

**REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

**MINUTES**

**Tuesday, September 5, 2017 - 7:30pm**

**Council Chambers, 12 Mercedes Drive, 2<sup>nd</sup> Floor, 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 opened the meeting at 7:34 pm and led everyone in the Pledge of Allegiance**

**ROLL CALL:**

**Present: Mr. Culhane, Mr. D'Agostino, Mr. Fette, Mayor Ghassali, Mr. Teagno, Mr. Lintner, Councilman Weaver, Mr. Stefanelli, Mr. Teagno, Ms. O'Neill, and Chairman DePinto**

**Absent: Ms. Russo**

**Also Present: Ms. Hutter, Planning Board Secretary; Mr. Regan, Board Attorney, Ms. Green Borough Planner and Mr. Hipolit, Board Engineer**

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/ BOROUGH ENGINEER:** Mayor Ghassali stated that the NJ Monthly Magazine came out and Montvale was name the 7<sup>th</sup> best town to live in up from number 12. He stated that the work of the board and other committee members. The years of experience on this board of 100 years and he is glad that there are new and younger people are interested in continuing our vision. He thanks all the members of the board.

Ms. O'Neill gave a report on the regional committee. They are going to look into hiring a regional planner for all five towns. Mayor Ghassali needs to get permission from the council. Chairman asked Ms. Hutter to add a line for Regional Planning Committee Report.

**ZONING REPORT: Mr. Fette gave an update on the Culhane property. He finally received all the plans and they are in the review. Mr. Fette gave a report on Myrtle Avenue they have two additional illegal apartments. The property Owner has been sent numerous letters from past construction owners.**

**SITE PLAN REVIEW COMMITTEE: Hekemian came before the board. There is a delay in the intersection's improvements. Spoke about the windmill about it being installed.** The road milling be **done** and in the spirit of cooperation with the applicant. The board has the authority to waive the condition. Chairman asked about field changes since the start of the project. Mr. Hipolit stated not many. Councilman Weaver asked about the delays of the soil being moved. Mr. Dreisse stated that they are looking for a place. He asked how the public would be informed. Mayor stated by email and website posting. Chairman asked for a motion for the two conditions stated in Mr. Hipolit's letter was made by Mr. Culhane and seconded by Mr. D'Agostino and a roll call was taken and all stated aye.

**ENVIRONMENTAL COMMISSION LIASION REPORT: Mr. Teagno stated he could not attend.**  
**CORRESPONDENCE: placed on back table**

**DISCUSSION:**

**APPROVAL OF MINUTES: July 18<sup>th</sup>, 2017** A motion to approve was made by Mayor Ghassali and seconded by Mr. Teagno. A roll call vote was taken with Mr. Culhane abstaining and all others voting aye.

## **USE PERMITS:**

**Block 2802 Lot 2 (C001)-Starbucks Coffee-Mercedes and Grand-** Mr. DelVecchio came forward. The client was sworn in Erik Suissa. Chairman read the application into the record. The sq ft is 1998. There is no additional lighting only what was approved with the original site plan. Each unit will have a trash receptacle. There is outdoor seating which was part of the original plan. Starbucks will police the area. A resolution will be prepared by a motion made by Mr. Stefanelli and seconded by Mr. D'Agostino. A roll call vote was taken with all voting aye. The signage was discussed. The signage is in compliance it is in building B it is the end cap of the building. Two signs one on the front and one on the back. The sign square footage in front 32.3/8 square feet and the rear is 26.94 sq ft totaling under the 60 sq. ft. White channel letters. There is a blade sign which they will file a variance application for. A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli all in favor voting aye.

## **RESOLUTIONS:**

1. **Block 2802 Lot 2 (C001A)-VSKY Montvale, LLC d/b/a Vanilla Sky-Mercedes Drive and Grand Avenue-(1752 s.f.)** Chairman read by title only. A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with Mr. D'Agostino abstaining all voting aye.
2. **Block 2802 Lot 2 (C001A)-European Wax Center-Mercedes Drive and Grand Avenue-(1680 s.f.)-Chairman** read by title only. A motion to introduce Mr. Culhane and seconded by Mr. D'Agostino. The sq ft is 1680. A roll call vote was taken with Mr. Teagno abstaining and all others voting aye.
3. **Block 2601 Lot 32-MSKCC Properties, LLC-225 Summit Avenue-Major Soil Movement Application** and amended Site Plan- A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Fette. Mr. Teagno abstaining and all others voting aye.
4. **Block 703 Lot 7-Misrad Associates c/o Braun Management** –133 N. Kinderkamack Road-Amended Site Plan-Signage A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with Mr. Culhane and Mr. Teagno and Councilman Weaver abstaining and all others voting aye.

**PUBLIC HEARINGS (New)**: none

**PUBLIC HEARINGS: (Con't)**

**10 minute break**

**8:00 to 9:30pm**

1. **Block 2002 Lot 14-Tonelli Development Corp.-20 Spring Valley Road-Minor Subdivision, Zoning Variance** Application (D), Amended Site Plan Application- **This application is a "D" variance and the Mayor and Councilman Weaver are not eligible, Chairman stated that Mr. Culhane had listened to the tape and they need 5 affirmative votes. Ms. O'Neill cannot vote can participate.**  
Mr. Chewcaskie stated that they reduced the units from 14 to 12 units. They have created more green space and a better design stated Mr. Chewcaskie. They have reduced some of the variances. They have received reports from Maser, fire department and police department. They provided a point-by-point report. Mr. Cascino was present and called. Chairman stated to the public that after Mr. Cascino's testimony the public can only ask questions at this time. At the end of the hearing the chairman will reopen to the public for comments at that time.

The revised plan was marked A16 colorized rendering. Mr. Cascino 7/5/17 revised 7/21/17 was his reference for his

testimony. He provided responses for all reports. The amendment to the plan was as followed. The main was the elimination of two units. One was in building B and the other in Building C. By reducing the number, they were able to reduce the retaining wall. They were able to shorten the driveway and redo the stormwater report because there would be less runoff. The basin size remained the same. There are several seepage pits. A various for the rear yard was eliminated. All stormwater is being directed to the detention basin. The A17 is the drainage plan with a date of 7/17/17 with revision of 8/24/17. Mr. Casino went over the plan. The grading plan was marked as A18. Mr. Casino stated the revision date is 8/24/17. They were able to reduce the height of the retaining wall. The western property line wall was reduced. A soil movement will be required but they have not filed for it as of yet. They estimated that 1800 cubic yards would be needed into the site but now with the reduction of the two units it will be half. Handouts were distributed. Chairman stated that the runoff was a concern into the basin. How much water will be retained in the basin and for how long. Mr. Casino stated 7 hours for a two-year storm. In his professional opinion it can handle the water runoff. Mr. Hipolit agrees. Mr. Casino stated that they have reduced it for 2-, 10- and 25-year storms as well as the 100 years. An aerial photograph was marked A19. Mr. Casino explained the aerial. There is 475 feet distance from the office building. There will be no disturbance on the neighbor's property. There is an easement and it will be landscaped. That side is all-natural foliage and there is no construction just some added trees. The board exhibit, Mr. Hipolit's report was marked as B2. A Major soil movement will be a condition of any approval stated Mr. Hipolit. Number 17 the lighting plan will be revised. They need to shield the lighting from neighboring properties stated Mr. Hipolit. There is one area on the northwest corner went over. With the reduction of number of units that lighting will be in compliance. Parking was discussed. They are in excess of the requirement of RSIS. They are at 31 and 28.7 are required. Mr. Hipolit stated that they meet the requirement. The drainage will be discharged to the southern property the same way it does today. Mr. Hipolit would like to see how it could be spread out. Mr. Casino stated that he would do it into a rip basin. Chairman stated that he would like to just deal with the engineering. He opened it to the board members. Mr. Lintner asked why they would keep the gravel driveway. He stated it will turn into a buffer area. How does the density compare to 99 Spring Valley? Mr. Casino stated that it is left density per acre. Mr. Teagno asked about the zoning chart. He questioned the one-acre zone for R40 standards pertain when now you have 12 units. Mr. Casino stated that they have to use the bulk standards of what the property is in. Ms. Green stated that they need to follow the bulk standards and that is why it is a D1 Variance application. Mr. Culhane asked if this was zoned for a townhouse would it be less restrictive. Ms. Green stated it would be based on which

multi-family zone. The townhouse would have a setback of 60' where now it is 70' and the rear yard is the same for both zones. The front yard is less restrictive. The revised plan is for 12 units and parking spaces<sup>35</sup>. Mr. Casino stated that it is now 31. Mr. Fette stated the last plan had 14 variances. The new plan states 13 variances. 7 variances stay the same and the others have been reduced but not eliminated and they are for the single-family home. Mr. Fette asked what effort was taken to reduce the 13 variances. The key criteria are saving the house. If they could demolish the house, it would eliminate all but one variance. Ms. Green's letter dated August 31, 2017 was marked as B3. The two design waivers are being requested. The building coverage was reduced and the lot coverage. They agree to redo the lighting plan stated Mr. Casino. Mr. D'Atoli testified at the last meeting and that they would address all of the architect plans. The height will conform. The reduction of two town homes there is no change to building A stated Chairman DePinto. Questions for planning. Ms. O'Neill asked about the traffic study in the report. Revised exhibit A21 was marked it is comments to the planning report. He takes the ITE 210 standards for the single-family home and then the ones for the IT 230 multi-family. There will be 6 trips in the morning trip hour and 7 trips in the evening peak hour. When they reduced it by two units the revised it is now closer to 5 trips in the peak hour and 6 in the evening peak hour. Ms. O'Neill asked if this was an actual count or taken from a handbook. Mr. Cascino stated it was from the handbook. Ms. O'Neill stated that the peak hour is more than an hour and she believes 5 trips is a very low number and she believes an onsite traffic study should be done. Chairman asked Mr. Hipolit about the traffic study in regard to the Wegman's site and Shoppes of DePiero's. Mr. Hipolit stated that when they looked at all the developments, he doesn't believe that the 5 trips is making a significant change to their counts. He stated if they pull out at that peak hour at 7:30am they will have to work. She asked if there was a sidewalk? She believes it should be a consideration. Mr. Cascino stated that there is no sidewalk to connect to. Mr. Hipolit stated that there is no project planned. Mr. Teagno stated he would like to see 0 variances and he stated that the value of the historic home seems to be adding the variances. Mr. Culhane stated that there on page 9, and page 11. Houses of worship and schools need 5 acres as it could not be considered. He would like to see a more consistent report. Mr. Culhane stated that they saying that this a transitional zone, he has reviewed many plans to review for the master plan never indicated the concerns with restrictions or sets back that we have with the OR Zone and the R440 zone in this particular area. Mr. Fette takes exception to the remaining house would be a buffer. He believes that the detention basin will be seen and he doesn't agree with it and he feels it is not a logical plan. Mr. Cascino stated they are making it a safer site by eliminating the two drivers and having only one. Mr. Stefanelli asked Mr.

Hipolit about the service level of the road. He has a concern with it being there on a corner that already has issues. His concern is safety. Mr. Stefanelli stated he doesn't remember ever splitting the lots where at least one lot is conforming. This plan has no lots conforming. He would rather see a rezoning. This matter will be carried to our next regular meeting at December 17. Chairman opened the meeting to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. Chairman asked if anyone had questions in regard to the testimony of Mr. Cascino. A gentleman from the Historic Preservation, Mr. Petrillo. He said that they are in favor in saving the home. He stated on the list there are 6 that have the designation. There are 10 other properties that they are looking at. It was built prior to 1880. His question to the developer would they grant the commission to designate it as a historic home. He said yes.

Next resident from Akers Avenue asks about garbage pickup. Mr. Cascino stated in the garage. He asked about the lighting how can it not affect them. Mr. Cascino stated that it is down lit. He asked about people coming down Akers not seeing it. Mr. Cascino stated the houses directly across the street will see the existing home. The two homes across the street, one will face the detention basin and one would be looking at the existing home. Mr. Cascino stated.

Dan Buckner came forward what is the amount of silt and can he explain in layman terms. Mr. Cascino stated that most of the property would remain the same. The rear part of property needs to be raised as there is a drop off. It will be added to the rear. He asked that in the variance of proofs it states that there are 3 categories how it inherently serves the public good. Mr. Cascino stated that under the MLUL. One is general welfare. The two properties to the south and the west are two different zones which will make this property a transitional area stated Mr. Cascino. He believes it benefits the resident of Montvale with townhomes and single-family home. The least traffic generated would be this use stated Mr. Cascino. They will be improving the drainage on site. Mr. Buckner asked about the wildlife that will be displaced.

He asked about the hardship for the homeowner which was listed in Maser's letter. Mr. Cascino stated that they are not testifying to hardships. No further notice will be required. If an extension of time is needed Mr. Chewcaskie granted it.

**10 minute break**

**9:40 to 11:00pm**

**2. Block 3102 Lot 1.01 and Block 2701 Lot 2-KPMG LLP- 3 and 75 Chestnut Ridge Road-Amended Site Plan and Variance Application, Major Soil Movement Application **Mr. DeVecchio came forward representing the applicant.****

**Mr. John Peel had been previous qualified. A 11 was Mr. Peels EIS Report dated July 31, 2017. Mr. Peels stated he has reviewed the plans and visited the site many times. He did a wetland analysis and submitted to the DEP. There is no change with the information on the plan. The overall project design is sensitive to the restricted areas. The plans manage soil erosion and stormwater management. He doesn't see any environmental impacts to any areas. The site is already developed for the most part. There are no site historic buildings and it is not in a historic district. The existing utilities can accommodate the build out. There are minor impacts. There will be some tree loss but the landscaping plan deals with that. Maser's letter was marked B2, dated August 30, 2017. Mr. Hipolit summarized his review letter. His testimony has addressed his comments for EIS. Chairman opened to the board members and there were no questions.**

**No one from the public was present.**

**Mr. Napolitano, project engineer was called next. The site plan drawings with a revision date August 1, 2017 marked as A12. Stormwater Management report was marked as A13. Grading plan dated July 25, 2017 was marked as A14. The application has two parts. One is an amendment to 75 Chestnut Ridge Road to allow approximately 5000 cubic yards of soil that was going to be trucked off to now stay and be placed in the back of 75 Chestnut Ridge Road. The second is a site plan application to allow 109,000 square feet building with a parking structure and on-site parking.**

**Mr. Napolitano stated that there was excess soil approximately 5,000 cubic yards which was originally to be trucked off site. Due to some scheduling and cost savings, there was an area to the rear that could accommodate that amount of soil they created a landscaping and soil plan for a future recreation area. The purpose of the site visit was to make sure the soil was placed in a good place. They didn't want it within the sanitary sewer line. The soil can be placed safely as shown on the plan**

stated Mr. Napolitano . Sheet Y2 was discussed and where the building is to be laid out. It is a three-story building will comply with the borough ordinances. There will be a connection to the Data Center and 3 Chestnut Ridge Road. They propose two parking decks one in front of 51 Chestnut Ridge Road and the other is located to the north. the southerly deck was moved because of the residential area. This is grade plus two levels. The within application seeks various approvals for certain improvements, which include a three-story addition to the building on the 75 Property comprising 109,760 square feet, with a footprint of 37,400 square feet. As noted above, the within application and the initial plan propose two new parking decks, which will include 670 parking spaces in the south deck and 843 spaces in the north deck<sup>1</sup>. Overall, parking will increase from the previously approved 2,003 spaces to 2,905 spaces. The three-story addition to the building on the 75 Property will comprise 109,760 square feet, with a footprint of 36,800 square feet. The proposed “sky bridge” will provide linkage from the first-floor addition at the 75 Property to the building at 51 Chestnut Ridge Road.

