

<b><u>REGULAR MEETING OF THE MONTVALE PLANNING BOARD</u></b>
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<b>MINUTES</b>
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<b>Tuesday, April 3, 2018 - 7:30pm</b>
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<b>Council Chambers, 12 Mercedes Drive, 2<sup>nd</sup> Floor, Montvale, NJ</b>
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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.
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**PLEDGE OF ALLEGIANCE AND OPEN MEETING ACT STATEMENT:** Chairman lead everyone in the Pledge of Allegiance and read the Open Meeting Act Statement.

**ROLL CALL:**

Present: Mr. Culhane, Councilmember Curry, Mr. Fette, Mayor Ghassali, Mr. Lintner, Ms. Russo, Ms. O'Neill, Mr. Stefanelli, Mr. Teagno and Chairman DePinto

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

Absent: Mr. D'Agostino

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

**BOROUGH ENGINEER:** Mayor Ghassali showed some pictures of high tech transportation of an air zip line. Chairman said it was interesting but there are other ways that he believes it could be accomplished.

Mr. Hipolit stated that Flintlock paving will be done and landscaping within the next few weeks. They are not far from closing up and finishing. It is part of a condominium association.

**ZONING REPORT:** Mr. Fette gave his Zoning Report: The town did file a complaint in Superior Court against the Culhanes'. Mr. Voytus stated that we will be getting some pretrial hearing date soon.

He spoke about the tree removal from last year. A report was done. It was include in their packets for reviews.

**SITE PLAN REVIEW COMMITTEE:** no report

**ENVIRONMENTAL COMMISSION LIASION REPORT:** Ms. Russo stated that Mr. Hanrahan had come to the last meeting to give an update and there was no further update needed.

**CORRESPONDENCE:** placed on back table

**DISCUSSION: Review- An Ordinance to Provide for the Preservation of Trees on Residential Properties throughout the Borough of Montvale and Creating a New Chapter 119A in the Borough Code Entitled "Trees and Plants"**

Ordinance No. 2018-1445- Mr. Stefanelli stated that the first thing is the exemption. He has a concern on this that the exemption of the homeowner. He believes it needs work.

Mr. Teagno stated the charge was supposed to be a simple start. It doesn't affect the average homeowner unless you are doing construction.

Councilwoman Curry is fine with it as she doesn't think it over regulates the homeowner.

Mr. Lintner stated that this is for site plan applications or construction applications. If you are not applying for a permit.

He wanted to know what we are not seeing Demolition or Bamboo in the Ordinance.

Chairman believes it is addressing the tree removal but not demolition or bamboo. Mayor stated that the council is trying to not encroach on homeowners' rights.

Maggie stated it is a good start. Mr. Culhane stated he agrees.

Mr. Fette stated that we should be incorporating the tree removal plan into this ordinance. He believes it will be better. Mr. Stefanelli agreed. The planning board should recommend back to the governing body that they should incorporate the results of the survey and make it a requirement of the form in the building department.

Adopt as drafted or amend it later on or hold it for 30 days and add the results.

**APPROVAL OF MINUTES: None**

**USE PERMITS: None**

**PUBLIC HEARINGS(New): None**

**PUBLIC HEARINGS (CON'T) :**

**1. BLOCK 2504, LOTS 10 AND 11 - 13 COTTAGE AVENUE, LLC AND CYNTHIA RICH - 9 AND 13 COTTAGE AVENUE - VARIANCE AND SUBDIVISION APPLICATION** Richard Abrahamsen came forward.

Mr. Eichenlaub stated that they are looking to move the lot line to add 30 feet to the smaller lot. This will add 30 feet of lot width to lot 11, increasing the width to 80 feet and the area to 8,000 square feet. This will eliminate the building coverage and improve lot coverage. New Lot 11.01 will have a building coverage of 16.83% meeting the 20% standard. The improved lot coverage, which currently is at 47.22 %, will be reduced to 29.51%. New lot 10.01 will be in conformity with all applicable standards except as to the existing front yard setback. It doesn't meet the entire but eliminates 2 variances for lot and coverage areas. In creating the two lots the larger one is in conformity and the coverages in both building and remain within the zone. There is non-conformity by the rear deck. The deck does encroach into the rear yard setback. Minor Soil Movement through the building department. Existing sheds will be removed. They will be removed before completion stated Mr. Eichenlaub. The plans were marked as A1 at the last meeting. The new revised plans dated March 22, 2018 were marked as Exhibit A3. The Minor Subdivision plan prepared by Peter C. Kirch, PLS with a revised date of April 3, 2018 was marked as Exhibit A4. A seepage pit is shown on the Plot Plan to be located in the north east section of Lot 10 with a capacity for a one hundred year storm. No new improvements for Lot 11 are being proposed at this time. Mr. Hipolit's review letter dated March 29, 2018 was marked as B1. Mr. Hipolit testified that the new plans address the inconsistencies that were noted before. He stated that the seepage pit calculations are acceptable and that a minor soil movement permit will be required.

Mr. Steve Lydon, planner for the applicant came forward. The variances were discussed. He spoke about the elimination of several nonconforming conditions which exist on Lot 11. In addition to Lot 11 being brought into

conformity as to the building and improved lot coverages as noted, the existing deficient combined side yards of Lot 11 will be 25.8 feet where 30 feet are required will increase to 55.8 feet. There will be 3 nonconforming conditions on Lot 11 which will be eliminated without creating any new variances. In Mr. Lydon's opinion, both the position and negative criteria for granting the variance relief are met by the Subdivision Plan. There will be no negative impacts.

The positive criteria for the ancillary variances is that the transfer will reduce the non-conformity of Lot 11 bringing it closer to zoning compliance stated Mr. Lydon. This will be accomplished without creating any zoning non-conformities in Lot 10. Moving the line will make the lots both more harmonious of the neighborhood. The variances can be granted without substantial negative impact to the public good and can be granted without substantially impairing the intent of the zoning ordinances and the Master Plan. The subdivision and variance should be granted stated Mr. Lydon. Ms. Green went over the variances. She noted the following pre-existing non-conforming conditions exist on the site. They are eliminating two existing variance. Ms. Green's review letter dated March 29, 2018 was marked into evidence as now. Architectural plans were marked as A5 prepared by Mr. Giammarino with a revised date of December 4, 2017. It was noted that the architectural would need to be revised to correct several errors. In addition the Plot Plan and Minor Subdivision Plan will both be revised to eliminate several inaccuracies that were reported by Board Members, Engineer and Planner. Also marked into evidence were the Police Report as B3 and the Fire Department report as B4.

Open to public Mr. Stefanelli and seconded by Ms. Russo. No one from the public present a motion to close was made by Mr. Stefanelli and seconded by Mr. Lintner with all in favor stating aye.

Mr. Abramson believes there is no negative impact and asked the board to vote in favor.

The Mayor and board members stated it is a well thought out plan and an improvement to the neighborhood.

The meeting is being carried to April 17. Mr. Abramson will have revised plans submitted with all the corrections. A motion was made by Mr. Lintner and seconded by Mr. Stefanelli to have the board attorney prepare a resolution of approval for the next meeting. A roll call was taken with all present voting aye.

## **RESOLUTIONS:**

- 1. RESOLUTION GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL, VARIANCE RELIEF, A MAJOR SOIL MOVEMENT PERMIT, AND A WAIVER FROM REQUIRING THE SUBMISSION OF AN ENVIRONMENTAL IMPACT STATEMENT TO RICHARD QUEEN FOR PREMISES DESIGNATED AS BLOCK 2408, LOT 26-** Mr. Regan went over the changes. Page 9 had a correction. A motion to approve was made by Mr. Stefanelli and seconded by Ms. Russo with all in favor stating aye. Ms. Curry and Mayor couldn't participate as it was a "D" Variance.

**OTHER BUSINESS:** Mr. Lintner asked about Sharp and the Gas Station not finishing the project. Mr. Fette stated the gas station was issued a summons on storing material. Sharp they have some landscaping to do and they were waiting on the landscaping. The screening they have decided not to do it and the landlord has items that they still haven't complied with it and they are also planning for the warmer weather. We had approved the screening how do they not do it. We have advised them that they will have to reappear back to the board for the change. Just because there are monetary issues it is not our concern. We are waiting to hear back from them. We made a recommendation that no bond be returned until all items are done. Mr. Fette stated there are a lot of site issues.

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

**ADJOURNMENT:** A motion to close was made by Mr. Stefanelli and seconded by Mr. Teagno with everyone stating aye.

**NEXT REGULAR SCHEDULED MEETING – April 17, 2018**

**Respectively submitted by:**

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