

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, August 17, 2021

Municipal Complex 12 Mercedes Drive, 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 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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Chairman DePinto opened the meeting up at 7:45pm.

ROLL CALL:

PRESENT: Theresa Cudequest, John Culhane, Councilmember Koelling, John Ryan, Mayor Designee, William Lintner, Frank Stefanelli, Robert Zitelli, Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Andrew Hipolit, Borough Engineer
Darlene Green, Borough Planner, Lorraine Hutter, Land Use Administrator and
Erica Davenport, Assistant to the Land Use Administrator

ABSENT: Christopher Gruber, Dante Teagno and Javid Huseynov

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER:

None

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – Landscaping at the CVS on Kinderkamack will be happening soon. The trees at 11 Memorial will be getting some trimming on the bottom. If it's not satisfactory then they will remove them and replace them the following year. They are trying to do the low-cost option first. Huff pond fencing will be coming down soon. Lastly, regarding plastic bags, from June to July they have collected 122 pounds and looking to collect a total of 500 pounds towards the end of November. To date since this began, they have collected over 3,700 pounds of plastic bags.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli – There were 5 applicants tonight. The first application was Balchem, they are looking at leasing 25,000 square feet at 5 Paragon. They have some equipment they would like to put and we thought it was de-minimis however, they are going to have to come before the board for a Use Permit. The next application was McGuiness and Lane Harmony Hill Subdivision, located on Middletown Road. This property has no road access to Montvale. They came before us a couple years ago and we told them to get Orangetown to agree to provide a road. They did get provided with some letters from Orangetown and they will be coming before the board sometime in October or December. Next was John and Tina Koerner located on 3 Flintlock Road. They are looking to install a generator. Mr. Hipolit will be going to the property to take a look at the general location of where they can put the generator. Next was North Market located at 200 Market Place. They are looking to place signs there and on Summit. We looked at designs and they will be presenting that at a board meeting in the future. Lastly, St. Joseph Regional High School and they are looking to put a security vestibule in the high school. The committee thought that was de-minimis as well. They are also looking to put two signs, “St. Joseph’s Regional” and “The Great Knights”. They will be coming in front of the board for sight plan at a future date.

CORRESPONDENCE: On the back table

APPROVAL OF MINUTES: July 20, 2021 – A motion to introduce was made by Ms. Cudequest and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

DISCUSSION: None

USE PERMITS:

Block 3004 Lot 2 – Mitsuya Boeki USA Inc. – 50 Chestnut Ridge Road - (2,691 sq. ft.)

James Delia came forwards as the attorney. Mr. Regan swore in the applicant, Yukitaka Yoshikawa. Chairman DePinto read the application into the record. Attached to the application is the Montvale Police Department report. Chairman DePinto polled the board for any

questions. Mr. Ryan asked if there will be any storage of products at the location and Mr. Yoshikawa stated that there will not be anything stored. A motion to approve as made by Mr. Stefanelli and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 3201 Lot 5 – Astral Energy LLC – 25 Phillips Parkway - (1,400 sq. ft.)

James Delia came forward as the attorney and Ashton Fox came forward as the applicant. Chairman DePinto read the application into the record. Attached to the application is the Montvale Police Department report. Mr. Regan swore in the applicant. Mr. Fox gave a brief overview of his business. Mr. Fox stated that they energy efficiency and do a lot of co-generation for clients. They also do solar and wind which is a lot of different energy uses for their clients. He has a total of 10 staff members. There will be nothing stored on the premises, it is strictly office space. Chairman DePinto polled the board for questions. Mr. Zitelli asked if any vehicles will be stored on premises and Mr. Fox declined. No other questions arose from any of the board members. A motion to approve was made by Ms. Cudequest and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 1001 Lot 2 – Heritage Family Wealth Management, LLC – 155 Chestnut Ridge Road (2,896 sq. ft.)

James Delia came forward as the attorney and Jamie Moallen came forward as the applicant. Mr. Regan swore in the applicant. Chairman DePinto read the application in to the record. Attached to the application is the Montvale Police Department report. There is a change that needs to be made to the police report “Jamie” is misspelled. A correction will be made and sent to the police department. Ms. Moallen stated that this will be an office building for financial planning and advising. Sometimes there will be meetings in the office and also out of the office. No questions arose from any of the board members. A motion to approve was made by Mr. Ryan and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 703 Lot 7 – Master Park Ridge TKO – 149 Kinderkamack Road - (1,620 sq. ft.)

James Delia came forward as the attorney and Byung S. Yoo came forward as the applicant. Mr. Regan swore in the applicant. Chairman DePinto read the application into the record. Attached to the application is the Montvale Police Department report. Mr. Yoo explained that there are Ty Kwando classes that will take place at this location (less than 10 students per class) with 5 classes per day. They will be installing floormats and paintings on the walls. Chairman DePinto stated that they will need to go to the building department to obtain a CO. A motion to approve was made by Ms. Cudequest and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

A 5-minute break was taken at 8:17pm.

PUBLIC HEARINGS (NEW):

**Block 1002 Lots 3 & 5 – Montvale Family Apartments, LLC – 159-161 Summit Avenue -
Application for Final Site Plan Approval**

Damian DelDucca came forward as the attorney with applicant Edmond C. Speitel. Also came forward Brett Skapkinetz, civil engineer and Michael Donovan, architect. The property is about 3.1 acres and the property is currently owned by the borough. They obtained preliminary site plan approval back in October 2020 for 25 family rental apartment units that will be deed restricted for at least 30 years for families of low and moderate income. The municipality settled into a fair share housing agreement. Now they are back for final site plan approval. Mr. DelDucca stated that he is not willing to pay a portion of the town's administrative agent. Mr. Regan stated that under the fair share housing act that Mr. DelDucca is required to use his own personnel and Mr. Regan doesn't want to violate the agreement. The town not only has an ordinance stating that but they also have an agreement with the fair share housing center. Mr. DelDucca disagreed. He does not want to pay for the cost to conduct that process which the fair share settlement does not require. Mr. Regan asked if they could get a letter of approval to state that and he would be ok with it. Mr. DelDucca did not respond. Ms. Green stated that these are ongoing costs, its not just a one-time cost. There is annual work that has to be done such as ongoing qualified renters/buyers

or income adjustments so the cost varies. In every development that the borough has dealt with, Ms. Green has put in her technical review letter that the developer must fair the burden of the cost for the administrative agent, not the Borough of Montvale. Mr. Regan stated that it is standard in review letters. Mr. DelDucca did not agree.

Edmund C. Speitel, vice president of development with the Walters Group as well as Ms. Green and Mr. Hipolit were sworn in by Mr. Regan.

The only addition that they are requesting is a variance for a sign. Mr. Skapinetz came forward and gave testimony. Mr. Skapinetz was sworn in. Chairman DePinto marked Mr. Hipolit's review letter dated 7/28/21 as B1. Ms. Green's technical review letter dated 8/2/21 was marked as B2. The Montvale Fire Department review letter dated 7/30/21 was marked as B3 and the Montvale Police Department review letter dated 7/29/21 was marked as B4. The site plan and landscape plan rendering for the applicant dated 8/17/21 was marked as A1. The final site plan dated 7/8/21 was marked as A2. There was also an email from Geoffrey Gibbons dated 8/8/21 that was marked as A3.

Mr. Skapinetz made reference to a hot box. It is a box that surrounds the units where electric is brought in so they do not freeze in the winter months. Landscaping will be placed around them so they will not be visible. These boxes are 3-4 wide and 6 feet deep. Next, he commented on the fire zone striping and signage. This designates no parking, only for fire officials. Mr. Skapinetz gave testimony regarding bike shelter and this shelter will match the look of the rest of the units that are on premises. Mr. Skapinetz also stated that there will be a metal sign with a stone base. One light on either side of the sign to illuminate the letters of the sign. Mr. Skapinetz also stated that there will not be an increase in the amount of parking because they fulfilled the requirement from RSIS. They also changed the cul-de-sac at the end of the driveway to a k-turn because they wanted to reduce the amount of impervious coverage.

Chairman DePinto asked Mr. Hipolit to review his technical review letter marked as B1. Mr. Hipolit highlighted a few items. The parking was questioned, there are 25 units with no

parking on the street. If a family has 4 cars, what will you do? Mr. Spietel answered with if there is a car that is not registered to a unit, then they will be removed. Mr. Hipolit had concern with parking whether it be the number of cars per unit as well as visitors. Mr. Hipolit would like the hot boxes to be correctly sized and have them be reviewed by Suez requirements. He would also like the hot boxes to be properly screened and colored so you do not see all grey. Mr. Hipolit would also like only 2 six-foot benches on the playground. He would like the colors to match the play set. Mr. DelDucca agreed. Chairman DePinto commented on enclosing the bike shelter to have it less exposed to the elements and more secured from theft.

Ms. Green summarized her technical review marked as B2. She noticed that there will need to be a signed soil movement application as a condition of approval. Mr. Regan stated that there will need to be a hearing on that and Mr. DelDucca agreed. Ms. Green corrected her typo on page 1, 1st paragraph, that the applicant received preliminary and final site plan in 2002, it should read preliminary in 2020.

Chairman DePinto stated that the other dwellings to the east and west are not shown on the proposed plan (A2). So, the offset is not known of these properties which Chairman DePinto listed as tax lots 2, 4, and 6. During the preliminary, there were some residents present who showed concern of this new development. Chairman DePinto said that normally you see the structures on properties so an opinion can be made of what impact a proposed development is going to have on existing structures, particularly lot 4 and the multi-family to the east. Chairman DePinto would like Mr. Hipolit and Ms. Green to incorporate this in their technical reviews.

Chairman DePinto polled the board for questions. Mr. Culhane asked about the grading on the side of the units. He would like to see that be leveled off for residents to be able to use that green space for recreation or general hangouts instead of keeping it as a hill. Mr. Skapinetz said that could easily be done. Ms. Cudequest stated that she believes there will be a parking issue. Mr. Stefanelli stated there should just be a number on this property rather

than a name sign and he agrees that parking will be an issue. All other members agreed that parking will be an issue and there should be more spots if possible.

A motion to open the meeting up to the public was made by Ms. Cudequest and seconded Mr. Culhane. All in favor stated aye. Joseph Voytus, Borough Attorney came forward. He stated information regarding the administrative agent for fair share housing and he stated that he spoke with Mike Edwards who is the affordable housing special council and he reached out to Josh Bowers at the fair share housing center to inquire whether they would have an issue with the Walters Group using their own administrative agent instead of the boroughs administrative agent and Josh stated that they did not have an issue with that. Mr. Bowers is familiar with the Walter's Group and what they've done in the past so he would not have an issue. The Borough's code states that they do require the administrative agent to be in contract with the Borough so that will need to be addressed at the Governing Body level in terms of granting some kind of relief. Mr. Voytus does not have an issue recommending that they grant some kind of relief. Mr. Regan would like to get a letter or email to state that. Mr. Voytus agreed that he could get that. Mr. Voytus asked if there is any condition to the administrative agent is that simply they must comply with the Borough's and the Governing Body's requirement for the administrative agent. Mr. Regan agreed with that statement. No one else from the public came forward. A motion to close to the public was made by Mr. Stefanelli and seconded by Mr. Ryan. All in favor stated aye.

Chairman DePinto made a few closing comments. Firstly, with respect with the sign, he cannot support the size of the sign they are requesting. He thinks its oversized and there should just be a street number and street name. If the sign stays at that size, he cannot support this application. Secondly, he thinks it's doing a disservice to the neighborhood by not showing the structures that exist to single family homes to the east and west of the subject property. For that reason, he does not support this application. Finally, with regard to the open bike shed, he would like to create a structure that would conceal the bicycles.

Mr. DelDucca stated that they have no objection to adding walls to the bike shelter and showing this as a condition of approval. With regard to showing the adjacent structures on a

site plan, they have no objection to that. Regarding parking, the number of parking spaces has already been approved by RSIS in the preliminary plan. Regarding the sign, after hearing concerns about the size, they have no objection to withdrawing their sign variance application. However, they would like to add a small sign along the street to display the number. They will come back at a future date to state the larger sign. They have no objection to making the field area flatter in the northeast corner of the property to create more of a recreation area. They will also add two benches, 6 feet each to the playground.

Chairman DePinto addressed the parking issue in more detail. He requested additional parking be added to the site. Mr. Hipolit suggested they could push back the bicycle shelter area to the west about 8 feet and add 5 more parking spots right in front of that location. There would be a total of 55 parking spaces instead of 50. There would still be 2 cars per unit listed in each listing agreement. All board members who opposed the parking issue were in agreement with the additional 5 parking spaces. Mr. DeDucca also agreed with the additional 5 parking spaces.

A motion to request the board attorney to prepare a resolution setting forth all of the exhibits presented by the applicant and the exhibits presented by the board. With conditions agreed with by the applicant. The resolution will state that provided the Borough gets that letter from the Fair Share Housing Center, they will not have to use the boards administrative agent. The resolution will also state the removal of the sign. A motion was made by Mr. Lintner and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

PUBLIC HEARINGS (CONT): None

RESOLUTIONS:

Block 603 Lot 29 – John Chiavelli – 10 Pineview Terrace – Resolution Granting Variance Relief to John Chiavelli for premises designated as Block 603, Lot 29

A motion to introduce was made by Ms. Cudequest and seconded Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

OTHER BUSINESS: None

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. Zitelli. All in favor stated aye.

Next Regular Scheduled Meeting: September 21, 2021 at 7:30 PM

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator