

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**Minutes**

**Tuesday, June 16, 2020**

**Virtual Meeting by Zoom**

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.

**PLEASE TAKE NOTICE** that due to the current New Jersey State of Emergency and Public Health Emergency declared by Governor Phil Murphy, and in an effort to prevent further spread of COVID-19 and to protect the health and safety of residents, Borough staff, professionals, and applicants, the Municipal Building remains closed. In accordance with the Open Public Meeting Act, N.J.S.A. 10:4-6, et seq., and/or P.L. 2020, c.11, and/or the "Operational Guidance – COVID-19: Guidance for Remote Public Meetings in New Jersey" dated March 23, 2020, and "Operational Guidance – COVID-19: N.J.S.A. 40:55D-1, Recommendation for Land Use Public Meetings in New Jersey" dated April 2, 2020, both published by the New Jersey Department of Community Affairs, Division of Local Governmental Services. During this time, the Montvale Planning Board will meet using Zoom. The public is welcome **to log in using the number shown** in the information.

Topic: Montvale Planning Board Meeting

Time: June 2, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/3681334477?pwd=aHNWYUlidU1GclQ4dWx0VUpSUzBHZz09>

Meeting ID: 368 133 4477

Password: 908106

One tap mobile

+19294362866,,3681334477#,,1#,908106# US (New York)

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Dial by your location

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Meeting ID: 368 133 4477

Password: 908106

ROLL CALL: Ms. Cudequest, Mr. Culhane, Councilmember Curry, Mr. Fette, Mr. Lintner, Mr. Stefanelli, Mr. Teagno, Mr. Zitelli and Chairman DePinto

Absent: Mr. D'Agostino and Ms. O'Neill

Also Present: Mr. Regan, Board Attorney; Mr. Hipolit, Board Engineer; Ms. Green, Borough Planner:

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

ZONING REPORT: none

ENVIRONMENTAL COMMISSION LIAISON REPORT: The board had a meeting last night and they focused on the

trailed downtown. The trail is now clear and some additional clean up is needed. They continue to recycle plastic bigs.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli stated for outdoor seating General it was approved and he will need to submit additional information. 110 Upper Saddle River Road It has variance, they are having three car garage, second floor storage area with a tunnel. There is a breezeway which will connect to the garage. Next was 295 W. Grand Avenue, 140 Hopper came forward they want some minor parking adjustments and split the building into 4 units. They want a monument sign. They will be coming back on August 18.

**CORRESPONDENCE:** placed on the website

**APPROVAL OF MINUTES:** June 2, 2020 -a motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli with all present stating aye.

**DISCUSSION:**

Zoning Map carried

#### **USE PERMITS:**

1. **Block 2602 Lot 1-Dr. Jessica Gaetano Elements Psychological Servies, LLC-210 Summit Avenue-(700 sq. ft.)** Ms. Deidre M. Martin, attorney at law came forward representing the applicant. Chairman read the application into the record. A motion to approve was made by Mr. Culhane and seconded by Mr. Stefanelli with all present voting aye.
2. **Block 1902 Lot 5- Synergy Health Advisors, LLC-305 West Grand Avenue (2,996 sq.ft.)** Mr. Mancinelli represented dr. Sakina Firoz Dinani and Mustafa Dinani. Chairman read the application into the record. Signatures were identified. The nature of the business is a physician's office. The space is currently vacant. Rothman has vacated. The floor plan was marked as Exhibit A. They are keeping it minimal in renovations. Rooms are consult rooms. They will be adding an ADA bathroom and a kitchenette. Copies were sent electronically. Mr. Fette asked about the sign. The sign will just be refaced. Chairman spoke to Mr. Mancinelli about the signs which had been previously approved. Presently two unused slots and this applicant will be using one of those slots. Rothman is staying in the building and will occupy 2100 square feet. Rothman will remain its regular signage. Chairman asked about the additional signage for the rear building. The plans are being drawn it was delayed due to the Covid-19 situation stated Mr. Mancinelli. There will also have other details shown. Chairman stated he wants it done sooner than later. It has been a long time that they said they would be coming back. We have been waiting for a landscaping plan and a sign plan stated the Chairman. They didn't have permission to have the signs. Mr. Fette stated that they did come in for one sign and then many signs appeared, he told Seth that he would have to come back to the planning board for all the signs in one application. Chairman stated that the borough has been extremely generous in allowing them to merge the buildings. Mr. Hipolit added that landscaping has been done with no approved landscaping plan submitted. Chairman stated he wanted it to be submitted within the next 30 days. A motion to approve was made by Mr. Stefanelli and seconded by Ms. Cudequest all present voting aye.

