

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

Tuesday, January 16, 2018

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 led everyone in the Pledge of Allegiance.

ROLL CALL: Mr. Fette, Mr. Lintner, Mr. Teagno, Mr. Stefanelli, Ms. O'Neill, Councilwoman Curry, Mayor Ghassali and Chairman DePinto

Absent: Mr. Culhane, Mr. D'Agostino, Ms. Russo

Also Present: Ms. Green, Planner, Mr. Hipolit, Borough and Board Engineer, Mr. Regan, Board Attorney and Ms. Hutter, Land Use Administrator

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

ENGINEER: none

ZONING REPORT: none

ENVIRONMENTAL COMMISSION LIAISON REPORT: Ms. Russo was not present.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli stated that we had one applicant, Mr. Marini of 75 Montvale Avenue he is in violation for two inches of the size of the deck that was approved by this board. It was due to a survey of the as built plan. A letter will be written by Mr. Regan for the file so that he doesn't need to be before the board. The Committee stated it was di minimis.

CORRESPONDENCE: on the back table

APPROVAL OF MINUTES: January 2, 2018- Mr. Lintner made a motion to approve with Ms. O'Neill seconding the motion. A roll call vote was taken with Mr. Teagno and Mr. Stefanelli abstaining and all others present voting aye.

DISCUSSION: ORDINANCE 2018-1441

**AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING
CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO REVISE STANDARDS
CONCERNING TEMPORARY WALL SIGNS IN THE AH-26
AFFORDABLE HOUSING DISTRICT**

Mayor stated that the sign for Hornrock which is part of the settlement agreement which was approve is different in size and the Governing Body is in agreement with allowing the revision of the wall sign size. Councilwoman Curry stated that the council was in agreement. No questions from board members, Chairman read by title only a esolution which was prepared by Mr. Regan. A motion to introduce and approve was made by Mr. Lintner and seconded by Mr. Teagno. A roll call vote was taken with all stating aye.

USE PERMITS:

1. Block 2002 Lot 3- ACA Corporate Dining 5 Paragon Drive (3500 sq .ft.)-Teresa Dezao applicant was sworn in. Mr. Del Vecchio represented the applicant. Chairman read the application into the record. They will be replacing Classic Café. They will be running from

Monday to Friday to the employees of the building. Mr. Fette stated that they will need a CCO. There will be no advertising of the cafeteria for outside people. A motion to approve was made by Mr. Lintner and seconded by Ms. O'Neill. A roll call vote was taken with all voting aye.

2. Block 1001 Lot 1- Data Centrum Communications, Inc. d/b/a Health Monitor

Network-135 Chestnut Ridge Road (4747 sq. ft.)-The applicant was sworn in Howard Halligan. He was represented by Mr. Del Vecchio. Change to 4N. It should state no changes. Signatures were verified. Zip codes were submitted. Mr. Halligan gave a brief description. Their offices are expanding. Mr. Lintner asked about the parking spaces. The 20 are for the new space. The rest of the spaces are covered under the original plan. A motion to approve was made by Mr. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with all stating aye.

PUBLIC HEARINGS (NEW):

1. Block 2802 Lot 2 C001A-Starbucks LLC-12 Farm View- Sign Zoning Variance

Application-Mr. Del Vecchio came forward representing the applicant. The application is to install a 3rd sign. The Notices were only provided this evening. Mr. Regan stated that he will review and that they could proceed. The ordinance states that each tenant has approval for two signs. Mr. Del Vecchio stated that the proposed pendant sign will have an area of 4.9 square feet, a diameter of 30 inches, will be externally illuminated and would be hung from a bracket previously approved in the site plan application for the mall. Counsel marked into evidence as Exhibit A-1 the notice documents required pursuant to *N.J.S.A. 40:55D-12* and as Exhibit A-2 the Sign Plans dated October 27, 2017 prepared by Hilton Displays.

Question arose about shut off time for the sign. Mr. Del Vecchio stated that along with the landlord all tenants will agree universally a turn off time. It hasn't been determined yet. The illumination for the blade sign is built into the bracket. They believe it fits the motif. Testimony in support of the application was provided by Richard M. Preiss, a licensed professional planner who was qualified in this field. Also sworn at this

time was Board Planner Darlene Green and Borough Engineer Andrew R. Hipolit. Ms. Green's report of December 14, 2017 was marked into evidence as Exhibit A-1 and a report of the Fire Department which had no comments on the application as Exhibit A-2.

2. Mr. Preiss believes it will be consistent. Mr. Preiss described existing signage on the premises, with the rear sign having 14 inch channel-lit letters and an area of 18.2 square feet¹. The front elevation sign has 22 inch channel-lit letters and an area of 32.38 square feet. Mr. Preiss stated that the store has three facades and that a third sign is needed to identify the use when vehicles access the site from the ramp off Mercedes Drive. The proposed pendant sign would meet this objective, and would be located on the façade facing the ramp. He stated that allowing the additional third sign would promote the convenience and safety of motorists, and may be justified pursuant to *N.J.S.A. 40:55D-2*. More particularly, granting the relief would promote the public safety and general welfare and promote proper traffic circulation, purposes of the Municipal Land Use Law ("MLUL") as set forth in *N.J.S.A. 40:55D-2a* and *h*. The total area of the three (3) signs inclusive of the pendant sign would be just under 56 square feet, below the maximum 60 square feet permitted under the Ordinance. The sole variance relates to having the third or pendant sign, as the pendant sign has an area of 4.9 square feet, in compliance with the maximum five square feet permitted in Section 128-8.20.1C (13)(a). Board Planner Green confirmed that the area of the pendant sign is in compliance, and the sole variance relates to having a third sign. In response to her question as to times when the signs will be illuminated, Mr. Del Vecchio replied that management of the complex will establish a uniform rule for all tenants, and until that is promulgated, signs will be prohibited from being illuminated after 11 p.m. and before 7 a.m. unless the premises is occupied and attended.

The use of the logo was discussed. It Mr. Fette thinks it will have more of an impact as a blade sign. There is no set time as of yet. We do not a firm proposal. Open to the public by Mr. Stefanelli seconded by Mr. Teagno. No one from the public wishing to be heard. A motion to close was made by Mr. Teagno and seconded by Ms. O'Neill. It is to be noted that with the addition of the pendant sign, the aggregate area of the

three (3) signs for the business will be just under 56 square feet, less than the 60 square feet permitted. As noted above, the additional sign will advance public safety and the additional sign will not create any negative impact, either to the shopping center or occupants of other stores therein. For these reasons, the Board finds that the negative criteria for the granting of the variance has been satisfied. A motion to approve was made by Mr. D'Agostino and seconded by Mr. Teagno with all voting aye.

Block 1103 Lot 5 and Block 403 Lot 1-Metropolitan Home Development at Werimus, LLC- 87 and 91

Spring Valley Road-Amended Site Plan and Major Soil Movement Application

The Notice Documents were handed in and marked as A1. Mr. Regan will review them. Mr. DelVecchio was representing the applicant. Chairman gave an overview of how the meeting would proceed and asked the people who would be giving testimony keep the pace as slow as possible as we do not have a stenographer. It makes it difficult to track notes. Mr. Del Vecchio. The lot 1 property is 1.09 acres in size and the lot 5 property is 4.9. The Lots total 6.07 acres. The lot 5 property is in a residential inclusionary which was involved with the Bonabel settlement which was known as Spring Valley South and the Spring Valley North property which is currently under development as well as Flintlock Lane were all part of a settlement. The affordable was placed on the Spring Valley South and North. This application is in R 40 zone and RI25 zone. They will be providing 5 for sale affordable housing units.

The original project was originally lot 5. It was to be 4 lots on Deep Woods Lane and two on Spring valley Road. It is now proposed 4 on Deep Woods Lane and with the acquisition of Block 403 lot 1 they are proposed instead 24 townhomes, which will have integrated affordable housing of 5 units.

Application for amended Subdivision Approval, Preliminary and final Amended Site Plan Approval and Use Variance Approval and a Major Soil Movement Application. There is bulk variance relief as well. The soil movement will be 14,200 cubic yards of soil to be moved. Project Planner is Richard Preiss and the architect and engineer were all sworn in by Mr. Regan. The project architect was called and sworn as well was Ms.

Green and Mr. Hipolit. The architect came forward, John Bryjak. John Bryjak was qualified. He has testified before many boards in Bergen County as well as other parts of NJ. Mr. Bryjak went through the drawings. Documents were marked. A2 architectural plans dated 9/5/17. A3, site plan prepared by David Hals Engineering consisting of 24 sheets bearing the date of August 23, 2017. A4 is the Stormwater Maintenance Manual prepared by Hals Engineering dated August 23, 2017, A5, Drainage Calculations prepared by Hals Engineering also dated August 23, 2017, and A6 is the Environmental Impact Statement also prepared by Hals Engineering prepared August 23, 2017. Mr. Bryjak went through the plans showing Bldgs. 1, 2, 3 and 4. The seconded sheet A1 shows the south elevation and west elevation. The gables were discussed. The material that they are proposing will be fiberglass reinforced asphalt shingles and a weathered greyish look in color with vinyl siding. The upper portion of the gable is a staggered shingle style vinyl siding.

The West Elevation would be facing SPV. Sheet A2 is the north elevation reflecting rear of the building. The end unit would not have a deck. The east elevation reflects the right side. The end unit is the affordable units. Sheet a 3 shows the grade level floor plan. There will be a two garages. The affordable units will share a two car garage. Units 6 and 7 will share the garage space as well as the driveway space. Sheet A4 has the first floor. Sheet A5 has the second floor plan. Sheet A 6 reflects the typical dwelling unit floor plan. The front elevations for A and B are shown as well. The first and second floor plans are shown on A6. It consists of 3 bedrooms an elevator. Sheet A7 the loft plan is optional. It shows alternate first floor plan and second floor plan. Sheet 8 reflects Unit 5 floor plans. These are the end units 5, 6, and 7. These units will have stair access no elevators.

Color renderings was marked a R1 the front elevations. Above the garage doors is an eave.

Sheet A8 shows the elevations. Sheet R3 was marked as A9. A color rendering of the rear. Unit 5 will have a one bedroom and second floor will have a 2 bedroom and the third floor will be a 3 bedroom. Chairman asked about the square footage. Mr. Bryjak stated Unit 5, is 480 sq. ft, one affordable bedroom. Unit 6, the two bedroom 848 sq. ft. and the three bedroom is 1040 sq. ft. Unit 8, the two bedroom would be 848 sq. ft.

The market rate units size is 2,728 square feet, A6 units. The first floor is 878 sq. ft. and second floor 956 sq. ft. The loft if selected would 363 sq. ft. The garage area is 403 square feet. Chairman referenced A6., he asked about the grade level floor plan, 2 car garage, rec room and optional space for a closet and powder room and elevator and a utility sink. Are they all at grade level asked the Chairman. It is at grade level stated Mr. Bryjak. Chairman stated that there is living space on the grade level floor plan, then 2 floors above and an option of a loft doesn't it represent 4 stories? Mr. Bryjak stated not by code. Mr. Bryjak stated that the code defines a basement as an area more than one half of its floor to ceiling height located above grade. The cellar on the Montvale Code that has an area more than half. The front portion of the building is at grade and the rear portion is below grade. Mr. Del Vecchio stated that if the person opts for the loft they could have 4 levels of living spaces not 4 floors. Chairman asked if they didn't opt for the loft what would it be. Mr. Del Vecchio stated it would be attic space. In order to achieve the pitch roof it would be attic space.

Chairman asked about the market rate units are going to have lower level living space. Mr. Bryjak stated yes. Regressable windows would not be on the lower level and they could not be made into bedroom. Mr. Teagno asked the alternate floor plan he believes with the loft there could be 5 bedrooms. Mr. Bryjak stated that there are no egress windows in the loft so it cannot be a bedroom.

Mr. Teagno has a concern of a purchaser having a 6 bedroom house there. Mr. Del Vecchio stated that is not their intention but if someone wanted to disregard the law and install windows then there is a potential for anything to happen. Mr. Del Vecchio stated a homeowner's association is typically developed to make sure that doesn't happen as they have restrictions in their documents. Mr. Del Vecchio stated when filing with DCA they have no objections to building what exactly they are planning on building and if it needs to be part of the resolution they have no problem with that in regard to bedroom count. The resolution would be carried over into the DCA file. Chairman DePinto stated it is a fairly dense development with respect to the multi-family units in his opinion and based upon the architects presentation that is a lot of floor area for a townhome with over 2700 sq. ft. not inclusive of a loft. It is a fairly large unit stated the Chairman. He shares Mr.

Teagno's concern of will the property be used consistently with what we have done elsewhere within the Borough.

Questions from Board Members:

Ms. O'Neill asked about the gable roof being the most appropriate? Could the roof type be changed to a Mansard or a Gamble roof and to achieve all levels and ditch the loft option which eliminates some of the concerns of the board members? Mr. Bryjak stated that a Gamble roof is larger. She would like to see the roof lowered and if it could be. Mr. Bryjak stated that it could potentially could be lowered. She disagrees that a gable roof is the best option. Also she asked if any consideration was given to having a different style of siding preferably hardy board. They didn't look at other options. Mr. Del Vecchio stated the 2700 sq. ft. includes the optional loft.

Mr. Del Vecchio stated if you take the loft out the sq. ft. is 2365 sq. ft. That is the livable space. Mr. Del Vecchio stated they could leave it as just attic space.

Mr. Teagno asked about the units that don't have a loft option does it still have access to the storage space on that floor. There is pull down attic stairs stated Mr. Bryjak. How is attic maintenance done in that space asked Mr. Teagno? A contractor would go through and access. Mr. Fette doesn't like the vinyl siding and would like them to use something else. The loft he would like not to be above to access. Mr. Stefanelli would like to know how they are going to protect the entire complex and not have lost units in the case of a fire. He stated that in multi-family units that the vinyl siding was a contributed to allowing the fire spreading. He is okay with the loft but how are they going to protect between the buildings. He doesn't see it being shown. Chairman asked about the firewall protection.

The separation between each wall 5/8 sheetrock and two layers of it is rated for 2 hours firewall and runs all the way up stated Mr. Bryjak.

Bill Lintner asked about unit number 9 how can you share a two car garage with one door. Mr. Bryjak stated it is done.

The number 5 unit he is concerned about egress. Is the plan to sprinkle the building? He isn't sure stated Mr. Bryjak. Mr. Lintner would like to see it sprinkled.

Garage area is 403 sq. ft. Mr. Regan asked for the numbers to be said again. The numbers do not add up. They will look at the numbers again.

Chairman asked for a motion to open to the public. Mr. Teagno made a motion and seconded by Mr. Stefanelli.

Michael D'Aria, 10 Stembrook Road asked about the height of the building, does it change when the loft is added? Mr. Bryjak stated no. His next question was in regard to the side elevation and total elevation.

Chairman asked him to hold his question for the engineer.

A motion to close to the public was made by Mr. Teagno seconded by Ms. O'Neil.

Mr. Stanley Nowak, of Tice Blvd. the developer came forward and was sworn in. Mr. Nowak stated that if the board feels the loft needs to be removed he is willing.

Open to the public was made by Ms. O'Neill and seconded by Mr. Stefanelli.

A motion to close to the public was made by Mr. Stefanelli and seconded by Mr. Lintner.

Carried to the next regular meeting of February 6th.

PUBLIC HEARINGS (CONT):

1. **Block 2408 Lot 26-Richard Queen-7 Franklin Avenue-Amended Site Plan Application Requesting a D(1) Use variance, D(3)Conditional Use, Multiple C Variances- Mr. Whittaker** asked to have the meeting carried to the next scheduled meeting it will be carried to February 6th, 2018.

RESOLUTIONS:

1. Block 2601 Lot 32-Memorial Sloan Kettering Cancer Center- 225 Summit Avenue-Amended Preliminary and Final Site Plan –carried to the February 6th, 2018 meeting

Other Business- Mr. Stefanelli would like to see documents on like a submissions to be done electronically.

Open Meeting to the Public-A motion to open to the public was made by Ms. O'Neill and seconded by Mr.

Teagno. No one from the public wishing to be heard a motion to close was made by Mr. Lintner and seconded by Ms. O'Neill.

Adjournment-A motion to adjourn was made by Mr. Lintner and seconded by Ms. O'Neill.

Next Regular Scheduled Meeting: February 6, 2018

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator