

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

### **MINUTES**

**Tuesday, August 1, 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 opened the meeting and led everyone in the Pledge of Allegiance. The Open Meeting Act Statement was read.

#### **ROLL CALL:**

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

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

**Absent:** none

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

**BOROUGH ENGINEER:** Councilman Weaver stated at the last Mayor and Council meeting the Shoppes of DePieros of Grand and Mercedes Drive was discussed in regard to the corner of Philips Parkway. The black plastic is down off the fencing and he asked for a status update and what is the maintenance plan for that property. Mr. Hipolit stated that they did meet on site last week to go over issues that they might have prior to issuing the TCO. They are looking for a TCO so that they can start stocking their shelves stated Mr. Hipolit. They have a number of things that they still have to do. It was part of the discussion of taking care of the lower portion of the property and they have started doing that now. Councilman Weaver asked what the expectation of them maintaining the property is. Is there a plan for what that piece of property should look like he asked? It will have to come back to the planning board for redevelopment. Until it is developed it will be maintained as an open parcel stated Mr. Hipolit and they will need to maintain it according to borough ordinances. They will need to remove all the soil and he believes it should be fenced off. Once they remove the soil and fix the drainage and re-fence it they can keep it as an open piece. There is no approval for landscaping at that portion of the property.

Once they obtain a CO Jeff would keep track of the maintenance. Mayor invited the members of the Planning Board to a meeting of the small and mid-size business session which is tomorrow at 7:00pm at the Senior Center.

**ZONING REPORT:** no report

**SITE PLAN REVIEW COMMITTEE:** Mr. Stefanelli stated that Block 2904 Lot 4 Bank of America came before the committee for ADA compliance and new sidewalk and redo the parking area and to upgrade some of the landscaping.

**ENVIRONMENTAL COMMISSION LIASION REPORT:** Did not meet since the last meeting.

**CORRESPONDENCE:** placed on back table

**DISCUSSION:** Chairman went over the Welcome Letter on how the board and application are processed. He went over how the hearing will be conducted consistent with prior applications.

**APPROVAL OF MINUTES:** July 18<sup>th</sup>, 2017-carried to the next meeting

#### **USE PERMITS:**

**Block 3101 Lot 1-Benjamin Perez-Ringus/AMCTNJ, LLC- d/b/a California Tortilla-20 Chestnut Ridge Road-(2020 sq.ft.)**-Ms. Barbardo of Price Meese represented the applicant Mr. Benjamin Perez-Ringus/AMCTNJ,LLC-d/b/a California Tortilla. Chairman read the application into the record. Parking in common was amended. 5g. there is a current sign and it will be replaced. Chairman stated that they need to get their board of health inspection and certificate

before they can operate as well as their CCO from the building department. A motion to approve Mr. Stefanelli and seconded by Mr. D'Agostino. A roll call vote was taken with all present stating aye.

## **PUBLIC HEARINGS (New) :**

1. Block 2601 Lot 32-MSKCC Properties, LLC-225 Summit Avenue-Major Soil Movement Application-**in correct notice –public hearing being carried to August 15<sup>th</sup> with a re-notice.**
2. Block 201 Lot 11-Seth and Faith Kaufman-7 Foxhill Road-Major Soil Movement Application- Conrad M. Olear, Esq. of Strasser and Associates represented the applicant. Ms. Faith Kaufman was sworn in. Mr. Olear provided a brief overview. A new home is being proposed and that no variances are being sought. Ms. Andrea Piazza came forward to give testimony. A1-Area Google Plan was marked as well as the Site Plan was marked as A2, sheets C1 through C4 dated April 12, 2017 and sheet C1 with a revision date of July 5, 2017. Andrea Piazza PE Engineer, was qualified as a licensed professional engineer. Ms. Piazza stated that it is going to be a new single family residence. Home was demolished stated Ms. Piazza. Sheet C1, boundaries of the properties was discussed. Setbacks will be conforming stated Ms. Piazza. It is in a R40 residential zone. There is a pool, patio and cabana being proposed as well. The development has been confined to the existing home. Seepage pits were discussed. All stormwater from the roof of the proposed dwelling will drain into a series of seepage pits around the home. The pool and patio will also have runoff which will lead to the seepage pits. They are proposing 6 seepage pits in total. Drainage calculations were discussed with 600 cubic feet being required and 1500 cubic feet being proposed. The soil erosion was discussed. The applicant has received soil sediment control approval from the Bergen County Soil Conservation District.  
Technical Review letter dated July 25, 2017, prepared by Mr. Hipolit was marked as Board Exhibit 1. . Mr. Hipolit summarized his letter. They are planning to build the house now but other improvements later. However, the soil movement calculations are for all of it. A condition of approval will require a determination be made that the drywells are adequately sized and that the details be provided as to the maintenance. Ms. Piazza stated that the percolation testing will be done in the areas of the seepage pits and that the calculations will be provided. Curb cut was discussed, it measures 25 ft. Item No 12., there will be one test. Mr. Hipolit was in agreement. Letter from Ms. Green, dated July 17, was marked as B2. Ms. Green confirmed that the plan requires no new variances, Item No. 7, 4 foot pool fence detail will be provided and noted in the resolution. Architect was qualified, Mary Scro. She referenced page three of Ms. Green's letter which was marked as Board Exhibit B2. Ms. Green's report referenced whether the proposed height of the dwelling complied with the Ordinance. Marked into evidence was Exhibit A3 a drawing prepared by the architect which confirmed the height of the proposed dwelling to be 27 ft. and 8 inches. Complying with being less than the 28 foot maximum permitted. Marked as B 3 was the police department review, requiring that the adjoining roads be kept free of dirt and debris. Fire Department was marked as B4. No comment was the statement.  
Soil Movement Application was discussed for 1999 cubic yards to be moved. Soil movement includes all building of pool, house, and cabana. Mr. Fette stated that a construction fence must be kept in place until the construction is completed. Mr. Fette asked about the permitting and that it be done separately.  
A motion to open to the public was made by Mr. Teagno and seconded by Mr. D 'Agostino. No one from the public wishing to be heard a motion to close the meeting to the public was made by Mr. Stefanelli and seconded by Mr. D 'Agostino. All in favor stating aye.

Chairman asked the board members if they have an objection to allowing the applicant to start the process of permitting without the resolution being memorialized. It was decided that a limit of time be placed on the obtaining of permits. The approval shall include future construction of the pool and cabana, provided that permits are obtained for these improvements prior to August 1 2020, and that the amount of the soil movement does not exceed 1999 cubic yards. Soil movement operations shall occur Monday through Friday at hours to be approved by the Police Department. Soil Movement operations shall be in accordance with the directives of the Borough engineer and shall include the installation of drainage swales to direct and divert drainage away from adjoining residential properties during the periods when the soil operations are on-going. Approval by the Police Department as to the route trucks accessing and leaving the site will utilize. It was agreed that they could start at their own risk. Bonding for the driveway would be required. Mr. Regan will prepare a resolution for the next meeting. A motion to approve the application as amended on the record was made by Mr. Stefanelli and seconded by Mr. Teagno. A roll call vote was taken with all present stating aye.

**PUBLIC HEARINGS: (Con't) Block 2002 Lot 14-Tonelli Development Corp.-20 Spring Valley Road-Minor Subdivision, Zoning Variance Application (D), Amended Site Plan Application-** Chairman apologize for the delay.

He had made an announcement earlier in the meeting with reference to the application and the witnesses were we expecting to hear from and based on the chairman recollection of the statement he had made on the record that Mr. Cascino was expected to be on vacation this week and unable to attend. However, after listening to the tape, I might have said that if he could get back we would hear him. Chairman believes that how it was stated and when it was stated did not afford the public the opportunity to prepare for questioning Mr. Cascino. He apologized for any inconvenience the delay may have caused the applicant or members of the public but he believes in the interest of transparency in an application that has taken on such interest of the public that it would be better to error on the side of caution and wait two weeks to hear additional testimony. Mr. Chewcaskie represented the applicant and stated on the record that Mr. Cascino would be available in two weeks to continue questioning, with that being said he will not be testify as they have two other witnesses that are prepared to give testimony. Mr. Al Datolli and Mr. Bose will be testifying. Previously 7 exhibits had been marked stated Mr. Chewcaskie. Mr. Cascino had submitted revised plans and sent letters. Chairman stated as always after the testimony of Mr. Datolli he will allow board members to questions Mr. Datolli and then the meeting will be opened to the public for questions. It will be then closed to the public and we will hear testimony of the second witness. Mr. Al Datolli he is a licensed architect in the State of New Jersey was sworn in by Mr. Regan. Mr. Regan recommendation of Mr. Datolli being qualified. Mr. Chewcaskie asked Mr. Datolli what was he retained to do. He was asked to design three buildings, multi-family townhouse units, 14 units in total which 2 are affordable. The affordable will be stacked flats.

Mr. Datolli plan was marked as A8 dated 6/30/17 consisting of 6 sheets, revised was marked as A9 and color was marked as A10 with a revision date 7/13/2017. Mr. Datolli went through each sheet. The affordable units will be a 2 and a 3 bedroom unit. The 3<sup>rd</sup> sheet is the elevation and was marked as B 5 townhouse units. Walkout basements, A4 are the floor plans. The affordable first floor unit has two bedroom and the second floor bedroom has the 3 bedroom. A5 is the building C with walkout basements. A6 is the floor plan to building C, they added basements. The difference between the revisions is the addition of the windows on building A and the basement for the various buildings. The heights have not changed. Rendering A10 is a colorized version of the A building. The A and C building will be the same. They are proposing brick and the brick itself was marked as A11. It is proposed for the front elevation. A12 was the sample of the siding that they propose. Beige color 4 over 4. A13 is a sample of the roof shingle a blend of browns. It is an architectural style type of shingle with a dimension to it stated Mr. Datolli. The calculations of the building heights will exceed the height on building C. They can adjust the height and it will not affect the unit. It will not change any architectural features.

11 of the 12 units are identical A1, A3 through A14 the first 798 living area 1044 second floor living area and the garage is 234 sq. ft. total living area is 1842 sq. feet. It doesn't include the basement. A2 is slightly smaller by 60 sq. ft. 1782 sq. ft. garage is 234 sq. ft.

The affordable housing unit is all on one floor 1107 sq. ft. The three bedroom is 1361 sq. ft. garage of 234 sq. ft. all the units have one car garages.

Questions from board meetings:

Mr. D 'Agostino asked about the material of the decks. It will be trex and the windows will be double hung. All the siding is the vinyl stated Mr. Datolli.

Ms. O'Neil asked about while preparing the plans was any consideration given to the original house and matching of the architecture. She said the house is listed in the Master Plan as being a potential landmark. It is under criteria C for being architecturally significant. Mr. Datolli stated yes. They did look at that. It is basically a traditional farmhouse colonial.

Mr. Teagno asked about the orientation of the placement of the buildings. Everything facing north and he is concerned the icing of the roof and driveways. Mr. Datolli stated that they do have front covered entrances and all have a step up to the landing.

Mr. Culhane asked about the basement. Will they remain as basements or made into living space with bathrooms. Mr. Datolli stated that they will be just basement.

Mr. Fette asked if there was any consideration to Hardy Backer Siding instead of vinyl. The developer picked the type of siding. They did discuss hardy plank as well as vinyl stated Mr. Datolli. They chose vinyl. It is regular brick being used.

Mr. Stefanelli asked about why they are not going with hardy board. He asked about the E-glass and vinyl siding. They will all be e-glass stated Mr. Datolli. Mr. Stefanelli asked if he had heard about the reflection of the E-glass and how it has affected vinyl siding opposite them. There are no windows facing the other buildings, it is not an issue stated Mr. Datolli.

What would be better vinyl or hardy board for fire rating asked Mr. Stefanelli. Mr. Datolli stated he doesn't know the answer to that.

Mr. Lintner asked about basement plans. It was stated that the plans show utilities on market rates. The affordable units do not have basements. They will be in closet or laundry room.

B1 was marked as Maser review letter of August 1, 2017 marked. Ms. Green referred to her letter which was marked as B1. Comment number 12 on page 9 of the review letter. Her concern is with garage space and asked if the garage will only be used for garage and not storage. She would like to know if the applicant would be amendable to place a deed restriction on the garage that they will be used to park cars and not become storage. Mr. Chewcaskie stated they can have the condominium papers state that they will not be converted to anything and remain garages. Mr. Regan asked if they would agree and Mr. Chewcaskie stated yes.

Mr. Hipolit asked if they are required to be sprinkled. Mr. Datolli stated whatever is required will be provided. The affordable units may need to be sprinkled.

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

Chairman stated that this time is for questions of this witness only and it is not the time for comments. At the end of the entire hearing the public will be able to voice their concerns.

Kari Solomon 16 Pine Street. She asked to see the elevation of the two affordable units. Mr. Datolli showed her the picture. She asked if there is anything in the illustration that would be different in the look. The doors are different. Mr. Datolli stated that you could not tell that those were the affordable units.

All the townhouse are 3 bedroom except for the one 2 bedroom affordable. Ms. Solomon asked about the basements. All the townhouses have walkout basements except the affordables. There is a deck proposed on the units.

Ms. Ordal asked about the garage and the number of the cars. She asked about the proposal of the three bedrooms and only a one car garage. Is there a maximum number of cars in the driveway and if so where are the other cars going to park. They are following the state standards stated Mr. Datolli. There are parking in the garage and one outside the garage. What about guests. Mr. Datolli stated there will be and that they are following the state standards. Ms. Ordal asked what are the standards. It was stated the questions should be for Mr. Cascino. She asked about Building A the reason for there being no access from the outside to the rear. How much space is between the back of yard to the property line. Mr. Cascino stated it is not because of that it is because of the grade.

They don't have the ability for a walkout.

Monika Reniger 107 Gelnaw Lane she is the President of the Board of Trustees of Summit Ridge, when she looks at this she looks at it from what issues they have and a concern of theirs is the Roofing with icing. They have leaking and high maintenance cost. She asked about the adequacy of the design, has it been designed to address that possibility. It has been addressed stated Mr. Datolli. They can put a heat tape. She asked about the Siding and maintenance. They depend on the manufacturer. There is a lifespan on the product but he doesn't have this information at this time.

Debra Stephans-Bayberry Drive- She asked about the height of building c. It can be adjusted down to the 1ft. She asked if it was reflected in the plan this evening. Mr. Datolli stated no. There will be another revision. She asked if this reduces any of the variances and if so which one. Mr. Chewcaskie stated it would be a question for Mr. Cascino. It does however eliminate the height variance for building C.

A motion to close the meeting to the public Mr. D 'Agostino and seconded by Mr. Culhane all in favor voting aye..

The flashing will be added.

William Boyce, Landscape Architect was deemed qualified. Mr. Regan swore him in The plan dated June 30, 2017 by Biosphere Landscape Architect and was marked as A14. There are 33 trees to be removed and 55 trees will be installed with 8 flowering trees and 79 shrubs with different ground covers will be planted. The landscaping on the original home will be maintained. There is a three post fence there will be 21 different types of shrubs. The building surround and roadway there are 219 shrubs and the balance is scattered around the building. A15 was an illustrative rendering prepared by Biosphere. It shows photographs a proposed view and existing view of what the property is looking.. It shows the detention pond as well.

Mr. Culhane asked about the 3 room plan how close they are to the utility. Mr. Boyce stated that they are on the Maser plan which was referenced. Mr. Hipolit stated that the poles have been changed. Mr. Hipolit stated the county wants if



this is approved to take more road widening. Mr. Chewcaskie stated that they had a meeting with the county. They will be prepared to address it at the August 15<sup>th</sup> meeting. Chairman asked for a meeting with Mr. Timszak. Mr. Chewcaskie stated he will reach out to Mr. Timszak.

Mr. D 'Agostino asked about the fence. It is a privacy fence stated Mr. Boyce.

Ms. Green asked about revised plans. Mr. Boyce stated yes they will re-submit. They will do the plantings to eliminate a variance. There are no shade trees along Spring Valley road being presented.

A motion to open to the public was made by Mr. D 'Agostino and seconded by Mr. Teagno.

Ms. Solomon of 16 Pine St. She asked about walking out of the basement. Mr. Boyce stated that there will be decks installed and a patio below. It is a 8 x 10 patio of brick pavers. She asked about the 33 trees removed and replaced with 55 trees. She stated that certain trees provide better benefits than not, does he know the net of greenhouse gases, air quality improvement, stormwater interception in terms of gains or losses for the tradeoff. Mr. Boyce stated it is a gigantic mathematical equation and he is not equipped to prepare it. There is a lot of theory that goes into something like that which is a tough answer to come up with.

Most trees are native to the area and none are invasive. There are a couple of evergreen trees that he has proposed which are not native to the area but he had no choice but to use them. With the trees from the south side will you be able to see the development. Mr. Boyce stated that there is still a lot of screening left there. He referred to the map and where the trees to be replaced will make it more dense he stated.

Chris Driver-221 Grand Avenue/16 Old Chestnut Ridge Road-He is a tenant at 221 W. Grand Avenue on the second floor. He looks out of the site. He asked about the pine trees remaining that border the property. There is an 8 and 12 in to be removed which are on the property. There many pine trees to remain. No tree removal would be done at 221 Grand Avenue.

Michael Gilson of Akers Avenue- He asked about what topographical studies have been done on the path of the water flow. Chairman stated that is a question to be asked of Mr. Cascino.

Donna Skoog 20 Bryan Drive asked about the fence. The fence is 6 ft tall. It is about a foot back from the curb. She asked how much physical green space the residence will have. Mr. Boyce referred to A14. They have the lawn around the parking area and the back yard. There is about 18 feet stated Mr. Boyce.

The greenspace on A14 the lawn around the parking area will be available and behind their units. It is approximately 18 feet. Mr. Datolli stated 120 feet. There will be some planting around each patio.

The affordable units will have the green space by the parking none right behind.

A motion to close was made by Mr. D 'Agostino and seconded by Mr. Stefanelli.

They will reach out to the county for Mr. Timszak. They will resubmit the plan. Meeting carried to August 15<sup>th</sup>, 2017

## **RESOLUTIONS:**

1. **Block 2405 Lot 1- Mehmet Dzgider/MOZ Enterprise-30 S. Kinderkamack Road (1000sq.ft.)-Use Permit-** resolution was carried due to not posting the required escrows.
2. **Block 2802 Lot 2-(C001A)-A&D Wireless D/B/A ATT-Mercedes and Grand Avenue-(1633 sq. ft.)-Use Permit-** A motion to approve was made by Mr. Stefanelli and seconded by Mr. D'Agostino. A roll call vote was taken with Mr. Culhane abstaining and all others voting aye.
3. **Block 2402 Lot 2-Liette Van Natta c/o Howard Van Natta-Major Soil Movement Application-** A motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with Mr. Culhane abstaining and all others voting aye.
4. **Block 2802 Lot 2 (C001A)-BPO Wine- (Wegman's Liquor Store)-Use Permit** –A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli. A roll call vote was taken with all voting aye.

**OTHER BUSINESS:** Councilman Weaver wanted to apologize to the residents who came out this evening expecting to question the planner and engineer for the property. Chairman stated so noted on the record.

**OPEN MEETING TO THE PUBLIC:** A motion to open to the public was made by Mr. Lintner and seconded by Mr. Stefanelli. No one from the public present, a motion to close was made by Mr. Lintner and seconded by Mr. Culhane with all in favor stating aye.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Teagno and seconded Mr. Stefanelli with all present stating aye.

**Next Regular Scheduled Meeting –August 15, 2017**

**Respectively Submitted by:**

**R. Lorraine Hutter  
Land Use Administrator**