The engineer next described the proposed two (2) parking decks depicted on Drawing Y-2 of Exhibit A-12 and referred to as “the north parking deck” which will be in front of the Data Center (the 51 Property) and the south parking deck to the north of the four (4) building which constituted the original campus. The Board was advised by Mr. Napolitano that the south parking deck was originally intended to be at the far southern end of the property, but was moved in a northerly direction away from the residential property which borders the subject premises. Building Nos. 2, 3 and 4 to the south of the south parking deck each comprises 55,000 square feet of floor area. The south parking deck will include at-grade parking, plus two (2) levels, and will have 673 spaces<sup>2</sup>. He described the dry sprinkler room at the west side of the deck, with a twelve (12) inch main traversing the property to the Suez line, with a six (6) inch line to the southerly deck, with an eight (8) inch line intended to serve the north parking deck. The south deck will serve Building Nos. 2, 3 and 4 and will comply with the applicable setback requirements. However, the height will require a variance in that §128-7.5E(6) provides that the height of the parking garage must be five (5) feet less than the height of the principal building on the lot. Existing Building No. 2 has a roof elevation of 412 feet; thus the permitted maximum elevation point of the parking garage is 407 feet. However, due to the elevator shaft, which is at an elevation of 411.6 feet, the maximum height is exceeded by just under five (5) feet, although the majority of the garage would be at a compliant elevation of 402.5 feet. Mr.

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Napolitano stated that the existing topography on the site precludes compliance with the height requirement. An additional variance is required in that §128-7.5E(12) requires a fifteen (15) foot landscape buffer around a parking garage, with none being proposed, and Mr. Napolitano stated that additional and substantial plantings are proposed elsewhere on the site.

The north parking garage to be located in front of the Data Center (the 51 Property) will not require a height variance, being at a height of 435 feet, less than the adjacent building at 440 feet. However, a variance will be required for the front yard setback which, at 111.5 feet, is less than the 210 foot requirement applicable to the OR-2 District. The north parking deck will accommodate 843 cars. The engineer noted the twelve (12) inch water line from Chestnut Ridge Road, and an upgraded water main loop will be installed consistent with the recommendation of the Fire Department as set forth in Board Exhibit 1.

Referring to Exhibit A-12, Mr. Napolitano described the light fixtures, which will be at least forty (40) feet from the façade wall of the parking deck as required by §128-7.5E(13). All lighting for both parking decks will be located under the parapet wall. Marked into evidence as Exhibit A-12(a) was a document highlighted by Mr. Napolitano addressing line of sight issues, with light sources for the parking decks being code compliant and not visible from the adjoining right-of-way. Addressing the number of spaces, Mr. Napolitano stated that a maximum 2,723 spaces are permitted, and the previously approved plan provides for 2,003 spaces. The applicant seeks a total of 2,905 spaces<sup>3</sup>. A total of 39 handicapped spaces are required, and this is the number provided which the applicant has attempted to distribute throughout the site. He noted that the height of the retaining wall also requires a variance since the height of 8.5 feet exceeds the maximum permitted height of four (4) feet. The proposed lot coverage at 52.8% exceeds the maximum permitted of 46.84%. Maximum permitted lot coverage is required to be reduced by one percentage point for each five percentage points calculated in the aggregate floor area of all levels of multi-level parking garages as set forth in §128-7.5E(3) and (4), with the proposed new coverage of 52.8% requiring a variance. Would like to make it impervious payment. There will be handicapped parking spaces added stated Mr. Napolitano. Revised plans will be received before the next plan stated Mr. Del Vecchio. When will we here from the planner asked the chairman? Mr. Preiss will be at the next meeting.

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Chairman is questionable of the parking on the side of the garages. He believes there should be some green space on that side. Mr. Stefanelli stated the addition does it take into the account the parking. He stated yes. This is carried to September 19<sup>th</sup> with no further announcement.

**OTHER BUSINESS: none**

**OPEN MEETING TO THE PUBLIC: A motion to open was made by Mr. Stefanelli and seconded by Mr. Teagno with all stating aye.**

**ADJOURNMENT: Motion to adjourn was made by Mr. Stefanelli and seconded by Mr. D'Agostino.**

**Next Regular Scheduled Meeting –September 19, 2017**

**Respectively submitted:**

**R. Lorraine Hutter, Planning Board Secretary**