

**MINUTES**  
**MONTVALE PLANNING BOARD**  
**Tuesday, June 5, 2018 at 7:30PM**  
**Municipal Complex, 12 Mercedes Drive in Council Chambers**

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 called the meeting to order at 7:40pm and led everyone in the Pledge of Allegiance. Chairman read the open meeting statement.

**ROLL CALL:** Mr. Lintner, Mr. Teagno, Mr. Culhane, Councilwoman Curry, Mr. D'Agostino, Ms. Russo, Ms. O'Neill, Mr. Stefanelli, Mayor Ghassali, and John DePinto, Chairman

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

**ZONING REPORT:** none

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Ms. Russo said she missed the last meeting but would give an update at the next meeting.

**SITE PLAN COMMITTEE REPORT:** Mr. Lintner gave the report. Six applicants came to the committee.

- UB Chestnut Ridge Shopping Center will be amended their site with two restaurant pads.
- TB Bank wants to do some upgrades. We mentioned to them that an approval of removal of the soil which was not done was granted. He is going to look into and get back to us.
- Tempesta- 10 Walnut Street and Pine St- back to back lots so the applicant has the right to build a house on the lot there is no need for a subdivision.
- Shoppes at DePiero's for Window wraps. They will go through the building department and be granted under temporary events for the same fee.
- One Magnolia Avenue-Use Variance Application-It was determined that a Use Variance was not needed and the applicant could go directly to the building department. Applicant would like to make a catering business with kitchen on main floor and office upstairs. The committee asked that the shower be removed and the spiral staircase.

**CORRESPONDENCE:** Placed on the Back Table

**APPROVAL OF MINUTES: May 1, 2018,** A motion to approve Ms. O'Neill and seconded by Mr. D'Agostino. Ms. O'Neill was omitted from the roll call the record was corrected. A roll call vote was taken with Ms. Russo and Councilwoman abstaining and all others voting aye.

**May 15, 2018** a motion to introduce was made by Mr. Stefanelli and seconded by Mr. Culhane. A roll call was taken with Councilwoman Curry and Ms. Russo abstaining and all others stating aye.

**USE PERMITS:**

**DISCUSSION:**

1. **Ordinance Draft Review/Recommendation-An Ordinance of the Borough of Montvale Amending and Supplementing Chapter 128 "Zoning" To Prohibit Marijuana Establishments & Vapors Establishments-** Mayor stated the Borough wants to adopt this that it includes smoke shops. Surrounding towns are adopting similar ones Woodcliff Lake just adopted their ordinance this. Hookah Bars would be included. Mr. Regan stated Upper Saddle River will be adopting one as well. This prohibits stores from commercially sell marijuana. A discussion ensued between the members. Some members had a concern of prohibiting vaping. Mr. Stefanelli asked what about medical

marijuana. Mr. Regan stated that is an exception and is allowed. Mr. Stefanelli stated that we do not have that in our ordinance either. Chairman stated that if they are going to include it in Chapter 128 it should be more specific to permitted uses within the zone. In the B1 and B2 zone it basically says where goods and services are sold or rendered. It gives examples. That is where it should be included stated the chairman. If you want the police to enforce it then it should be put in that section. Mr. Regan stated that he would make the recommendation for all zoning districts the prohibition, then it is qualified under chapter 128. The vapor provision should be excluded stated Mr. Regan. Ms. O'Neill had an issue that it states that it is looking to ban it because of health and safety issues but that nothing else is being banned that deals with public health and safety such as alcohol. Upper Saddle River and Midland Park have done it as well. Mr. Stefanelli would like to restrict or ban a marijuana dispensary for medical purposes or can they restrict he asked. Mr. Stefanelli would like to get ahead of curve and have it added. It should be added to "B" and a definition of a marijuana dispensary Mr. Regan stated. Ms. Green asked if extraction could be added as well in the content. Manufacturing doesn't cover extraction of marijuana. The Chairman asked if Mr. Regan could reach out to Mr. Voytus for more clarification and if some of the wording could be changed. This will be carried to our next meeting.

- 2. Planning Board Agenda Packets-discussion-** The Council has asked the planning board to upload their entire agendas. A discussion ensued where people have a concern of plans being upload of homes and buildings. Ms. Hutter stated for security reasons since 9/11 they are not allowed to make or give copies of plans as they are copyrighted. They can give the title block to the request and they can go directly to the engineer or architect for them. Also it was discussed that having someone's site plan up on the website for everyone to see where entrances, bedrooms and exits are could be a security risk for that homeowner or building owner. It was decided that the agenda, application only, use permits and resolutions would be uploaded and that they would try it out for six months. An applicant is has the right to come before the board and present a case in a quasi-judicial forum and they have to set forth all of the reasons that the statute requires them in order to get their approval. If you prejudice that case by communicating that information before it is fully and formally presented to the board you deny the applicant their rights.

It was also recommended that a disclaimer be put on the agenda that the public be aware that any communication in connection with an application before the planning board must be done at a public hearing. It is a board members responsibility to know that and that they should not be discussion any application that is pending before the planning board. If you are approached you clearly have to say that you are not permitted by statute to discuss an application outside of the public hearing forum. Councilwoman Curry would like it placed on the website on the agenda.

- 3. Planning Board Meetings Being Televised-discussion-**The recommendation of being televised was discussed by board members. It was decided to send the recommendation back that the planning board members do not want it to be televised for the following reasons: difficult to follow as applications are carried not always to the next meeting; not all applications finish in one night. It was all stated that there is a difference between a mayor and council and planning board. Mr. Teagno stated that they are not elected officials. He also believes that they wouldn't be able to have an open discussion as they just had if they were on camera. Ms. Russo agreed with it. Councilwoman Curry, Ms. Russo, Ms. O'Neill, Mr. Teagno, Mr. Stefanelli, and Mr. Lintner were all no. Mayor was a yes and Chairman DePinto stated that he doesn't have a problem with it but shares Mr. Stefanelli's concern of no application gets done within one meeting and trying to follow a meeting that is carried for a month is

difficult. The cost was discussed as well. Mr. Regan asked is there a public outcry to have these meetings televised? Ms. Hutter stated that in her years of being here there has been no requests. It was also stated that on many occasions they don't even have a public in the audience. It was decided that the board did not want the meetings televised.

**PUBLIC HEARINGS (NEW):**

1. **Block 505 Lot 3 - Jacovino-31 Terkuile Road- Variance Application-at the applicants request be carried to June 19th, 2018. No further notice is required stated the chairman.**
2. **Block 201, Lot 3-Lawrence and Tania Pinto-121 Upper Saddle River Road-Minor Subdivision Application-** Chairman stated at the applicants request this hearing is carried to June 19th, 2018 no further notice is required.

**PUBLIC HEARINGS (CONT):**

1. **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-** Chairman stated at the applicant's request this application is carried to June 19, 2018

**RESOLUTIONS: none**

**Other Business-Mr. Stefanelli stated that the shopping center monument sign where Annie Sez used to be looks great along with the landscaping. Everyone agreed. Special Meeting has been scheduled for June 21st for Pike Predevelopment on Summit Avenue and another special Meeting for June 30th for Triboro Square.**

**Open Meeting to the Public-no public present**

**Adjournment- a motion to adjourn was made Mr. Stefanelli and seconded by Mr. Teagno with all stating aye.**

**Next Regular Scheduled Meeting: June 19, 2018**

**Respectively submitted:**

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