

REGULAR MEETING OF THE MONTVALE PLANNING BOARD
MINUTES

Tuesday, October 20, 2020 – 7:30 PM
Council Chambers, 12 Mercedes Drive, 2nd Floor, Montvale, NJ

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 10:00 PM 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. **HTTPS listed below are the documents for each application that you can view on line.**

PLEDGE OF ALLEGIANCE AND OPENING PUBLIC MEETINGS STATEMENT: Chairman DePinto

opened the meeting at 7:30 PM and lead everyone in the Pledge of Allegiance and read the Open Public Meetings Act Statement.

ROLL CALL:

PRESENT: John Culhane, Councilmember Curry, Jeff Fette, Mayor Ghassali, William Lintner, Frank Stefanelli, Dante Teagno, Robert Zitelli, Theresa Cudequest, Chairman DePinto

ALSO PRESENT: Robert Reagan, Board Attorney; Andrew Hipolit, Borough Engineer; Darlene Green, Borough Planner

ABSENT: Maggie O'Neill, Javid Huseynov

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

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli - Reported that there was a meeting last night about recycling and the drainage of Huff pond. The county is working on approving the plans on that and once those plans are approved then they will expect that to happen the end of November. Also, plastic bag recycling continues.

SITE PLAN REVIEW COMMITTEE REPORT: Mr. Stefanelli - Reported that Montvale Market will be putting new signage up one in the front of the store and one in the back of the store as you're going East. He will be drawing a plan and submitting it as an application to the planning board. The second item is 7 Franklin Avenue, which is getting close to opening up the building. He was looking at putting an office in the basement with storage. They didn't see a problem with it and they will continue to move forward with this application.

CORRESPONDENCE: Placed on the back table.

APPROVAL OF MINUTES: None at this time.

DISCUSSION: Mayor Ghassali stated that with the number of COVID cases going up, they are working with the state and the surrounding towns to possibly go back to zoom meetings for the Mayor and Council/Planning Board meetings in the near future. They are waiting for guidance in the next 2 weeks from the county and state. But as of now, we can continue to do in person meetings. Currently Pascack Hills and Pascack Valley are not in school due to COVID cases.

USE PERMITS: None

PUBLIC HEARINGS (NEW):

- 1. Block 108 Lot 6 - Thomas J. Caleca - 110 Upper Saddle River Road - Zoning Variance Application- A new 4 car Attached Garage requiring a rear yard setback and roof height.**

Bruce Whitaker represented the applicant. The applicant is looking to construct a 4-car garage with two variances – one variance for the rear yard setback and one variance for the roof height. Looking to build a 4-car garage on a single-family home. He wants to use the current garage for storage. William Brown architect came forward. Plans were marked as A1. It is an irregular shape with the rear yard line at an angle and the way the house is situated creates the necessity of the variance. The variance is 44.7 feet and the rear line travels out. The addition in the yard would be 40 feet. The rear yard will now be a side yard to alleviate the variance. The rear yard setback line travels out to the right. It is not perpendicular to Saddle River Road.

The second variance they are seeking is for the roof height of the garage. They are seeking a higher peak of the roof for architectural symmetry. The roof height that they are looking for is 32.11 ft high – they are over by 2.8 feet for the ridge of the roof. They are matching the roof over the garage with the other peaks of the house to match the design of the rest of the house. October 20th, 2020 review letter of Mr. Hipolit was marked as B1. Amended 500 to 750 none higher. A plan by William

Brown from Brown Architects is included. Ms. Green's letter was marked as she stated to swap the rear and side yard to eliminate the rear yard variance. Motion to open the meeting to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. No one from the public wishing to be heard a motion to close the meeting to the public was made by Ms. Cudequest and seconded by Mr. Stefanelli. This hearing was carried to the November 17th meeting. Mr. Brown will also provide a survey prior to the next meeting.

The Board took a 5-minute recess.

- 2. Block 2507 Lot 13 - David Buchner - 10 Lewis Road - Zoning Variance Application- Carport requiring a side yard setback.** Chairman DePinto needed to recuse himself because he lives within 200' of the property. Mr. Lintner chaired this portion of the meeting. Mr. Buchner was sworn in.

Mr. Buchner would like to build a single carport (open sides, open back, and a garage door in the front) next to his single car garage. This would make his life a lot easier because when it's cold, he cannot physically scrape the ice off of his windshield or get the snow off of his car during the winter. He presented three pictures; Exhibit A1- existing house; Exhibit A2 – South side yard, which is where he wants to put the carport; Exhibit A3 – shows the location of where the carport will go. The side yard is 35 feet wide and has more than enough space for the carport. Ms. Cudaquest commented about the sidewalk being paved and Mr. Buchner said there will be a concrete slab. Mr. Fette commented that if a snow storm comes in, he's still going to have to scrape the windows from the frost since the sides will still be open.

Motion to open the meeting to the public was made by Mr. Teagno and seconded by Mr. Culhane.

Public Comment:

Peter Ferrero (7 Lewis Road) is not in favor of a carport, especially one with a garage door in front and open sides. He doesn't think it will look aesthetically pleasing to

see a carport on his street and stated that carports were done in the 1930's, 40's and 50's, not now. He thinks it will detract from the beauty of Montvale and will not enhance any property value.

Rosalia Albanese (8 Lewis Road) has concern with the look of a carport. She can see that side of Mr. Buchner's property from her dining room window and doesn't want it to be an eyesore. She's concerned about the trees and wants it stated on the record that he must keep the trees/bushes that are blocking the garage from her view. If those trees/bushes happen to die then they must be replaced at the same height they are at now. Mr. Hipolit clarified that he will not be touching any of the trees in that area because there is 6ft between the edge of the carport and the tree line. Mr. Buchner will also not be adding a pathway, there will only be a natural grass pathway leading to the backyard. Even if there happened to be a switch of residency, this will always be how the property should be maintained.

After taking the public comments into consideration, and an agreement from the board members, the board was not in favor of a carport and Mr. Buchner agreed to make that area into an enclosed garage. He will enclose the sides and roof and put a garage door on the front. A motion to have the board attorney prepare a resolution for a modified request for variance was made by Mr. Stefanelli and seconded by Mr. Teagno. The shrubbery will be left alone and if they are to die, they will be replaced at the current height they are at now. There will be nothing leading to the rear yard but grass. A roll call vote was taken with all Board Members stating aye.

3. Block 2002 Lot 3 - Mobius Solar 1, LLC - 5 Paragon Drive - Amended Preliminary and Final Site Plan Application with a Major Soil Movement Application – click link below for documents to view:

<https://drive.google.com/drive/folders/1khxBkx56QwqFBzXovoLsk83fB6nAsdGg>

The Chairman read the application into the record. Richard Schkolnick represented the applicant. This is an existing developed site of a 62,000 sq ft. office building with a parking lot. They are looking to add solar panels over the parking lot.

Matthew Wilder from Morgan Engineering is representing the application as the engineer and planner. Chairman DePinto brought up concern regarding landscape plan of this property. There was no landscape plan attached to their application. Chairman DePinto drove through this property before the meeting and he saw trees were cut down, stumps remain without any trees being replaced. 14 trees are proposed to being taken out and there is no indication where they are seeking to relocate them. Also, at least 1/3 trees on this property are dead. In order to consider this application, there needs to be a landscape site plan attached. The Planning Board is allowing him to move forward with the meeting tonight however, they cannot consider this application without all documents submitted. Mr. Schkolnick did not recall during the last zoom meeting they had any conversation regarding landscaping however, he is agreeing to submit a landscape review for the next meeting to move forward.

Mr. Wilder continued with his presentation with Exhibit A1 being a board of 6 photos of a typical solar application so the Board can get a sense of what it's going to look like. Mr. Wilder explained that the state has declared that solar panels are not an impervious surface. The solar panels will include a gutter system and a snow guard so snow can fall off and land to the side (section 38.1). He also explained that they are not married to any color, the choice is up to the board. They provided a list of colors however, Chairman DePinto told them to come to the next meeting with a specific color chosen and they will approve it or deny it.

Mr. Hipolit's review letter (September 17, 2020), marked as B1, was discussed. The applicant is replacing 14 trees and it was stated that the applicant is not adding or taking away any parking spaces, they are replacing the shape of the diamond island to an elevated concrete column. The number of spaces is not changing but the length of them is getting longer. Utility lines between the building and the panels will not be going to the street. Mr. Hipolit showed no issues with conditions for approval however, he is waiting for the landscape plan submission.

Mr. Wilder proceeded to explain that they are also looking for a variance regarding the height of their accessory structure. 12 ft is permitted and they are looking for 20.7 ft. on the high end and 14.5 ft at the low end. The reason that they need this

variance approved is because if there is any reason an emergency vehicle needs to come under this canopy, they want to make it available to them, especially a fire truck. Both fire and police issued letters with no comments or concerns. Mr. Wilder also wants to note that the nearest commercial user is to the east and will not be able to see this structure due to the woods covering them from sight.

Councilwoman Curry asked that the sightlines be considered from the Spring Valley resident's point of view. Mr. Hipolit stated he would take a look at the sight angles.

Chairman stated that there are 2 technical review letters; one dated August 6th (marked as B2) and the other one dated September 18th (marked as B3). Ms. Green summarized her findings and had a question regarding the paving details. Mr. Wilder explained that the only area that they will have to pave is where the new utilities are going to be run. Ms. Green also asked about lighting and Mr. Wilder responded that he is in communication with a lighting consulting firm to talk about heat and lighting color. Mr. Hipolit stated that there should be a maximum of 3,500k in lighting.

B4 and B5 are marked as fire and police issued letters stating no comments or concerns regarding this solar system. Chairman drew concern regarding if this site had any cameras and Mr. Wilder responded that there doesn't seem to be any cameras needed for this site. Mr. Fette commented that in order for his department to treat this application regarding to footings, they must provide soil borings with depth of footing. Mr. Fette also asked why wasn't this considered for these panels to be put on the top of the roof, however, Mr. Wilder responded that there are already panels on top of the roof so these are just in addition to those. Chairman questioned who the owner of the property is because page 2 and 3 state the owner as Mobius but it does not match page 1. Mr. Schkolnick answered that he made a mistake and put the owner as the applicant and he will fix that.

Application was concluded that there needs to be a landscape plan submitted for this to be approved. Mr. Chairman called a motion for approval for the Board Attorney to draft a letter of approval, conditioned upon the applicant providing

information of submission of a landscape plan, submission of a lighting plan, reflection what was agreed upon, including all of the technical details set forth in the Maser's Engineering and Planning letter. This application will be moved to the November 17th meeting. Introduced by Mr. Stefanelli and seconded by Mr. Culhane. A roll call vote was taken with all Board Members stating aye.

PUBLIC HEARINGS (CONT):

1. **Block 1002 Lot 7 - Waypoint Residential Services, LLC - 127 Summit Avenue - Application for Preliminary and Final Site Plan and Bulk Variance Approval and Soil Movement- click below link for documents to view **carried to a Special Meeting on October 26th****

<https://www.dropbox.com/sh/3wpdvdnuuypml6l/AADMHQKfrPI-ijZs9Z7cOY3a?dl=0>

https://drive.google.com/drive/folders/1qNHGWalyWhFQKjckE4JzltxV_cdJbTy1?usp=sharing

RESOLUTIONS:

1. **Block 1601 Lot 15**

Resolution Granting Preliminary and Final Site Plan Approval, Variance Relief Pertaining to a Conditional Use Other Variance Relief and a Major Soil Movement Permit to Atlantis Management group, LLC for Premises designated as Block 1601 Lot 15 also known as 12 Railroad Avenue.

Chairman DePinto read it in to the record by title only. Resolution introduced by Mr. Lintner, seconded by Mr. Stefanelli. A roll call vote was taken with Ms. Cudequest, Mr. Culhane, Mr. Fette, Mr. Lintner, Mr. Stefanelli, Mr. Teagno and Chairman DePinto stating aye.

2. **Block 1002 Lots 3 and 5**

Resolution Granting Preliminary and Site Plan Approval and Variance Relief to Montvale Family Apartments, LLC for Premises Designated as Block 1002, Lots 3 and 5.

Chairman DePinto read it in by title only. Resolution introduced by Mr. Teagno, seconded by Mr. Culhane. A roll call vote was taken by Ms. Cudequest, Mr. Culhane, Mr. Lintner, Mr. Stefanelli and Mr. Teagno stating aye.

OTHER BUSINESS: Introduced Erica Davenport to the Borough of Montvale.

OPEN MEETING TO THE PUBLIC: No one from the public was present.

ADJOURNMENT: A motion to adjourn was made by Ms. Cudequest and seconded by Mr. Stefanelli.

Next Regular Scheduled Meeting: November 17, 2020 at 7:30 PM

Next Special Scheduled Meeting: October 26, 2020 at 7:30 PM

Respectfully submitted,

Erica Davenport

Assistant to the Land Use Administrator