

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Minutes

May 1, 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.

ROLL CALL:

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

Absent: Ms. Russo

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

MISC.MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER: none

ZONING REPORT: Ali Enterprise – Mr. Fette had issued a violation for storage of building material. They are getting rid of trusses.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Ms. Russo not present.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli gave his report. Bellissimo Restaurant will be seeking a fence permit. The property at 31 Turkeille will be coming for a Variance Application as he has an overage on size for the foundation. Luke Oil on 105 Spring Valley Road will be coming back, they are looking to replace the pumps and lighting on the site. They need to clean up the site per the committee. Hoffman Residence is looking for a front yard variance they will be coming in front of the board for a variance application. Chestnut Ridge Shopping Center came for redoing the parking lot and adding two pads a Starbucks and Cava Restaurant. They are going to rework the circulation and come back to the committee.

CORRESPONDENCE: on the back table.

APPROVAL OF MINUTES: March 20, 2018 a motion to approve was made by Mr. Lintner and seconded by Mr. Teagno. A roll call vote was taken with Councilwoman Curry and Mayor Ghassali abstained and all others stating aye. April 3, 2018 a motion to approve was made by Ms. O'Neill and seconded by Mr. Teagno. Mr. D 'Agostino abstained and all others voted aye.

The November 20th, 2017 minutes were corrected.

USE PERMITS: Block 1901 Lot 5-Quality Facility Solutions, LLC-180

Summit Avenue (7037 sq..ft.)-Aryeh Pomerantz, Esq. represented the applicant Benjamin Stern. Mr. Regan swore in the witness. Chairman read the application into the record. Zip Codes were provided. Mayor thanked them for choosing Montvale. Mr. Stern stated that they do a lot of building maintenance of other buildings in the Bergen area. Change dates from Monday to Friday. Mr. Stern gave a summary of the use. He is the CFO of the company. It will be used for office spaces for managers to come and do their business. There will be no

supplies stored at the site. They drop ship the supplies directly to the specific buildings. There will be no outdoor storage. Vehicles are not permitted to be stored in the zone. The company is a facilities maintenance-carpet cleaning general cleaning, restoration company. Work is done out in the field. They are the contract purchasers of the building as well. They have another corporate office in Brooklyn. There will be no vehicles will be parked on the property stated Mr. Stern. Mayor asked about the 23 rooms and only 10 employees. Mr. Stern stated that there will be rooms that will be empty. It was stated on the record that the reason why the large area of space at least 51% of the building that they are occupying is required by the loan company that they are financing the building with. They now have 5 people now but believe they will have 10 people who will actually be occupying the building. A motion to request the board attorney to prepare a resolution to allow the applicant to seek a certificate of occupancy to utilize the subject premises for the stated uses and any changes to the use. A motion was made by Mr. Culhane and seconded by Mr. Stefanelli with a roll call vote be taken with all stating aye. Chairman welcomed them to Montvale.

DISCUSSION:

PUBLIC HEARINGS

(NEW):

Borough of Montvale Housing and Fair Share Plan 2018- Ms. Green was sworn in by Mr. Regan. Chairman thanked Ms. Green and Ms. Hutter for their hard work in preparing the document. The document is 971 pages. Fairness hearing was held on January 25th. The order was received on February 12th that approved the series of settlement agreements that the Mayor and Council and Planning Board would enter into and they gave us 120 days to write the housing plan but all the documents that have been adopted by the Planning Board and Mayor and Council. Ms. Green referred to Page 5. There is a three part obligation. The first component is the Rehabilitation. They are not deed restricted units. Existing homes that are require needed work, hot water heaters, roofs, etc. Our obligation is 5. Total round RDP of 188 units with an unmet need of 67. The third round obligation, 542 and once again the borough sought a vacant land adjustment; however, this one was a little different. The courts had taken over the affordable housing litigation the way that they looked at vacant land was different. In the previous round it was purely vacant and undeveloped land, in this round they looked at what could redevelopment that could produce affordable housing. That changed our analysis and we ended up with a vacant land adjustment of 181 units. The sites that were included were on page 6. Next for discussion was Chapter 9 of page 32. It shows all the minimum and maximum obligations. Page 34 lists the credits. Montvale has been so proactive in its affordable housing that we have over 200 credits on the ground today. The first 4 were RCA's. The credits were discussed by Ms. Green. Page 41 showed the proposed mechanisms.

