therapists to help strengthen the patients in need. They are moving their business from Oakland to Montvale. No questions arose from any board members. Mr. Gruber stated they will need a new tenant certificate from the Building Department. 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):

##### **Block 703 Lot 6 - Rockland Electric Company – 131 N. Kinderkamack Road – Application for Conditional Use and Conditional Use Variance Approval**

Antimo DelVecchio, Esq. stepped forward from Beattie Padovano, LLC, to represent applicant. Mr. Regan stated that all notices are in order and this was marked as **A1**. Mr. Del Vecchio marked the EIS exemption letter as **A2** dated 4/12/23. The site plan from Tectonic was marked as **A3** last revised 4/6/23. Mr. DelVecchio gave a brief overview of the application that is presented this evening. He stated that the application is to replace and upgrade the equipment of the substation located on the property. This is for preliminary and final site plan approval. This upgrade triggers a conditional use variance due to the fence that exists around the substation needs to be replaced with a fence consisting of barbed wire on the top which is not permitted under the code. Also, they are proposing to move 553 cubic yards of soil which

puts them over the 500 cubic yard limit so this puts them into a major soil movement application. This is the nature of the application that will be presented this evening. Mr. Regan swore in Mr. Tambalakian, and Mark Lukasik, Rockland Electric Engineer. Mr. Lukasik gave a brief overview of the property. He stated this is an existing substation and the real focus of this application is taking the existing switchgear and replacing it with upgraded material. The overhead powerlines and overhead electrical lines in the streets will be replaced increasing the number of circuits available to the borough itself. The change of the substation will go from having a base of asphalt to a base of gravel. Schedule wise, the electrical work itself will take about 6 months. The total duration of this project is a 5–6-months. The existing fence line will be too close to the switchgear so they plan on changing the fence more towards Kinderkamack Road and increasing the footprint by 30 square feet. The Fire Department review letter dated 7/7/23 was marked as **B1**. This letter stated they would like a 20-foot-wide driveway at a minimum. Mr. Geoffrey Gibbons, Fire Chief, stepped forward and was sworn in by Mr. Regan. Mr. Gibbons stated that the 20-foot driveway would be fine to get a truck through and set the outriggers out. Mr. Gibbons also stated he would like a street number on the structure. Everything else looked fine on the plans and he was satisfied. Mr. Regan then marked Mr. Tambalakian's review letter in as **B2** dated July 13, 2023. Mr. DelVecchio stated that they had no issue with complying with the sign and everything listed in Mr. Tambalakian's review letter. Mr. Tambalakian had no comments to make. Chairman DePinto read the Police Department review into the record as no comments and marked it as **B3**.

Chairman DePinto polled the board for questions. Mr. Culhane brought up the fact that there should be a variance regarding the height of the polls which are 30 feet above grade where only 25 feet is permitted. Mr. DelVecchio stated that he had no problem including that variance into this application. Mr. Stefanelli stated that he would like some lighting to be put in the path leading to this structure. No other comments arose from any board members.

Ms. Kathryn Gregory, Planner, stepped in and was sworn in by Mr. Regan. Ms. Gregory gave brief testimony regarding this application. Due to this upgrade, we are increasing the general welfare of the public. She doesn't believe there is any substantial detriment to the public good.

A motion to open the meeting to the public was made by Mr. Culhane and seconded by Mr. Stefanelli. 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. Culhane and Mr. Stefanelli. All in favor stated aye. Mr. Delvecchio had no concluding remarks other than he hopes this application gets approved.

Mr. Mark Licari, Principal Engineer of Rockland Electric came forward and was sworn in by Mr. Regan. Mr. Licari briefly explained what areas this substation will cover and how there will be motion lights and video surveillance included in this area.

A motion to have the board attorney prepare a resolution 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.

A five-minute break was taken at 9:14pm.

**Block 2702 Lot 1.01 & Block 3201 Lot 6** – SHG Montvale MB II, LLC – Amended PUD, Amended Preliminary Phase I & II and Preliminary & Final Site Plan Phase I & II

Andy DelVecchio from Beattie Padovano, LLC stepped forward to represent the applicant. Mr. DeVecchio marked the affidavit of notice as **A1** and preliminary site plans as **A2** dated May 12, 2022. Mr. DelVecchio gave a brief summary of the project. Fleming's was approved for a use permit but they are back before the board regarding site plan approval regarding the canopy and a variance would be needed for the proposed Fleming's sign. The letter height in the Fleming's sign was over the maximum letter height which also triggered a variance. They are also seeking approval for outdoor dining which triggers a variance. While shared parking is permitted in the MPUD zone, they are needing a variance for parking signs for shared parking. Mr. Regan swore in Mr. O'Brien, Ms. Green and William Vogt, Engineer for the applicant. Mr. Vogt gave a brief summary. He distributed a colored patio plan and marked it as **A3** dated February 17, 2023. The canopy has ceiling mounted light fixtures which are dimmable. Mr. Vogt is proposing two building mounted signs. The main sign which is the roof sign above the canopy and then on the southern sign is the blade sign. The blade sign was approved as a part of the use permit application. The main sign will be white lettering with a black background and internally illuminated. They are asking for a variance for the entire sign including the height. Fleming's valet parking sign, parking to the west of the site will be meant for operating hours at

night. During the day the parking will be for the offices. The next sign is for Fleming's curbside pickup labeled as **B1**. There would be 3 spaces reserved for Fleming's curbside pickup (5-minute parking) and 2 spaces reserved for Fleming's valet parking. He also outlined the time periods applicable to the various parking designations. The Engineer next referenced Drawing C06.1, the Outdoor Dining Plan, relating to various dining options including Naya Montvale LLC, SQ Pizza Montvale, LLC, and Paris Baguette and the number of tables and seats applicable to each, noting that Unit 340 which would have 5 tables, does not yet have a tenant. Mr. Vogt noted that the seating for Fleming's under the canopy will have a style consistent with the seating of the restaurant interior. Next, Mr. O'Brien's review letter was marked into evidence as B1 dated June 16, 2023. He referenced the proposed amendment to the Site Plan, with the planned canopy to be supported by columns with an approximate area of 1,507 square feet connected to Building No. 2, with the scope of the work including new signage, lighting, removal and replacement of pavers, and a roof leader connecting to existing inlets. Variances are required to permit the awning sign and the maximum letter height for signage at 3.13 feet, which slightly exceeds the 3 feet permitted. A waiver is required pertaining to an EIS, with Mr. O'Brien stating that he has no objection to this waiver since an EIS already exists for the property. Proposed interior lighting will be consistent with lighting elsewhere on the property, with any excess glare or light levels being required to be eliminated. A minor soil movement permit will be necessary relating to the foundation for the proposed canopy. Applicant's representatives agreed with Mr. O'Brien's comments.

Ms. Green's review letter dated July 13, 2023 was marked as **B2**. Ms. Green referenced the Parking Table on Sheet C02.1 and discussed the parking requirements regarding Fleming's and other restaurant uses as reflected on the Parking Table of Exhibit A2. She discussed the Shared Parking Analysis which was previously provided.

Kathryn Gregory, a licensed planner, stepped forward to give her testimony. She stated that the variances may be justified under both the C1 and C2 standards. She stated that the roof sign or canopy may be justified under the C1 standard as being a unique design and permitting identification of the business. She described the increased height of the signage letters as de minimis and also permitting a more readily identification of the use. With regard to the variance pertaining to the requirement that parking be in common, in her opinion the provision of

designated spaces for various uses will promote the general welfare, allowing the free flow of traffic which will promote public safety. In her opinion, the benefits outweigh any detriment pertaining to the design for shared parking as spaces will be designated for various uses consistent with the anticipated utilization and need for parking of these uses. She stated that the times for office and retail parking will correspond to those periods when such uses are most active, which will be beneficial to overall site conditions.

The Board found that the applicant has satisfied the criteria for approval. A motion to approve was made by Mr. Huseynov 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 (CONT): None

#### RESOLUTIONS:

**Resolution Granting Minor Subdivision Approval and a Waiver to Peter E. Papay for premises designated as Block 201, Lot 5**

Chairman DePinto read the resolution into the record by title. A motion to introduce was made by Mr. Teagno and seconded by Mr. Culhane. Mr. Regan stated minor changes. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Stefanelli abstained.

**Resolution Granting a Use Permit and Approval of Signage to Petz Love Food'n Stuffz for premises designated as Block 2802, Lot 2 (C001A)**

Chairman DePinto read the resolution into the record by title. A motion to approve was made by Councilmember Koelling and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Stefanelli abstained.

**Borough of Montvale Planning Board Professional Services Contract for Professional Engineering Services – Berge V. Tombalakian - CONFLICT**

Chairman DePinto read the resolution into the record by title. Mr. Regan stated that since this is an application involving a D3 variance, Mr. Ryan and Councilmember Koelling cannot

participate in voting. A motion to introduce 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.

OTHER BUSINESS: None

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

ADJOURNMENT: A motion to adjourn was made by Mr. Stefanelli and seconded by Councilmember Koelling. All in favor stated aye.

Next Regular Scheduled Meeting: August 1, 2023

**Respectfully Submitted,**

**Erica Davenport**

**Assistant to the Land Use Administrator**