

REGULAR MEETING OF THE MONTVALE PLANNING BOARD
AGENDA
Council Chambers-12 Mercedes Drive, Montvale, NJ 07645-7:30pm
Tuesday, February 6, 2018

Chairman DePinto opened the meeting at 7:40 pm by leading everyone in the Pledge of Allegiance.

Roll Call: Mr. Culhane, Mr. Fette, Mr. Lintner, Ms. O'Neill, Mr. D'Agostino, Mr. Teagno, Mr. Stefanelli, Councilwoman Curry, and Chairman De Pinto.

Absent: Mayor Ghassali and Ms. Russo

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

Minutes A motion to approve the minutes of January 16th, 2018 was made by Mr. Stefanelli and seconded by Mr. Culhane. All present voting aye.

Site Plan Review Committee Report: Mr. Stefanelli stated that there were four applicants.

1. 1 and 3 Mercedes Drive and 1 Glenview Drive- a power point presentation was given going over architecture, engineering and landscaping. They are looking to file a full application within a month.
2. KPMG-Came in regard to lighting plan and their TCO. A Hold Harmless Agreement was signed in order for them to obtain the TCO.
3. Ridgecrest Realty-21 Philips Parkway -they are looking to put an assisted living facility. 75 Units. They are looking to come before the board in a few months.
4. The Alexa-160 Spring Valley LLC-They are purchasing the piece of property next to them in NYC to add amenities to the site, pool playground and tennis court. They will need to come back for an amended site plan.

Use Permits:

Block 2802 Lot 2 C001A- JPO Ventures d/b/a V's Barbershop- Mr. Del Vecchio came forward representing the applicant. Mr. David Nagy, principal was sworn in by Mr. Regan. Chairman De Pinto read the application into the record. An amendment to the application was made to 4f. Square footage is 1102. Mr. Lintner asked if this was his first barber shop he stated yes. They will be occupy building D. Tentative date to be moving in will be June. Lighting was discussed. Chairman asked for a better sign plan with accurate dimensions. The rear sign will be discussed at a later time. The sketch of the sign for the front was discussed. The

dimensions comply with code. The sign details will be amended to be exactly 144 sq. ft. The 2nd page of the exhibit shows goose neck lights. They will be internally illuminated. Chairman stated that all of the signs now are internally illuminated and he would like a little variation for building D. Chairman said that all of the other signs are centered. Mr. Del Vecchio stated it will be centered. Mr. Del Vecchio stated he would have to get the landlords approval for that. Landlord is working on a consistent plan of all rear building signs. Chairman asked for exhibits that are more accurate. A motion made by Mr. Teagno and seconded by Ms. O'Neill for approval was made. A roll call vote was taken with all stating aye. Mr. Regan will prepare a resolution of approval once he hears back from Mr. Del Vecchio.

Block 2701 Lot 2- Restaurant Associates, Inc.- 75 Chestnut Ridge Road-Mr. Del Vecchio represented the applicant. Jessica Perez came forward and was sworn in by Mr. Regan. The date of opening will be February 12, 2018. There will be no selling to the public only for employees. Signatures were identified. Mr. Fette asked if all the food would be prepared at 3 and brought over. Ms. Perez stated that there is a kitchen at 75 and they will be preparing there as well. No inspection is required from him just Board of Health. There are 11 employees at this location. They are assuming that they will be serving 600 or 700 employees. They do go back and forth from each building. At 3 Chestnut Ridge Road they serve anywhere from 550 to 625 people for lunch. A motion to approve was made by Mr. Stefanelli and seconded it by Mr. Culhane with all in favor stating aye.

Block 1001 Lot 1-Data Centrum Communications, Inc. d/b/a Health Monitor Network-135 Chestnut Ridge Road-(8,001 sq. ft.) additional space. Currently has 27,191 square feet. Mr. Daniel Steinhagen represented the applicant Howard Halligan, CFO. Chairman read the application into the record. There will be 93 employees in the space of 35,192 square feet. The applicant currently occupies space and the way the building is sublet a new space became available and they will be relocating to take additional space making the total space 35, 192 square feet. Mr. Fette stated that they will need a CCO inspection. They do publications and medical screens that provide medical information for patients about different ailments. A motion to approve was made by Ms. O'Neill and seconded by Mr. Lintner. A roll call vote was taken with Mr. D 'Agostino abstaining and all others voting aye.