We have a 5 unit Rehabilitation. Rehabilitation Program will be run by the Borough. The Borough has allotted \$125,000 from the affordable housing trust funds to use. The program will be advertised and if no one approaches us and the monies are not utilized we will not be penalized. We need to make the program available. There are three prior round mechanisms. The first one is the DePieros Property. An

approval for proposed DePiero Summit Avenue 2 story building containing 32 units. The borough has received title to both lots on Summit Avenue. We have started a dialogue with United Way. They provided us with a concept plan and other documents. Documents were attached. Page 43 there was a change. United Way's plan has a different bedroom distribution stated Ms. Green. The first change in the third paragraph, the second sentence would be struck and replaced with "28 of the units will be one bedroom age restricted and one building will be a 4 bedroom group home. It would be a mixture of seniors and a 4 bedroom group home. On page 46, it needs to be changed to that it is an aged restricted. The Alexa received 3 approvals and there will be 18 affordables in that complex and we will receive 13 rental bonuses. The other one is 127 Summit Avenue, the left over land from the Montvale Reserve development. It is currently zoned for AH6 and based on the remaining vacant and development acreage, we believe that 13 affordable units can be built there. When you add them up it totals to 63 credits, 13 bonuses for a total of 76 credits. When you add that to our existing credits that are on the ground today, that totals 279. We have a 24 unit surplus from the prior round that we are carrying forward and applying to the 3rd Round RDP. There are a total of 7 mechanisms that are allocated to the 3rd Round RDP. Page 48 was referenced with School #2 which is currently under constructions. It will supply 10 units of seniors and 4 units of special needs housing. The total will be 14 credits. Page 49, 99 Spring Valley Road, will provide 2 affordable units, the 7th Franklin Avenue for a multi-family which will provide 3 rental affordable units. The next is 110 Summit Avenue, an amendment to the code was done for assisted living and 10% of the beds will be for affordable housing. Pike Development has approached the Borough to construct an assisted living facility and provide us with 25 affordable units as part of their complex. That will be 25 credits. Page 55, the A&P property which is now under contract by Toll Brothers, which was an intervener for our housing litigations which the Borough has settled with. This will generate 80 townhomes of which 16 will be affordable housings. There are two changes. The bullet point of that the property has an office building on it needs to be changed as they have demo the building. The site was previously developed the sentence reads. In the bullet point below that it was changed to read it was the former site for the A&P headquarters and the rest was stricken. The next mechanism was the Mercedes Benz site which was the second intervener which the borough has settled with. The settlement will allow all three properties previously owned by Mercedes to be redeveloped with a mixed-used development with a maximum of 350 multi-family units. If they maximize the units there will be 53 affordable rental units will be required on the properties in total. Page 59, The Sony headquarters which was also an intervener was settled. It will allow for 185 multi-family units, and a maximum of 37 affordable units for rent. Page 61, the sum is 174 credits, 46 bonuses for a total of 220 and add that to what is existing on the ground makes it 226. Subtracting the RDP of 181 credits leaves us with a surplus of 45. The surplus is purposeful and is called out specifically in the settlement agreement. Ms. Green stated because Montvale is a desirous place we want to build in an insurance policy in case someone came in now and between the end of the third round in 2025 who wanted to redevelop their site and this will serve as some protection.

Page 62, discussed the unmet need of the overlay.

Page 69 has all the totals. Ms. Green moved on to the Spending Plan. The Plan states how we are proposing to spend the existing dollars and the projected affordable housing dollars that we anticipate to collect between now and 2025. The trust fund balance was a little over a million dollars. We anticipate that \$440,000 is going to come in between now and 2025. That is a purposefully low number stated Ms. Green as she didn't want to over project. Page 3 describes how it will be spent. There is a rule that says you have 4 years from the date you have collected it to spend it or risk losing it. The Rehabilitation Plan is \$25,000 per unit and we are obligated to rehab 5 units bringing the total to \$125,000.00. Second mechanism is new construction project which we have donated \$80,000 to school number 2 which has been allocated already by the Mayor and Council. The third, the Borough has agreed to dedicate up to \$50,000 to assist a group home provider who is looking to locate in Montvale. It has to be spent on affordable housing. The fourth, is a Marketable Affordable Program. This takes existing units within the borough purchases the unit, and places a deed restriction on the unit and then sells it. We are specifically looking at the Rolling Ridge Complex. Recent sales in that development had been for \$150,000 to \$235,000. They are reasonable stated Ms. Green. Then it would generate an affordable housing credit. The fifth, is a mandatory requirement in any spending plan which is affordability assistance. A minimum of 30% of the revenue that we collect has to be used for this assistance. It was the determination of the COAH Committee to spend this first on existing Montvale residence. The first would be rental assistance. We pay the rent. \$120,000 is set aside. We backed into the number because there are 56 affordable rentals existing within the community and that translates to about \$2,000 a unit that could be either a one time or multiple payments of help. The next is the HOA assistance where we have 42 existing for sale and we have set aside \$84,000 which translates to \$2,000 per unit. The next is green building strategies. This is specifically to do one or more solar panel installations on existing 100% affordable developments. We are reserving a \$100,000 for solar panels to bring the utilities bills for affordables. The last one is the conversion of moderate to low income units. We have \$375,000 to fund the conversion of moderate to low at the DePiero units. We are unable to do all moderate because of the requirements in our settlement agreement, so in order to help with the funding short fall we are going to convert some of the moderate to low income units to meet the requirements of the settlement agreement as well as the UHAC rules and also help a great development come to fruition. The next is the administrative expenses. It is capped at not to spend more than 10%. These funds are used to pay the attorney, planner, engineer, land use administrator; anyone looking to advance the affordable housing programs. We are capped at \$170,000 between now and 2025 stated Ms. Green. Page 8 is a rough time line on how the funds will be spent. They are estimates. Page 10 is a summary. Section T is for the overlays. We are creating a new section in the zoning code that would group all of the overlays stated Ms. Green. The mixed use inclusionary use 1 is the Annie Sez site, mixed use inclusionary 2 is the west side of the train tracks and missed use inclusionary 3 is the east side of the train tracks.

Questions from board members: Mr. Lintner stated a tremendous well done job. He also commented on her explanation of it gave a real simply explanation in understandable terms. He asked about the administrative funds looks lean to last us to 2025. Mayor Ghassali stated a great job. All of the board members were grateful

for the simplistic explanation in very understandable terms. Mr. D'Agostino stated if they do not meet the numbers spent what could happen. Ms. Green stated that there was a law passed that stated you need to spend the funds within 4 years of collection. Otherwise the state will take the money. Mr. D'Agostino and do what with it. Ms. Green stated that the legislation claimed that it would go into a Regional Affordable Housing Trust Fund and be redistributed in your region. Ms. O'Neill asked about the marketing plan and where they are advertising it. Ms. Green stated that it is a template document and we are required to advertise in every county in our region. Our administrative agent, Mr. Piazza selected the public library where it would be able to be obtained from. Ms. O'Neill stated even though they didn't go over the demographic section she enjoy the report. Mr. Teagno asked about the working on the covers of the document. Ms. Green stated that the verbiage was taken from the special masters report to the court. He worded it that way. It states in the court documents that The Spending Plan needs to be approved. It is usually just the Mayor and Council. The Housing Plan must be approved by the planning board stated Ms. Green. Mr. Regan stated although there are projects listed in the report that have not yet come to the planning board it doesn't obligate the planning board. They still need to come to board for site plan approval, and any other variances or soil movement, etc. We are only voting on the plan. Wording was changed to read application review. They need to comply with the zoning ordinance stated Mr. Regan.

Page 71 was discussed. Mr. Fette asked about 127 Summit Avenue. Under Uniform building Housing control, there are regulations of how many bedroom distribution. The bedroom distribution sometimes is looked at cumulatively. It is one of the many rules that we need to comply with stated Ms. Green.. The overlay zones is for future development. The overlay zones were discussed.. Rolling Ridge there is a restriction on the percentage and can only be rented.

How do you protect the borough? How many can be rentals. The POS and see if there are there.

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. Lintner and seconded by Mr. Culhane.

1. Resolution Borough of Montvale Housing and Fair Share plan 2018

Chairman stated dealing with the Housing Plan first he asked for a motion.

A motion to introduce the resolution was made by Mr. D'Agostino and seconded by Ms. O'Neill with all stating aye.

2. **Resolution Spending Plan-** Chairman asked for a motion of approval. A motion was made by Mr. Culhane and seconded by Mr. Stefanelli with a roll call vote of all present stating aye.

A 10-minute break was taken.

Block 3102, Lot 1.01 & Block 2701, Lot 2-KPMG-3 and 75 Chestnut Ridge Road-Amended Site Plan-Lighting- Mr. Del Vecchio came forward. He gave a brief summary. The property has received approvals, February 2017 for the Winebow building and an approval in October of 2017. They are here for the amendment of the lighting approval. The site lighting should be further improved. SNS was hired and to take lighting and seek approvals for the lighting. Mr. Napolitano, Ms. Green and Mr. Hipolit were all

sworn in by Mr. Regan. Mr. Napolitano came forward and gave his summary of increasing the site lighting. They spent three or four evenings in January and February and they took actual foot candle readings with light meters. They took foot candle readings on the 20 feet on center. They met with the security people and discussed where improvements could be improved. Some of the existing lighting is the old PSG will be replaced with the new light fixtures. There are 28 new fixtures to be installed. There is no new lighting proposed on the east side. The light poles are 25 feet above grade. On the drawings there are two trees adjacent to be trimmed up to put the one light in. Mr. Hipolit's review letter was marked as b1 dated April 25, 2018. Mr. Hipolit stated the tree trimming needs to be memorialized in the resolution. Mr. DeBlasio from Maser will be consulted. He wants a certification from the office of Mr. Napolitano. What is the time frame for the replacement within 8 to 12 weeks stated Mr. Del Vecchio. There are no building lights on the east.

Ms. Green's letter was marked as B2 dated April 30, 2018. B3 April 23, 2018-Montvale police department. B4 was the review from the Montvale Fire Department.

The board has two options to approve it out right or direct the board to have the planning board give direction to have the board attorney prepare a resolution of approval for the next meeting.

A motion to open to the public was made by Councilwoman Curry and seconded by Ms. O'Neill. No one from the public wishing to be heard, a motion to close was made by Mr. Stefanelli and seconded by Mr. Culhane with all in favor stating aye.

Chairman asked for a motion to have the board attorney prepare a resolution of approval. A motion was made by Mr. Teagno and seconded by Ms. O'Neill with all stating aye.

Block 201, Lot 3-Lawrence and Tania Pinto-121 Upper Saddle River Road-Minor Subdivision Application-carried to May 15th, 2018

RESOLUTIONS:

3. **Block 703 Lot 7-Valley Medical Group- 137-139 Kinderkamack Road-(16,000.sq.ft.) Chairman read by title only. Changes were gone over.** A motion to approve was made by Mr. Stefanelli and seconded by Councilwoman Curry. A roll call vote was taken with Mayor Ghassali abstaining and all others stating aye.

PUBLIC HEARINGS (CONT):

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-Councilwoman Curry and Mayor Ghassali stepped down from the dais as this is a "D" Variance. Mr. Del Vecchio came forward and marked into evidence Stonefield Engineering Supplemental Traffic Operation Memorandum was marked **A20**. Frank Filiciotto came forward to give testimony. He went over his April 20th supplemental

memo. The first thing they took a closer look at the intersections of Spring Valley and Summit. They performed detailed peak hour counts on April 17th. During the peak hours there are over 2,000 cars that travel through that intersection. They were able to confirm the levels of service at the intersection and to determine what this project would have at this site stated Mr. Filiciotto. The morning was a C Level and evening counts were a D level. They compared the levels to the Maser study that was done in 2013 for the intersection improvements that are now at the location. It has the same level of services that they had found. The intersection is operating at the level of services that Maser predicted back in 2013. Based on the amount of traffic that they are projecting to add, they are looking to add no more than 20 trips from this development. Mr. Filiciotto went over the rest of his letter. **A21** is the revised plan dated April 6, 2018. **A22** was marked from Schwanewede/ Hals Engineering dated April 6. **A23** was marked as The Drainage Calculations dated with a revision date of April 5, 2018. The Stormwater Management Facilities Maintenance Manual was marked as A24. Mr. Stefanelli asked about the service level on the road and for the additional 80 units coming on from the Alexa. Mr. Filiciotto told Mr. Stefanelli that is operating at an acceptable levels during peak hours that were actually found by Maser Consulting. There have added turning lanes and he doesn't call it over saturated he calls it acceptable for this portion of the road. Mr. Hipolit stated that the redesign of the development was included in the Maser study. He has a concern as it is only a two lane road and there is no shoulder or curb or sidewalks. South of Summit Avenue and north of Grand Avenue is a concern stated Mr. Hipolit. He believes there maybe site distant issues. Mr. Stefanelli has a concern that there are no turning lanes throughout the stretch of the county road. Mr. Hipolit stated that a conversation may be warranted with the county. The turning in and out and a conversation with Mr. Del Vecchio stated that they will look at it but that they are providing a sidewalk in front of the property. Mr. Hipolit asked if he could have some testimony on the driveways with the dual access and one with it being aligned with the one across the street. Mr. Filiciotto stated that they do have enough access of road frontage to have two driveways on a county road. It puts them in a 100 to 200 ft. range where two driveways are permissible. They are also more than 500 feet from a signalized intersection so the availability of gaps where the cue backs up during peak hours but it also clears, the availability of gaps is there because you are so far from the intersection stated Mr. Filiciotto. The two driveways give the residents of the development flexibility as well. He sees a compliant design in regard to Bergen County standards stated Mr. Filiciotto and you have good site lines. Mr. Hipolit asked why would you make the northern driveway rights out to head north and the southern driveway to head south. Mr. Filiciotto stated he believes that people will figure out the best way naturally. Mr.

Hipolit stated that the county has no plans on doing any widening along there because we don't have everyone's easement. This site is giving an easement but there are issues along this roadway. Mr. Hipolit stated that it becomes a problem with parking and there is no parking on the street. Mr. Del Vecchio stated that they can restrict the movement. He will have his professionals take a look at it.

The colorized version of sheet 2, dated April 6, 2018 was marked as **A25**. Mr. Hals came forward to go over the changes. They had previously reduced the number of units. The unit count is 16 market rate units and 4 affordable units. The single family section off of Deepwood Lane is 4. They increased parking spaces to 23 on the site. They increased the landscaping. They are widening the length of the road in front of their property. On Deepwood Lane they are proposing some drainage improvements. They will obtain approvals from Orange and Rockland and Utilities. They have a stock pile site for top soil and they need to move it on site. They changed the soil movement calculations. Soil Movement calculations were discussed. For the townhouses they plan on cutting 4841 cubic yards of soil; to the houses 1315 cubic yards; the fill for the townhouses will be 2755 cubic yards and the fill for the houses is 1175 cubic yards the total is 10,086 cubic yards. They will excess of soil of 2086 cubic yards of soil coming off the site. That translates to approximately 140 truckloads to be moved for the site grading. In terms of the houses, there are a total of 140 cubic yards approximately 10 trucks. Ground lit sign which will be double sided. The sign will be constructed of natural stone. They will provide a hold harmless in regard to the drainage easement.

Stormwater will be maintained by the home owners association. In regard to the sidewalk, south where the Orange and Rockland Easement is about 6 feet higher than it self and they need to bring it up to get to the grade. The slope will exceed the slope of 15%. There is a sidewalk there today and they will be flattening it and it will be improved a little bit. The note will be removed from the plan about the sizes of the deck. They are proposing a maximum size of 10 ft. by 12 ft. They supplied a coverage calculation of the maximum stated Mr. Hals. They will not be providing stairs to the outside grade. Mr. Regan stated he would want language that says the maximum includes the stairs in the coverage if they make the deck smaller.

Chairman opened the meeting to the public. A motion to open to the public was made by Ms. O'Neill and seconded by Mr. D 'Agostino. Chairman stated that it was the time to ask questions of the design engineer, traffic engineer or our professionals.

Ms. Mary Cotter of 76 Spring Valley Road came forward. She was sworn in by Mr. Regan. She asked about the decks abutting the 99 Spring Valley Road.

Mr. Hals didn't have that information. A motion to close the meeting to the public was made by Mr. Stefanelli and seconded by Mr. Teagno with all in favor stating aye.

Mr. Hipolit went over his review dated April 27, 2018. IT was marked as **B5**. There is a concern for public areas. Mr. Culhane had issues with the numbers not adding up correctly by Mr. Hals. Mr. Hals will have them corrected on the plan.

Chairman asked if the plans will be revised to see if they can reduce the variances requesting. Mr. Del Vecchio stated they would take a look at it.

Chairman made the announcement that this public hearing is carried to May 15th. With no further notice required by the applicant.

Other Business-none

Open Meeting to the Public- A motion to open 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 Ms. O'Neill and seconded by Mr. Stefanelli with all stating aye.

Adjournment- A motion to adjourn was made by Mr. Lintner and seconded by Mr. Stefanelli with all stating aye.

Next Regular Scheduled Meeting: May 15, 2018

Respectively submitted by:

R. Lorraine Hutter, Land Use Administrator