

## **REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

### **MINUTES**

**Tuesday, February 7, 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.

**PLEDGE OF ALLEGIANCE AND OPEN MEETING ACT STATEMENT:** Chairman DePinto read the Open Meeting Act Statement and led everyone in the Pledge of Allegiance.

#### **ROLL CALL:**

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

**Also Present:** Mr. Regan, Board Attorney; Ms. Green, Planner; Mr. Dour, Acting Engineer; Ms. Hutter, Land Use Administrator

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

**BOROUGH ENGINEER:** none

**ZONING REPORT:** Mr. Fette handed out a new form for a Tree Removal Review. Councilman Weaver had a concern with the wording-may versus will. It was suggested that it be forwarded to the Environmental Commission for their comments. It was also discussed to Have Mr. Voytus take a look at the wording as well after the Environmental Commission gives their comments.

**SITE PLAN REVIEW COMMITTEE:** Mr. and Mrs. Pinto came before the committee for a subdivision of their property. Recommendations were made and they may be coming back to the board with an application for a minor subdivision. Also Alyana Townhouses came before the board about putting up a fence and replanting of trees. Ms. Grace Van Ausdall, Chairperson with the Landscaping Committee of Alyana Townhomes and a member James Pace owner Keystone Landscaping out of Pearl River NY. Ms. Van Ausdall stated that there is a lot of wooded area on the perimeter of the development and over time Orange and Rockland Utilities repeatedly cut branches and limbs of the trees near their electrical wires and now those trees are starting to die. They need to remove them and replant them. They would like to replace them with privacy trees, example like a green giant that would give screening and not grow so high that would interfere with their electrical wires. Some guidance was given to Mr. Pace on how to proceed. Ms. Van Ausdall will be going back to her homeowners association to see if they want to go through the expense of filing an application for an amended site plan.

**ENVIRONMENTAL COMMISSION LIASION REPORT:** none

**CORRESPONDENCE:** placed on back table

#### **DISCUSSION:**

**ORDINANCE NO. 2017-1423, SECTION 26 REVIEW-** Ms. Green gave an overview of the Ordinance. Ms. Green stated that the ordinance implements the recommendations of the 2016 Master Plan Re-examination that had specific recommendations to the office research zone. The ordinance will allow assisted living residence as a conditional use in two of the OR zones as long as it met certain conditions requiring minimum lot size and certain setbacks. It also implements the recommendations to permit parking garages now in all of the OR zones. It will allow a second parking garage on properties have more than 15 acres. They clarified in the section that if you don't meet one of the conditions for a parking garage it is now a "c" variance not a "d" variance. The limiting schedule has also been changed. We are now increasing the number of stories to 3 stories and permitted floor area ratio to 35% and minimum lot coverage to 50%. There are a number of footnotes which were reformatted.

Chairman had a concern that what is covered had been covered previously in other documents of other Master Plan. Ms. Green stated that this is implementing the recommendations of the Master Plan. Ms. Green recommended to the Planning

Board the passage of the ordinance and she will be attending the second reading of the Ordinance at the Mayor and Council meeting. Councilman Weaver stated what would be helpful to him and he believes the rest of the Council to have a summary of what is new versus what was previously existed and what is being proposed. Ms. Green stated everything that is underlined is new. She can prepare a quick memo in regard to the limiting schedule and all its changes. Chairman stated that should be done as he believes that the governing body is not aware of the limiting schedule previous conditions. Chairman made the recommendation to the Mayor that Darlene not just do question and answers but makes a presentation. Mayor Ghassali was in agreement due to the new members. Councilman Weaver asked about Number 6 and Number 5 how many lots do we have that exceed 15 acres. Ms. Green stated that they did do an analysis however she doesn't have that number with her but will have the information for the night of the Mayor and Council meeting. Mr. Teagno asked about the 25 units per acre, is it an industry standard. Ms. Green stated that it was a combination of reviewing other plans that have been approved in other towns and we also previously didn't have a limitation. And Ms. Green stated that they were concerned with someone wanting to come in and over build on a property. Many towns do not have a density limitation on their assisted living facilities but we felt it was important to make sure that we had a density limitation so that they do not overbuild. Mr. Teagno stated he agrees with the limitation just wanted to know how it was derived. Mr. Teagno stated he thinks it may be too lenient. Mr. Stefanelli stated parking should be looked at as well as he has visited some of them and there is limited parking. Chairman asked Ms. Green to take a look at the two projects in Park Ridge. Mr. Culhane asked about the 10% reserved for Medicaid residents. How did she come up with that number? Ms. Green stated that is prior round COAH Rules. Those Medicaid units will provide the Borough with affordable housing credits. The second reading will be on the 28<sup>th</sup>. Councilman Weaver stated that the date is a work session and is this something important enough to have it televised. Mayor Ghassali stated he would have it televised. A Resolution was prepared by Mr. Regan. A motion to introduce was made by Mr. Stefanelli and seconded by Mr. Culhane. A roll call vote was taken with all present voting aye.

#### **APPROVAL OF MINUTES: None**

#### **USE PERMITS:**

1. **BLOCK 3201 LOT 5 – GOLDEN TRUST SHIPPING CORP. – 25 PHILLIPS PKWY (670 Sq. Ft.)-**  
Chairman read the application into the record. No changes were made to the space. Monday to Friday will be their days of operations. Parking is in common. Signatures were identified. Applicant stated it is used as an international shipping company. They are a commercial shipping broker dealing with logistics. Zip codes were provided. A motion to approve was made by Mr. Stefanelli and seconded by Ms. Russo with all in favor stating aye.
2. **BLOCK 2408 LOT 2 – CLASSIC NAILS ZY LLC – 2 SOUTH KINDERKAMACK ROAD- (1,200 Sq. Ft.)-**  
Zengshan Jin came forward with legal representation from Mr. Lee. Chairman read the application into the record. Landlord was changed to read Linda Slater Levy, Executor. Signatures were identified. No physical changes were made. The ownership is only being changed. A motion to approve was made by Mayor Ghassali and seconded by Mr. Teagno with all present voting aye.
3. **BLOCK 1601 LOT 19 – JOHN J. PARK T/A JOHNNY ROLL HOUSE – 4 RAILROAD AVENUE – (1,400 Sq. Ft.)-**Mr. Del Vecchio represented the applicant. Chairman read the application into the record. They already occupy 450 sq. ft. and will be taking over the nail salon which is an additional square footage of 1400 sq. ft. totaling 1850 sq. ft. The eleven parking spaces are to the rear of the building. There was a prepared plan in 2000 from Mr. Eichenlaub. There is no shared parking between buildings. There will be no dining outside permitted. It was requested that Mr. DelVecchio provide the plan to the board secretary. A motion to approve was made by Mr. Stefanelli and seconded by Mr. D'Agostino with all present voting aye.

#### **PUBLIC HEARING: (NEW)**

**BLOCK 2601, LOT 31 – MARTIN J. GALLAGHER, INC. – CRR EXXON – 130 CHESTNUT RIDGE ROAD –**  
Variance Application for Signs-Mr. Greg Meese came forward represented the applicant. Mr. Gallagher gave an explanation of the sign. It is the front wall above the entrance to the store. It has been an On the Run since 2005. In the year 2009 it was sold. The store has been rebranded. Tigermarket is a smaller brand. The uniforms and graphics within the store also appear with the logo. The On the Run sign will be replaced with a similar sign but the height is taller and there are additional colors. A variance is required under §128-9.7A.9J to permit the sign to have more than two

(2) colors, with the proposal seeking relief to allow the sign having six (6) colors. In addition, a second variance is required to permit the sign to have a height of 49.3 inches, or just over four (4) feet, in excess of the height limitation of three (3) feet as set forth in §128-9.7A.6.A(1). Marked into evidence was the M-Pro which is the identical logo sign. It is 49" in height. Michael J. Gallagher, III who testified that the gasoline station and convenience store has operated under the "On The Run" brand since 2005, which brand was originally created by Mobil and continued when the station provided Exxon-Mobil fuel. The "On The Run" was thereafter sold, and Exxon is using the "Tigermarket" brand. The proposed sign would be above the front door to the convenience store, and slightly larger than the existing "On The Run" sign. He stated that several options for the signage were reviewed, including a design prepared by Everbrite, which was attached to the application and which was larger, having a height of 55.25 inches and a length of 133.32 inches. The EMPRO sign, which was marked into evidence as Exhibit A-1, is smaller in dimensions at a height of 49.3 inches, although only 36 inches in height to the top of the tiger head logo. The proposed length would be 119 inches, or a length of 9.916 feet, the length of the existing sign which is just over 10 feet in length. He stated that the tiger head design is a national logo, and that the height is attributable to the tiger head appearing on the sign.

Marked into evidence as Exhibit A-2 were photos depicting interior signs, together with the existing monument sign which already has a yellow background and the "Tigermarket" logo. In response to a question from the Board Chair, the applicant agreed that existing nonconforming flags and banners would be removed from the premises. At this point in the hearing, Board Planner Darlene A. Green and Acting Board Engineer Chris Dour were sworn. Ms. Green asked Mr. Meese if the approval that they are requesting is from what was handed out tonight as A1 and not what was in the packet. Mr. Meese stated yes. Marked into evidence as Board Exhibit 1 and Board Exhibit 2 were reports of the Police and Fire Departments which indicate no items of concern by these agencies. The report of Borough Engineer Andrew R. Hipolit was marked into evidence as Board Exhibit 3 and Mr. Dour requested information as to the level of intensity of the proposed lighting which, according to Mr. Gallagher, will be lit from dusk to dawn as the gasoline station and convenience store operate 24 hours. In response, Mr. Gallagher stated that information as to the lumens of the signage would be provided for the Engineer's review. Marked into evidence as Board Exhibit 4 was the report of Board Planner Green, who questioned the witness pertaining to signage dimensions. It was confirmed that the height of 49.3 inches (4.1 feet) and length of 119 inches (9.92 feet) would result in a signage of approximately 41 square feet. It was noted that the permitted height is three (3) feet, since the building wall is greater than eighty (80) feet under §128-9.7A.6.A(1). This provision permits the length of the sign to be thirty (30%) percent of the building width and confirms that the proposed length of the sign would be conforming. Considerable discussion ensued among Board members pertaining to the yellow coloring of the sign, which several members felt should be eliminated. However, the majority of the Board indicated no objection to the yellow coloring on the sign which, in addition to the other colors (orange, pink, blue, black and white), will result in six (6) colors requiring variance relief, in addition to the signage height. Mr. Weaver asked if they could go back and ask if the Tigermart sign could be altered. He would like to see if there alternatives. Councilman Weaver doesn't like the yellow. Mr. Gallagher stated he wasn't sure if it could be because it was a branding sign. Chairman asked if Mr. Gallagher could research it and get back to the board secretary with some type of confirmation in writing one way or the other.

The sign to be installed shall be consistent with the design and dimensions as provided on Exhibit A-1, with a height of 49.3 inches and a length of 119 inches, and the colors detailed on this exhibit. It was agreed by the applicant to submit the lumens to the engineer for review. Applicant also agreed to inquire about the sign and if any alternatives could be used. The color was discussed; two of the members were not in favor of the yellow and one was not in favor of the blue or yellow and wanted to see what alternatives if any could be provided. The chairman asked to get something back to the board secretary in writing so the file could be complete. Mr. Gallagher stated that he knows for sure the Tiger cannot go before the lettering. Ms. Green stated that Ms. Dour did investigate the building width and it does comply with the width standard. The chairman asked for a motion to have the board attorney prepare a resolution of approval setting forth the terms and conditions as posted on the record by the applicant and the board and that the said sign would reflect what was shown as exhibit A1. A motion was made by Mr. Stefanelli and seconded by Mr. D'Agostino. A roll call vote was taken with Mr. Lintner, Councilman Weaver and Chairman DePinto voting no and all other eligible voters voting yes. The hearing was carried to the next meeting of February 21, 2017.

## **PUBLIC HEARINGS : (CONT)**

## **RESOLUTIONS:**

1. **BLOCK 3102, LOT 1.01 AND BLOCK 2701, LOT 2 – KPMG LLP – 3 AND 75 CHESTNUT RIDGE ROAD** – Application For Preliminary And Final Site Plan Approval, Variances, Environmental Impact Statement Approval and Major Soil Movement Permit Approval.- Chairman DePinto read by title only. A motion to introduce was made by Mr. Teagno and seconded by Mr. Stefanelli. Mr. Regan went over the changes in the Resolution. Mr. Regan stated he received changes from the applicants attorney late this afternoon that he needs to add in. A roll call vote was taken with Mr. D’Agostino and Ms. Russo abstaining and all others voting aye.
2. **ORDINANCE NO. 2017-1423, SECTION 26** – see above under discussion

**OTHER BUSINESS: none**

**OPEN MEETING TO THE PUBLIC: no one from the public present**

**ADJOURNMENT: A motion to adjourn was made by Mr. D’Agostino and seconded by Mr. Stefanelli with all in favor stating aye.**

**Next Regular Scheduled Meeting February 21 at 7:30pm**

**Submitted by:**

**R. Lorraine Hutter, Land Use Administrator**