RESOLUTIONS: Block 2601 Lot 32-MSCK Resolution-225 Summit Avenue- Chairman read by title only Mr. Regan stated that revised plans are noted in the resolution. Mr. Hipolit stated that there will be restriping on Summit Avenue and the county is okay with the sign placements. All the improvements are good improvements stated Mr. Hipolit. A motion to introduce was made by Mr. Lintner and seconded by Mr. D' Agostino. A roll call was taken with Mr. D'Agostino, Mr. Stefanelli and Mr. Teagno abstaining and all others stating aye.

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

Chairman read by title only. A motion to approve was made by Mr. D'Agostino and seconded by Mr. Stefanelli . A roll call vote was taken with Mr. Culhane abstaining and all others voting aye.

A five minute break was taken. The Mayor and Councilwoman Curry stepped down as they could not participate in the "D" Variance application.

Continued Public Hearings

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- at the applicants request this application is being carried to February 20, 2018.

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- Ms. Hutter stated that Mr. Culhane had come in and listened to the tapes to catch up on what he had missed and to be eligible to vote. It was so noted for the record. Mr. Del Vecchio came before the board. The revised plans were marked as A10 prepared by Mr. Hals office with a revision date of 1/24/18 and the material sample board was marked as A11. Mr. John Hague, architect, went over the products on the board. On the material board there is the hardy plank which was asked for at the last meeting. Mr. Hague showed the stone that would be at the base of the building. Questions from board members. Mr. Fette asked about A2 the floor plan, Sheet 6. He asked about the recreation room being a bedroom at some point. The building code doesn't allow a garage to be emptying to a room that is used for sleeping purposes. So according to the building codes at no point can that recreation room ever been able to be used as a bedroom. He cautions them on that use. Mr. Hague stated he is clear on it. Chairman asked about the height of the building and variance being sought. The height is 34 feet and the code is 35 feet in the B1 and in the R40 it is 28 feet. Can the building be built in compliance with code at 28 feet asked the chairman to eliminate that variance? Mr. Del Vecchio asked if they could flatten the roof. Mr. Hague stated it would be difficult to flatten it out. Mr. Hague stated with a townhouse design they need the extra height because the basement isn't fully buried. Chairman DePinto referred to Bill and Dante having the experience of the zoning board, he asked them if they recall many variances being granted in the R40 zone for height. Both stated that they were very strict on the height. The height is defined by the ridge line and then you add another 7 feet then it would be 40 feet high. Mr. Del Vecchio stated that all townhomes are usually three levels where you don't have it in a single family home. Chairman asked by Mr. Hague's design what other variances are triggered by his design.

Ms. Green's review letter dated February 1, 2018 was marked as B1. Ms. Green stated that there are 3 "D" Variances, one is the use, the density and the D6 height variance. The "C" variances, 1,2, are the retaining walls. There is a variance for the number of stories, building coverage, and floor area. Lot coverage in the R40 district; there is a side yard setback because of one of the decks and also a rear yard setback in both zones. Chairman stated that a lot of the variances that are being requested are based on the architecture that they are proposing. Mr. Del Vecchio stated that the setback variances are based on the engineering. Mr. Hipolit stated it is a balancing act. The density proposed and architectural style proposing both creates more variances. If they relax one or both you would end up with a lot less variances stated Mr. Hipolit. Ms. Green stated that there are two and three story townhomes

in Montvale. Chairman asked if there is anything specific to the site related to grade, topography or wetlands that is triggering any of the variance? Ms. Green stated that there are no wetlands on the property but the grade she would defer to Mr. Hipolit. There is the ability to regrade property and use retaining walls to terrace lots to accommodate development. She doesn't believe that this property is so restricted that it can only put up three story townhouse development. It is all about the product that they are looking to construct.

A motion to open was made by Mr. D'Agostino and seconded by Ms. O'Neill. Chairman stated only questions.

Mr. Art Lavis came forward. He lives on Hilton. He asked what determined in making the number of units for the property. The project engineer will answer it after his testimony.

Tom Hartel from Hilton Place came forward. He is concerned with the entire area and the R40 lots on Spring Valley Road and how will this development affect them. Chairman stated that we have not heard testimony in regard to this. No one is qualified to give you an opinion as to value stated the chairman.

Mary Cotter, 70 Spring Valley Road-asked about the density how they get to build. Chairman explained the process of seeking a "D" Variances seeking relief from what is allowed in the zone. They recognize that the property that they own that fronts on Spring Valley Road, is zoned R40, single family residential 1 acre. They also recognize that they have the right to make an application to the board to get a variance to get a higher density. They have to prove to the satisfaction of the board that it is appropriate to give them. We haven't reached that point yet stated the Chairman. More testimony will come from the engineer and the planner who will try to justify the granting the variances to be appropriate in his professional opinion.

A motion to close the meeting was made by Mr. D'Agostino and seconded by Ms. O'Neill. All in favor stating aye.

Mr. David Hals was called next to testify. Mr. Regan swore him in. Mr. Hall gave an overview of the plan. The color rendering was marked as A12. There are 24 units with 21 garages and driveways. The trees at the end of Deepwood Lane had been removed. The site has been approved for a 6 lot subdivision. The road was to be extended on Deepwood Lane for four houses and two homes on Spring Valley Road. Pitching from the rear there is a drop in elevation of approximately from 398 to 348, approximately 50 feet from the rear to the front. On the property is the Orange and Rockland and Tennessee Gas Utilities easement that is running from the easterly to westerly direction. Surround the property is the Bearbrook townhouses and just north is townhouses of 12 Townhomes, in the B2 zone. To the east are the homes on Stembrook home and one on Deepwood lane and Stembrook. They are proposing to subdivide the property. The development plan Block 403 Lot 1, Block 1103 Lot 5 was referenced, last revised 1/24/2018 sheet 2 of 24. It was marked as A13, a color rendering. The southerly lot is in the RI21 zone district. There are two different phase. The easterly section of the prior approval will remain the same 4 houses. On Spring Valley Road, they are creating and combined the R40 lots and the two lots that were previously proposed

to be one track and it will be a townhouse development. The only change of the lots they are shorting the back of the lots. The proposed townhouse development will be serviced from Spring Valley Road. It will be 4 buildings of 24 units. The 21 boxes consist of the 24 units. The 3 affordable units are double stacked. The end of Driveway A has been moved to provide additional space between the neighbors on Stembrook. The development has been designed where the first building is perpendicular to the roadway. The second driveway is dual purpose. They envision that truck traffic can turn around and circulate for delivery. Buildings 1 and 2 are in the R40 zone and the other two buildings are located more southerly are in the R125. They attempted to move them forward to more sensitive to the neighbors on the east of Stembrook. They created the driveways in a lower elevation so that they can hide the headlights and screen them. By pulling the hammerhead down they can create a full landscape buffer along the easterly boundary line with the residential properties. He was trying to be as sensitive in minimizing the impacts that they have stated Mr. Hals. The townhome directly to the north has a lesser separate on that end of the property. There is townhome against townhomes and he believes that a better alternative and the impacts will be less on the single family homes.

The soil movement will be 14200 cubic yards they are proposing to move. They have designed where on the Deepwoods Lane section they have a cut of 1288 cubic yards and a fill of 1175 cubic yards. So the total would be 2463 cubic yards. On the townhouses they have a cut of 6,209 cubic yard and 5,463 cubic yards for a total of 11, 672 cubic yards. Overall stated Mr. Hals when you add the two numbers they have an excess of 860 cubic yards. Although they are moving 14,200 cubic yards they are only have 860 cubic yards to be exported.

The stormwater was discussed. Mr. Hals stated that the property slopes from east to west or down towards Spring Valley Road. All of their drainage runoff comes out towards Spring Valley Road. They do have impact of other properties draining on to their properties. There is a culvert on Spring Valley Road on the southern side of the property. They are not changing the flow of the runoff stated Mr. Hals. They do meet the requirements for water quality measures and ground water discharge. The drainage from the roadway will be handled by seepage pits which are the same as what was approved in 2006. Building #2 has 5 units with 5 parking spaces with a handicapped parking space. The zoning tables have been updated on sheets 2 and 4. The building entrances and decks were also moved to match the architectural plans. The handicapped parking stalls have been added in front of units 8 and 9. The parking was increased to 17 spaces. A fire hydrant has been added to the south side of the intersection of driveway B and C. They are proposing to have 90 parking spaces in total. A14 color version of Sheet 4 of 24 was referenced. He showed 99 Spring Valley Road and it was colored and it has a number of 3 of 24. It is an enlargement of the site plan and includes the general notes and 99 Spring valley Road. The grading for the site has been developed to be considerate of the surrounding areas stated Mr. Hals. The block 1103 lot 5 has a steep slope. The challenges of the contours were presented by Mr. Hals. They meet the requirements for water reductions stated Mr. Hals and groundwater discharge. Sidewalks will only be done with in front of the development. They are proposing lighting within the development. The lighting is shown on page 17 of 24. They are only proposing lighting within the townhome development. It is single pole mounted lights, architectural features were shown on page 17 of 24. They are proposing light shields as well. Mounting height is 13 ½

feet. Light fixture will be placed at 12 ½ feet. The identification sign will be between the two driveways. They do not have a detail of the sign presently stated Mr. Hals. The lighting plan means the standard.

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Mr. Hals stated how they came to the 24 foot wide units. They went through many different types and sizes to fit the property. He believes that the 45 by 24 units is a proper density to the development. It provides adequate property buffers around. They made sure that there is enough driveway space so no ends of cars are hanging out. He believes that they have developed a project that provides a safe means to ingress and egress from the property. Emergency vehicles he believes can be accommodated.

He had gone over the existing zoning ordinances of Montvale and the ones that permit townhomes. They have specific design standards. He used portions of those ordinances in guiding him in laying out these townhomes. He tried to maintain 25 feet around the buildings themselves to the adjoining properties. The first thing he did was visit the site and he looked at the adjoining properties and tried to visualize the impacts would be. He then designed it to be sensitive to the neighbors stated Mr. Hals. To the south of the property is the Rockland Electric and Tennessee Gas vacant piece of property that cannot be developed. That property itself provides a substantial buffer between themselves and the next adjoining properties to the south. To the north is the townhouse development that is referred to as 99 Spring Valley Road. He didn't believe he needed to concentrate on the setbacks there. As you travel down north to south you will get the feeling that it is one continuance zone stated Mr. Hals. He tried to maintain an adequate setback along the frontage of Spring Valley Road. He was also sensitive to Stembrook Road to have an adequate buffer on those lots. Those are the properties where he increased the setbacks to the adjoining units so there would be adequate separation between the units.

The trash would collect in each individual home and then put out on garbage day. The zoning table was reviewed by Mr. Hals. They are looking for a Use Permit as they are not permitted in the R 40 zone or the B2 zone. They are looking for a density variance as well. They are also looking for a height variance. On building #1 it is 32.9 feet on building height. Building #2 is 32.8 feet in the R-40 zone. He went over the tables on sheet 24 of 24.

Mr. Hals went over his environmental Impact Statement it was marked as A6. EIS goes through the ordinance requirements.

A motion to open to the public was made by Mr. Teagno and seconded by Mr. Culhane. Mr. Lavis of Hilton Place came forward and asked if they could have met the setbacks with reducing the number of units. Mr. Hals stated he could have by reducing the size. He asked about widening the road. Mr. Hals stated it would be 35 feet wide from the center line of the road. There are two different driveways. He asked about the parking dedicated. Mr. Hals stated that there is only one unit which is affordable that will not and that may have a parking space.

A woman came forward asking about the runoff and drainage onto Spring Valley Road and they are referring to Lot 3 in block 405. She asked about a spring that runs down on it. It is on the right side of the easement. It is not part of this project. It floods into the street. Mr. Hals

stated that they will be reducing the rate of water flow on their property only but will be improving the runoff of what it is today. Mr. Hipolit stated he would take a look at it. No one else from the public wishing to be heard a motion to close was made by Mr. Stefanelli and seconded by Mr. Culhane.

Mr. Hipolit's review letter was marked as B2 dated February 2, 2018. Comments 1 through 10 are general and they have testified to those. Items 11, 12, and 13 are variance which they have outlined in overview and is identified in Ms. Green's letter. Page 4, Item # 14 was addressed as well as 15 and 16. He stated that revised plans need to be submitted with all of the corrections. The drainage system is tight stated Mr. Hipolit. They have some concerns on how tight the site is and how dense it is as well stated Mr. Hipolit especially with respect to the storm water drainage. He thinks at some point a meeting should be scheduled between Mr. Hals office and his in regard to stormwater drainage detail and how they will coordinate onto Spring Valley Road.

The retaining walls were discussed. Garbage and recycling will be privately hauled. They are providing a road wide easement on Spring Valley Road and he is not sure if the County is asking for it. He would prefer a road rededication. That encompasses the road and the sidewalk. Item 22 is a question about emergency vehicles on the site and off and it is very tight. It will require each homeowner to use their garage for cars and their driveways. Mr. Regan asked if the applicant would agree to a deed restriction where the applicant uses the garage for parking not only storage. Mr. DelVecchio stated he would have to talk to his client. Mr. Hipolit stated that there is no on street parking so where do people start parking if they use their garage for storage. Mr. Del Vecchio stated that they are well over the required number for parking. Mr. Hipolit disagreed. He stated that every townhouse development comes to the Mayor and Council for additional parking somewhere. Mr. Nowak stated he has no problem with the restriction. Retaining walls were discussed. Mr. Hipolit feels that the number of units is driving the need for the retaining walls. Drainage needs to be addressed between Mr. Hals office and his stated Mr. Hipolit. Comment #45 to #51 refers to drainage. Landscaping was addressed.

Chairman asked that both engineering firms meet together.

Questions from board members: Mr. Teagno asked about the site plan approval from 2007. Chairman stated that it wasn't a site plan approval it was a major subdivision approval. Mr. Teagno stated that it was for 6 single family homes and now it is 11 years later now it is a totally different application what and why the change. They are remaining the 4 lots but the two lots on Spring Valley Road would have been difficult to building those homes stated Mr. Hals because of the steep slope from Spring Valley Road to the driveways. The owner has decided that looking at the townhomes next and the easement and having townhomes across the street he believes it is a good site for these townhomes to be built. Also Mr. Del Vecchio stated that an additional lot has since been purchased on Spring Valley Road that was part of the original submission. It would not be a viable market for the building of those two homes stated Mr. Hals. Mr. Teagno stated that in 2007 it was a viable decision. Mr. Hals stated that a lot of things have changed since the original. Mr. Teagno asked are all the units for purchase including the affordables. Mr. Hals stated yes. Mr. Teagno stated this project includes the widening of the road and sidewalks. Mr. Hals stated that they do need to make the transition up to the property on the Rockland and Electric property. They do not have the right to go on

their property. what made the difference between buildings. He asked if there would be a continuance of the sidewalk all the way to the school. Mr. Hals stated only across their property. They do need to meet the elevation on the Orange and Rockland Easement portion stated Mr. Hals. He asked about decks and patios. They will be elevated and no concrete patio below. The deck heights vary from 2 feet to 5 feet.

Mr. Culhane stated sheet 1 note 4, on general notes. It doesn't reference the R40. Note on the bottom of the page also excludes the R40. Sheet 2, in the R40 zone is an easement and are they vacating it. He asked who owns it. Drainage easements they would need to ask the Mayor and Council to vacate the easement from the Borough of Montvale. No discussion has happened as of yet. Procedurally they would seek board approval then they would go to the Mayor and Council. Sheet 4 of 24 on line maximum lot coverage maximum lot coverage R40 30 and 32 percent. How was 32% calculated. Changes needed to be corrected. The roads and parking were not included. He believes it should be 51.5% coverage stated Mr. Culhane. Mr. Hals would have to get the right numbers and revise it. In the R40 for the side variance. Unit 1, has too numbers. The 12.3 feet are correct. Proposed entire site, parking requirements for visitor parking wasn't listed. Many numbers need to be corrected. Soil movement calculations were discussed.

Mr. Lintner asked about the reduction of variances. If the applicant would consider a suggestion he has building pad 1 and 24 and 18 if those three pads were eliminated along with the 580' affordable unit. You would end up with 16 market and 4 affordable. You would have a significant reduction in bulk variances. It seems to be logical solution. He stated he wasn't speaking for the board only for himself.

Chairman stated what he is understanding is that Mr. Lintner would find the project more acceptable if there were a lesser number of variances and he is offering his suggestion on how to reach that goal. No further questions. Chairman stated the public hearing will be continued to March 6, 2018. Mr. Del Vecchio consented to the time. It was carried to March 6, 2018.

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

A motion to adjourn was made by Mr. Stefanelli and seconded by Mr. D'Agostino. All in favor stating aye.

Respectively submitted by:

R. Lorraine Hutter, Land Use administrator