**PUBLIC HEARINGS (NEW):** none

## PUBLIC HEARINGS (CONT):

### 1. Block 3201 Lot 4-Ridgecrest Realty Associates, Inc.-21 Philips Parkway

Application for Conditional Use and Variance Approval, Major Soil Moving Permit Approval, Bulk Variance Approval, EIS Approval and Site Plan –Ms. Curry cannot vote as it is a “D” Variance. We have 8 people eligible. Councilmember Curry left the meeting. Mr. Zitelli wasn’t eligible to vote as he is an alternate. Chairman stated that this meeting is being done via Zoom. Chairman stated that he would be doing the meeting a little different. All witness will testify and then it will be opened to the board and then the public. At that time questions can be asked and comments can be made all at the same time. Mr. Del Vecchio came forward representing the applicant. Witness that will be presenting are Mr. Dipple, Mr. Englebaugh and Mr. Preiss who were both present and would be testifying. Mr. Regan stated that this has been an application that started over a year ago. Transcripts were provided to all board members to refresh what had previously been discussed. Mr. Del Vecchio gave an update of where we left off with the application and what has changed. This is a knock down and rebuild of an assisted living facility replacing an orthopedic doctor’s office previously existed. It is in the OR-4 zone. IT is approximately 3.0 acres in size. They have been able to resolved the open issues with the neighbors in Park Ridge and have gained their support. The original plan had 75 units. They have reduced to 70 units with 91 beds with affordable beds, they removed variances except for 3. They are able to reduce the FAR to .42 and now they do not need a coverage variance. They were able to eliminate some of the “c” variances for parking and aisle width as well. Mr. Hipolit is agreement. Ms. Cudequest asked about the ambulance company. She would like it to state that if owner changes that the new owner needs to provide the service as in the agreement if any ownership changes. It will be incorporated into the resolution. Chairman complimented Mr. Dipple for the changes to plan.

The building size is reduced by 66000 square feet in size. Impervious coverage is now 47.94%. They eliminated a lot of internal areas and external areas. The finishes of the exterior, architectural concerns have all been met stated Mr. Del Vecchio. Marked into evidence was the Affidavit of Notice as **Exhibit A27**. Minno and Wasko Architectural Plans, 9 Sheets dated March 3, 2020 was marked as **Exhibit A28**. L2A Site Plans, 16 sheets L/R March 4, 2020 was marked, **Exhibit A29**. A30 was a memo from Minno and Wasko dated March 15, 2020 which gives the bed count of market rates and affordables to memorialize the head counts because the board was concerned of which beds were going to be deed restricted. It was uploaded before. Ms. Green’s last letter was dated March 16, 2020.

Mr. Dipple was the first witness called. He gave an overview of the site. Parking will be in front of the building in an “L” shape. There is in the rear for 14 additional vehicles. There is a fair amount of green space. The color rendering was referenced. They attempted to lower the floor area ratio. It is most easily seen on this exhibit. The building shrunk entirely. The floor area is 53,541 sq. ft. divided by the lot area gives a floor area of 4.1%. The building height is now 45.72%. A variance is still being sought for the primary access on the county road. Mr. Dipple went over the rest of variances. The changes were mostly architectural stated Mr. Dipple. Mr. Hipolit’ s letter was referenced dated March 13, 2020 was marked as **Exhibit B13**. Landscaping and lighting were agreed to and the applicant was willing to comply with all of the items. Soil Movement is Sheet C11, 3,561 cy of import of soil. There will be 800 cy of additional cut bringing the total to 4361 cubic yards. Ms. Green’s letter was marked as **Exhibit B14, dated March 16, 2020**. Mr. Dipple stated that the

landscaping is now in compliance. She is focusing on the 5% of landscaping. They believe that they comply with it now. The two parking lots work independently stated Mr. Dipple. Ms. Green stated as along that they are complying with the 5%. Mr. Dipple stated it does comply. He will add notes stating. The variance will be eliminated and noted on the revised plans. Mr. Hipolit asked about the overflow holiday parking. Mr. Del Vecchio stated that they would reach out to one of the neighboring office buildings maybe the Montvale Complex and they are not usually used on a weekend. Soil Testing was discussed. Mr. Hipolit wanted the soil tested. They will agree because it is a residential area. Ambulance service was discussed. A17 was a well served letter to provide private ambulances. It will be a condition of any approval. A signed contract will need to be submitted before a CO. The site will have cameras and the police would like access. Mr. Del Vecchio stated that they have to check with the guidelines of HIPA but they will try to comply. They are asking for external use. Questions from board members: Mr. Stefanelli asked about the fence, and would like for them to make a concrete split rail. It would last and appear nicer for a longer time period. Mr. Dipple stated that they would comply. Mr. Stefanelli asked about the neighborhood behind had concerns and was it satisfied with the changes. Mr. Del Vecchio had a letter of the settlement. Mr. Teagno asked Mr. Hipolit about the impervious numbers. Mr. Hipolit stated that they will supply a revised set with reduced numbers. Mr. Fette asked about the number of variances first requested and the number we are at now. Mr. Dipple needed to add them up. Mr. Englebaugh came forward. Mr. Regan swore him in. The exterior of outside structure was discussed. Mr. Englebaugh stated that they are using a hardy board siding. IT comes in horizontal siding which will be on a lower level. They will also be using a flat panel. Stone will be used on the bottom. Mr. Regan asked where the 9 affordable units are on sheet A9, Mr. Englebaugh pointed them. Ms. Green went over her letter, page 7, we have not received detailed plans of the affordable units. Mr. Del Vecchio stated they will do it on compliance along with the marking of the affordable. Ms. Green asked about what happened to the mechanical equipment. Mr. Englebaugh stated that if you go to sheet A6, the attic has a lot of space and they will e placing them there. There will be attic tresses added.

Mr. Preiss was recalled. The plans that are now presented before the board are now more compliant stated Mr. Preiss. Mr. Preiss stated that the summary the use variance so it is a D3 Variance and a D4 variance and a number of C variances. The changes have reduced the number of c variances. The FAR Ordinance had a 5.2 that has been reduced.

The number of units to 70 from 75. All of the variances would be met.

The use is beneficial. The high interest of an assistance living facility in this area is large.

In sum the reduction in the floor area and in elimination of c variances, number of beds reduces the impacts. The reduction in the scale would carry lesser impacts now. A motion to open to the public was made by Ms. Cudequest and seconded by Mr. Culhane. Mr. Schwam came forward a read a letter into the record thanking the board on behalf of the Bear's Nest. A motion to close was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all stating aye. Mr. Del Vecchio came forward giving his summary. A motion to have the board attorney prepare a resolution of approval was made by Mr. Lintner and seconded by Teagno with Mr. Fette voting no and all others voting aye.

2. Block 1601 Lot 15-Atlantis Management Group, LLC-12 Railroad Avenue-  
Application for Site Plan and Variance Approval

Application is being carried to July 21, 2020 at applicant's request. New notice will be provided.

3. Block 1002 Lot 7- Waypoint Residential Services, LLC -127 Summit Avenue -Application  
for Preliminary and Final Site Plan and Bulk Variance Approval and Soil Movement-being  
carried to July 7, 2020 at applicant's request. Applicant will be providing new notice.

1. RESOLUTION

A Resolution Granting a Use Variance to Block 1601, Lot 7- Borough of Montvale-26 N.  
Kinderkamack Road-Use Variance- A motion to approve was made by Mr. Fette and  
seconded by Mr. Zitelli with Ms. Cudequest abstaining and all others voting aye.

Other Business-none

Open Meeting to the Public A motion to open was made by Ms. Cudequest and seconded by Mr.  
Zitelli with no one from the public wishing to be heard, a motion to close was made by Mr. Teagno  
and seconded by Mr. Stefanelli with all stating aye.

Adjournment-A motion to adjourn was made by Mr. Culhane and seconded by Mr. Lintner with all  
stating aye.

Next Regular Scheduled Meeting: July 7, 2020

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator