

<u>REGULAR MEETING OF THE MONTVALE PLANNING BOARD</u>
<u>Minutes</u>
<u>Tuesday, November 17, 2020</u>
<u>Council Chambers, 12 Mercedes Drive, Montvale, NJ</u>
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. 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.

Mr. Wiss filled in for Mr. Regan.

Appointment of Christopher Gruber to Planning Board. Mr. Wiss swore in Mr. Gruber.

ROLL CALL:

PRESENT: Theresa Cudequest, John Culhane, Christopher Gruber, Javid Huseynov, William Lintner, Frank Stefanelli, Dante Teagno, Chairman DePinto

ALSO PRESENT: Mr. Wiss, Acting Board Attorney; Andrew Hipolit, Borough Engineer; Darlene Green, Borough Planner

ABSENT: Councilmember Curry, Mayor Ghassali, Maggie O'Neill, Robert Zitelli, Robert Regan

MISC.MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER: Mr. Hipolit questioned the color of the map and Ms. Hutter stated that the R15 color was going to be changed to a Kelly green vs. the yellow color that is currently shown.

ZONING REPORT: Mr. Gruber stated that 7 Franklin was issued the CO's today. At the DPW, Fairfield Maintenance will be repairing the tanks and monitoring them.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli is not here this evening so his report will be carried to the next regularly scheduled meeting.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli stated that Wegman's came in for stripping the rear back area for fire zone. The next application was 128 Chestnut Ridge Road – the Getty station is looking at new signage because it is being transferred over to Shell. The next application was 26 Akers Avenue – minor subdivision which needs deed research. The next application was 11 Philips Parkway – looking to changing the lighting to LED's.

CORRESPONDENCE: Placed on the back table.

APPROVAL OF MINUTES: October 6, 2020 – will be carried to the next meeting. Minutes for October 20, 2020 needs an amendment to who was present. Ms. Cudequest needs to be listed as being present. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all members stating aye.

DISCUSSION: Tax Maps were already discussed but Chairman DePinto asked Mr. Hipolit when he thought his office would produce the revised Tax Map. Mr. Hipolit responded that it would be updated by Friday and it should be ready for the next meeting. Ms. Hutter stated that Mayor and Council must put it on their next agenda.

USE PERMITS:

Block 2701, Lot 3-Davis & Company, Inc.-85 Chestnut Ridge Road - (3,987 sq. ft.)

Zack Rosenberg (attorney for client Davis and Company) stepped forward and identified himself along with the applicant David Pitne. Mr. Wiss swore them in. Chairman DePinto continued with reading the application aloud. Attached to the application is the required Montvale Police Department form. Mr. Rosenberg and his client both acknowledged the signatures on the application.

Chairman DePinto asked Mr. Rosenberg for his client to give an overview of the business of Davis and Company. Mr. Pitne explained that his company is a consultancy and he has been doing this for 36 years. Currently he has a staff of 31 employees. Staff will help with administration running the office as well as be there for team meetings. Mr. Lintner asked if most employees will not be working in the office during this COVID time and they assured him that they will not be there. Also, after COVID they think they will operate it the same with most of the staff remaining home, only to come in for team meetings. Mr. Gruber stated that they will need a CCO for this space and any building permits since they might be moving walls within the space. Chairman DePinto asked with respect to the space within the entire building, are they taking up the only vacant space? They replied that they think it's the only vacant space to their knowledge. The tenant that occupied the space before them has moved to another location within the building. Ms. Hutter stated that she will have Mr. Gruber visit them tomorrow since they were unaware of that change. Chairman DePinto asked if they were "Unipart" and Mr. Rosenberg responded with yes, to my knowledge. Motion to approve was made by Mr. Stefanelli and seconded by Mr. Teagno. There was no discussion on the motion and a Roll Call Vote was taken with all members stating aye. Chairman DePinto welcomed them to Montvale.

Block 3004 Lot 2- Northwood Healthcare Group, LLC-50 Chestnut Ridge Road - (3319 sq. ft.)

Andrew Kohut (attorney representing the applicant) stepped forward and identified himself along with the applicant Matt Weisz (2204 Morris Avenue, Union, NJ). Mr. Wiss swore them in. Chairman DePinto continued with reading the application aloud. Chairman DePinto questioned the number of parking spaces and noticed a minor change was made on the

form. Mr. Kohut stated that he would like to find out about that issue and supplement it. Chairman DePinto would like him to take on that responsibility and forward it to the secretary to amend it however, the Chairman still moved forward with the application. Mr. Kohut and Mr. Weisz both acknowledged Mr. Weisz's signature along with the landlord's signature on the application. Attached to the application is the required Montvale Police Department form, along with a floor plan from Jeffrey Barton (Architect) dated 10/26/20. Chairman DePinto asked Mr. Kohut for his client to give an overview of the business and what operations would be going on in this facility. Mr. Weisz stated that there are nursing facilities around the country and this office would be a principal administrative office that does the work for these nursing facilities. He currently operates out of Union, NJ but is moving to this location because it is closer to his home. Mr. Culhane asked about the list of employee's zip codes, there are six listed but ten employees. He requested for Mr. Weisz to identify those zip codes more specifically. Mr. Gruber mentioned that they will need a CCO for this space and the plans they have submitted looks like they will be building a wall. They will need to fill out some building permits for those changes. A motion to approve was made by Ms. Cudequest and seconded by Mr. Culhane. There was no discussion on the motion and a Roll Call Vote was taken with all members stating aye. Chairman DePinto welcomed them to Montvale.

Block 1601 Lot 17-Crystal Clean Pools, Inc. – 8 Railroad Avenue-(600 sq. ft.) – Carried to the December 1st meeting.

Block 1901 Lot 5-Buena Vista Healthcare-180 Summit Avenue-(1868 sq. ft) – Mr. Pomerantz (attorney for Justin Weinberg) stepped forward and identified himself. Justin Weinberg was sworn in. Chairman DePinto continued with reading the application aloud. Mr. Pomerantz changed the occupy date to December 1, 2020. Mr. Weinberg identified the signatures on the application. He also stated that there are only 3 employees and their zip codes are 10901, 07012 and 07456.

Chairman DePinto asked the client to give an overview of what they will be intending to use the space for. Mr. Weinberg proceeded to say that they own and operate skilled nursing facilities in the state of Delaware and surrounding states as well as doing consulting for other healthcare organizations. He is an employee himself as well as two others. This will be his principal place of business. The parking spaces needed will be used for possible future employees. Mr. Stefanelli asked if the purpose is for accounting. The client responded yes. No further questions were asked. Chairman DePinto confirmed that they will be moving in as the building is currently and no changes will be made. They must obtain a CCO from the Building Department. Motion to approve by Ms. Cudequest, seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Chairman DePinto welcomed them to Montvale.

PUBLIC HEARINGS (NEW):

1. Block 1102, Lot 4-108 Montvale Realty, LLC-106-108 Spring Valley Road-Variance Application-Signage and Parking

Bruce Whitaker is representing the applicant. Seeking variance relief to permit two signs where one sign is currently being permitted. Mr. Whitaker is also bringing to the board some improvements his client wants to do pertaining to the site itself involving parking. The concept of the second sign is to show that there are two ways to get into the building. At the last meeting with the Board he stated that he was going to have the applicant obtain a survey of the property. Mr. Paul's existing parking in the rear of the building goes over the property line. The Board doesn't have the ability to approve that without them providing an easement to allow it to occur. Mr. Whitaker felt it would be better to move forward with the signage application and make a request for an amended site plan approval permit with an easement for the applicant to make use of the back-property line for parking. This survey also shows that there are some air conditioning units that encroaches on the adjoining piece of property that they have to rectify by easement or by relocation of the air conditioning units. Mr. Whitaker is seeking variance relief to permit two signs where one sign is currently permitted, variance relief to permit a sign on the roof, and variance relief to permit parking spaces in the rear with an enclosed dumpster area.

He brought two witnesses with him. The first witness is the owner, Ibrahim Jamal, to give an overview of the hours of operation and the second witness, Chris Pyzik, is a representative of the signage company. Council swore in Mr. Whitaker's witnesses as well as Mr. Hipolit and Ms. Green. Mr. Jamal stated that they are open from 5 AM to 10 PM, 7 days a week. He is looking to have parking in the back with and enclosed dumpster. He was unaware that the property line encroached the neighboring property when he purchased the building. The Chairman asked if the rear parking area was paved and they both confirmed that it was in fact a paved area up to the curbside. Mr. Whitaker found nothing in any of the documents that the neighbors had any legal right to use that area. There is also nothing in the power of the Board to sanction improvement of properties that are not owned by the owner. There is nothing from the owner of the adjacent property giving any right to license or agreement for an easement. The Chairman stated that if they eliminated two parking spaces to the West of the building on that property line then there will not be enough space to maneuver cars to get in and out of the back area. If they move the dumpster and oil container enclosure to the back corner of the property then they will have enough space for a truck to come in a remove trash from that location. Mr. Hipolit stated that there will be enough room for a garbage truck to come in. If they move the spaces in 7 feet, that gives them 28 feet to the back of the building. They will have 4 extra feet to work with if they relocate the dumpster to the back corner of the building. The enclosure of the dumpster they are proposing would

be a three-sided block and a gate in the front. They would bring the height of this structure up to the top of the dumpster.

Chairman DePinto stated that they are trying to work with the applicant as best as they can. This building has been there for a number of years and this applicant has made great improvements thus far to this property. However, we can't make any decisions when seeking to use properties that are beyond our control. Moving those rear parking spaces to the East, the elimination of everything on the Western side of your building, and repositioning your dumpster and oil container to the Southwest corner of your property with proper screening brings it closer into compliance with code with respect to enabling you to use the rear yard of your property to attract more customers to park in that area. He continues to say that, it puzzles him regarding the AC units on the Southern side of the building because if the board were to grant amended site plan approval, they would be remiss in granting an approval for the accessory uses on someone else's property. The only thing the Board could do is to relocate that AC equipment somewhere else on the property for it to be legal. Mr. Whitaker has not had the opportunity to contact the neighbor in order to get a license agreement for an easement. He thought to come here for the Board to grant approval on the visual so he has something to take to the property owner. This way the neighboring property owner knows that the town is ok with it. Mr. Hipolit commented that its hard on the legal end to figure out all of these scenarios to get an agreement. The Chairman stated that he believes it would be easier to just move the AC units and not focus on trying to contact the neighboring property owner for an easement. Mr. Whitaker's client is willing to make those changes. Mr. Gruber made a comment that they will need to pull all the permits necessary for these changes, such as electrical and plumbing.

Chairman DePinto stated that if the board finds this favorable, the board would memorialize a resolution setting forth a condition that this applicant submits a revised plan with these changes that were discussed thus far. Following the approval of that resolution by the Board, they would need to get the necessary building requirements.

Mr. Pyzik then stated that the signage letters will be illuminated and attached to a backer panel that will not be illuminated. It will show the letters having a halo effect rather than the entire letters showing bright illumination. The color of the light is going to be a soft yellowish coloring rather than a typical bright white. As far as timing, they can put it on photocells so when the day turns to night it will automatically turn on and when night turns to day it will go off or they can use a timer off of the fuse panel. The Chairman stated that they want to consider the fact that they are in a residential zone and the code does indicate that the light can only stay on during the hours of operation. The timer method would be the best way to deal with this. The hours will also be on a timer system.

Mr. Hipolit's review letter was marked as B1, dated November 12, 2020. Mr. Hipolit summarized his review letter. He stating that having arrows on the ground is much better than having signs. Ms. Green's review letter was marked as B2, dated November 11, 2020. Ms. Green summarized her review letter. She asked for Mr. Whitaker to clarify the size of the signs. Mr. Pyzik clarified that the front sign was 94 sq. ft. and the rear sign was 54 sq. ft. Ms. Green stated that there is a requirement in our code that a sign needs to be 10 ft from the grade when it projects more than 3 ½ ft. They didn't measure that distance so there needs to be an added variance from section 400-70S. Ms. Green also questioned the building width facing Spring Valley Road. Mr. Whitaker responded that it conforms with the 30% cap.

Mr. Lintner suggested that the rear sign would be a long rectangle in one line stating "Montvale Market and Deli" in one single line rather than 2 lines across. No members disagreed. Motion was made to open the meeting to the public by Mr. Stefanelli, seconded by Ms. Cudequest. All in favor stated aye. The Chairman opened the meeting up to the public and no one commented.

Chairman DePinto called for a motion to close the meeting to the public by Mr. Culhane, seconded by Mr. Stefanelli. All in favor stated aye.

The Chairman could move forward requesting the Board Attorney write a resolution of approval subject to receipt of a plan and review of that plan prior to the Board voting on the resolution. Mr. Whitaker's client found that acceptable. Chairman DePinto called for a motion for Mr. Regan to prepare a resolution to be acted upon at a future date to be determined subject to receipt of plans that are found acceptable by the Board Professionals as well as the Board members prior to the vote on that resolution. Motioned by Mr. Stefanelli, seconded by Mr. Culhane. There was no discussion on the motion.

Roll call was taken and all in favor.

PUBLIC HEARINGS (CONT):

- 1. Block 2002 Lot 3-Mobius Solar 1, LLC-5 Paragon Drive-Amended Preliminary and Final Site Plan Application with a Major Soil Movement Application**
<https://drive.google.com/drive/folders/1khxBkx56QwqFBzXovoLsk83fB6nAsdGq> -
Carried to December 15, 2020 at the request of the applicant and no further notice will be provided other than this announcement.
- 2. 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**
Bruce Whitaker is representing the applicant. They previously made a request for a variance for the addition that Mr. Caleca is requesting however, since the initiation of

this application, a couple things have occurred. The rear yard is now a side yard so a variance for a rear yard setback is no longer required. Likewise, based on the way they calculate height, they are also no longer seeking a height variance. At this point, there is an application before you that is variance free. A motion for Mr. Regan to prepare a resolution was made by Mr. Lintner and seconded by Ms. Cudequest. All members stated aye.

Motion to open to the public by Mr. Stefanelli and seconded by Ms. Cudequest. All in favor with members stating aye. No one from the public was present to be heard.

Motion to close was made by Mr. Stefanelli and seconded by Mr. Culhane. All members stated aye. A Roll Call vote was taken and all members stated aye.

3. **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- **Carried to December 1st, 2020 at the request of the applicant and no further notice will be provided other than this announcement.** Click below link for documents to view:

<https://www.dropbox.com/sh/3wpdvduuypml6l/AADMHQKfrPI-jfJZs9Z7cOY3a?dl=0>

https://drive.google.com/drive/folders/1qNHGWalyWhFQKjckE4JzItxV_cdJbTy1?usp=sharing

RESOLUTIONS:

Block 2507 Lot 13-David Buchner-10 Lewis Road-Resolution Granting Variance Relief to David Buchner, Sr. For Premises Designated as Block 2507, Lot 13 -Chairman read by title only. A change was made to page 8. Top line removed as it was redundant. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call was taken with all members stating aye and with Chairman DePinto abstaining his vote.

OTHER BUSINESS: Chairman DePinto cancelled the meeting for December 15, 2020. Also, Ms. Hutter stated that there was a grand opening on November 16, 2020 for New City MD. They do COVID rapid testing with no long waits, open 7 days a week. Many residents were extremely pleased.

OPEN MEETING TO THE PUBLIC: No members of the public were present.

ADJOURNMENT: A motion to adjourn was made by Mr. Stefanelli and seconded by Mr. Culhane. All in favor stated aye.

Next Regular Scheduled Meeting: December 1, 2020 via Zoom. The Zoom link will be posted on the Borough Website or the public can call Ms. Hutter for the information.

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator