

# **REGULAR MEETING OF THE MONTVALE PLANNING BOARD**

## **MINUTES**

**Tuesday, October 19, 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.

Chairman DePinto opened up the meeting at 7:36pm

### **ROLL CALL:**

**PRESENT:** Theresa Cudequest, John Culhane, Councilmember Koelling; John Ryan, Mayor Designee; William Lintner, Frank Stefanelli, Robert Zitelli, Christopher Gruber, Javid Huseynov, Dante Teagno and Chairman DePinto

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

**ABSENT:** None

### **MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH**

**ENGINEER/BOROUGH PLANNER:** Mr. Hipolit stated that they are starting excavation at the Hornrock Property which was the old Sony Property.

**ZONING REPORT:** Mr. Gruber – Across the street at Market Square they will be putting some propane tanks and the building department will be issuing some permits for that so they can move forward with sheetrock. The salt storage shed plans have been submitted and a permit is being issued for that same development. PSEG and Suez have started to repair sidewalks and curbs that were temporarily filled with macadam. Also, the Bank of America on Chestnut Ridge Road is doing a water intrusion emergency repair and the building department issued a permit for that.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Zitelli – Their monthly meeting was held last night and topics that were discussed for tree removal applications. There is one tree removal application on Ellsworth Terrace where they decided they wanted to make some modifications and change the species of trees that they were putting in. The other one was on Blue Sky, which was approved without any changes. There was also discussion on Huff Pond and the trail being open. Lastly, to date they have recycled over 4,000 pounds of plastic bags which translates into 350,000 plastic bags.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli - There is no report since there was no meeting tonight.

**CORRESPONDENCE:** On the back table.

**APPROVAL OF MINUTES:** October 5, 2021 – A motion to approve was made by Ms. Cudequest and seconded by Mr. Huseynov. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**DISCUSSION:** None

**USE PERMITS:** None

**PUBLIC HEARINGS (NEW):**

**Block 2202 Lot 11 – Walter Janovic – 25 Akers Avenue – Application for a Major Soil Movement**

Walter Janovic came forward as the applicant. Mr. Regan swore in Mr. Janovic as well as Mr. Hipolit and Ms. Green. Mr. Janovic submitted plans and Mr. Hipolit deemed them acceptable. Sean McClellan was sworn in by Mr. Regan as the Civil Engineer. Mr. McClellan then gave a brief overview of the project. This is a single lot in an R40 zone. They are proposing a 2-story single family dwelling centered on the vacant lot with a small patio in the rear including a retaining wall. They will be installing two 1-gallon seepage pits to retain all of the water from the house.

They are proposing to remove two trees and then plant a weeping cherry tree in the front of the property along with several green giants in the rear of the property for screening. There will be 25 feet on each side and the rear yard is 65.5. The building coverage is 14.2% and they're allowed 15%. The produce coverage is 22.8% and they're allowed 30%.

Chairman DePinto marked the minor subdivision plan that was submitted dated January 29, 2021 as **A1**. The Fire Department review dated 10/13/21 was marked as **B1**. The Police Department review dated 10/14/21 was marked as **B2**. Ms. Green's technical review dated 10/14/21 was marked as **B3**. Ms. Green gave a brief summary of her review. Ms. Green called out one new variance that is for slope disturbance. The plans that were submitted shows where the steep slopes are and it shows a retaining wall where a slope that is greater than 15% is located. The height of the retaining wall is a maximum of 3 feet. This is what triggers this variance. There was a condition in her comment #4 that required the minor subdivision plan to be corrected with regards to the square footage that has not been done yet. She also stated that the placement of an evergreen tree is located too close to the drywell which she referred to Mr. Hipolit.

Mr. Hipolit's technical review dated 10/13/21 was marked was **B4**. Mr. Hipolit then gave a brief description of his review. They are moving a total of 973 cubic yards of soil. The idea was to not push the water to the rear of the property. He instructed Mr. Janovic and his engineer to flatten the property. The slopes on the property he deemed as di minimus and shouldn't be a concern for drainage. Mr. Hipolit believes that by granting him the retaining wall variance he would find that acceptable. The other concern was the arborvitae being 3 feet from the seepage pit and Mr. Hipolit is okay with that.

Chairman DePinto stated that if the board were to grant a resolution tonight to approve this proposed plan, he should have the plan revised with the requests of the Borough Planner. Mr. Janovic had no problem with that.

Chairman DePinto opened the meeting up to board members. No questions arose from the planning board members.

A motion to open the meeting up to the public was made by Mr. Stefanelli and seconded by Mr. Culhane. All in favor stated aye. Joe Petruska, 10 June Lane, came forward. Mr. Regan swore him in. He questioned the amount of water that would potentially be coming down that slope. A lot of water comes down the slope and Mr. Petruska ends up with a lot of water on his property. Mr. McClellan assured him that any water that comes will be contained in the seepage pits. Mr. Hipolit agreed with Mr. McClellan. They are proposing to flatten the property which will have less water getting to Mr. Petruska's property. The only part that is concerning is during construction before these seepage pits are put in. He suggested burrowing some soil to stop the water runoff to get to his property. Mr. Regan stated that he will put that in his resolution. No one else came forward. A motion to close the meeting to the public was made by Mr. Teagno and seconded by Mr. Culhane. All in favor stated aye.

No other comments or concerns came forward by board members or professionals. A motion to request the board attorney to prepare a resolution was made by Mr. Lintner and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 2904 Lot 4 – Bank of America – 80 Chestnut Ridge Road - Application for Lighting, Landscape & Design Amended Site Plan**

Diane Hickey came forward to represent the client. Mr. Regan asked if the notices were in order. Ms. Hutter confirmed. Mr. Regan then swore in Mr. Hipolit, Ms. Green and Mr. Zachary Chaplin, Civil Engineer. Mr. Chaplin described the existing conditions of the property and showed the aerial exhibit dated 10/19/21 which was marked as **A1**. The site plan was marked as **A2**. There are 27 parking spaces that are existing, non-conforming. The building department had plans submitted a few months ago with new windows however, Mr. Gruber could not approve anything without the plans being approved by the Planning Board first. Ms. Hickey explained that these plans submitted for tonight have the correct plans. Regarding the lighting, Mr. Chaplin explained that there are state requirements. In order to meet these requirements, they need to add three new lighting poles to comply with the state statute and Borough Code. These poles will be situated where the ATM's are located. All lighting is LED with downlit fixtures and

will provide more light for security measures. They are also proposing a new monument sign to replace the existing one. This new sign will be located at the Southeast corner of the site and will be offset from Chestnut Ridge Road. Additional signs include a new façade sign. They are asking for a variance in terms of sign height. There will also be some directional signs with the rebranding of Bank of America and its new logo. Lastly regarding landscape improvements, they will be adding some landscape around the monument sign. They will be maintaining some existing landscape by trimming it. Chairman DePinto marked the Lighting Plan as **A3 (sheet C6)**. The utility lines are along the Northern property line which is on Chestnut Ridge Road. Ms. Hickey stated that these poles can be removed if that's what the members of the Planning Board would like, they would just need to get permission from the utility company. Chairman DePinto stated that the poles are owned by the utility company and the line on that pole is to the light fixtures which only the Bank of America benefits from. If those poles are removed, they could be placed somewhere else on the property. Mr. Hipolit stated that these are regular height poles. Chairman DePinto stated that these poles are aesthetically unpleasing and asked if they really needed to keep them. Mr. Chaplin stated that they do need to keep one of the poles because the Police Department had an issue with security. Mr. Chaplin is not sure if there is an easement and he will check on that. He would be willing to comply with the board if he needed to replace these lights or put them somewhere else on the property to meet the state code. Mr. Chaplin would also be okay with replacing the fixtures on the poles so it looks more appealing. Chairman DePinto is concerned with the location of the monument sign and sight distance. Mr. Hipolit stated that if they put the sign back enough then sight distance wouldn't be an issue.

Mr. Hipolit gave a brief overview of his technical review. Chairman DePinto marked his review dated 10/13/21 as **B1**. Mr. Hipolit is okay with how they plan on upgrading their lighting with the state standard. Their signage is going to be outside of the sight triangle so its just a matter of choosing colors. He welcomes all of the upgrades since the building looks like it needs all of them.

The Fire Department review dated 10/13/21 was marked into evidence as **B2**. The Police Department review dated 10/7/21 was marked into evidence as **B3**. The police review recommended the installation of cameras for security in case they needed to call on that footage

for car accidents or a crime. These cameras need to be able to see the site as well as the intersection. Ms. Hickey stated that they do not have that technology however she is willing to speak to the captain to work out what exactly the Montvale Police are looking for. Chairman DePinto stated that this will be a condition of approval in the resolution.

Ms. Green gave a brief overview of her technical review. Chairman DePinto marked her review dated 10/14/21 into evidence as **B4**. There are two new variances that are triggered by this application. One is the number of signs, the OR zone that this site sits in is a free-standing sign or a wall sign and Bank of America is requesting the free-standing monument sign, a wall sign along Chestnut Ridge facade and 3 directional signs in the parking lot. In addition, they are also seeking a variance for the wall sign height and our ordinance is based on the width of the façade of the sign in which it's located on. They're allowed 2.5 feet and they are looking for 3.987 feet for the height. There are a lot of pre-existing, non-conforming conditions that she put in her letter to make the board aware of all of those items. In the majority of her letter, the Bank of America has addressed almost every single one of her comments so Ms. Green has no outstanding comments.

Mr. Regan swore in Paul Grygiel, planner. Mr. Grygiel then gave his testimony. Regarding the signage, they are requesting 5 signs where only 1 is permitted. Commercial uses of this type often have more than one sign. They are improving the aesthetics of the building including the lighting and landscape. As for the size of the letters, they will not need a variance for that, only for the size of the logo. In terms of the appearance of the sign on the building, even though it is not permitted, it is an area that is already there and it's just filling in the blank with the letters and Bank of America logo and it is not intrusive in any way. The positive impacts are better sight circulation. Ms. Hickey stated that in terms of lighting, they will be shut off between the hours of 11pm and 7am in accordance of the Borough Code. Chairman DePinto marked into evidence the Philadelphia sign package as **A4**.

Mr. Regan swore in Joy Ann Shimizu, senior project manager for Philadelphia signs. The existing monument sign is illuminated by LED internally lit. She is proposing the new monument sign to also be internally lit. The white portion is not internally lit, there are individual letters that are

mounted to the silver background that are lit with LED's. The Bank will include some landscape under the sign. The other illuminated sign will be on the façade of the building. The white background is stucco. Mr. Regan swore in Brian Miles, Senior Project Manager. Mr. Miles gave a description of what the proposed façade will look like. They are removing a portion of the glass to the knee wall and then constructing a structural wall made out of stucco. They will be applying the Bank of America logo to the stucco. The knee wall is made out of brick but it will be covered by the stucco so it will look like an entire stucco wall, one plane. Chairman DePinto stated that we need to make it clear that this entire wall is not a representation of the entire sign. Ms. Shimizu explained that the sign will be illuminated by individual letters, internally illuminated with LED's. There are no other illuminated signs being proposed. With respect to the stucco wall, the trim is in brown tones. Chairman DePinto then marked the colored elevation renderings as **A5**.

Chairman DePinto polled the board for questions. Mr. Huseynov asked about directional signs and needed clarification. Mr. Chaplin confirmed that he can add arrows on the ground to make sure there are only cars that exit one way from the property.

A motion to open the meeting to the public was made by Ms. Cudequest and seconded by Mr. Stefanelli. No one from the public was present. A motion to close the meeting to the public was made by Ms. Cudequest and seconded by Mr. Stefanelli. All in favor stated aye.

A motion for the Board Attorney to prepare a resolution was made by Mr. Stefanelli and seconded by Mr. Ryan. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**PUBLIC HEARINGS (CONT):** None

## RESOLUTIONS:

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

**Carried to November 16, 2021**

**Block 2702 Lot 1.01 (various qualifiers) and Block 2802 Lot 2 (various qualifiers) – Montvale Development Group c/o Hekemian – 100-400 Market Street, 10-60 Farm View –** Resolution Granting Amended Preliminary and Final Approval and Variance Relief to Various Entities

A motion to introduce was made by Councilmember Koelling and seconded by Mr. Stefanelli. Mr. Regan made some changes. A roll call vote was taken with all members stating aye.

**OTHER BUSINESS:** Shoppes at DePiero's and North Market – North Market has a strong possibility of a major tenant who specializes in sea food and steak with upscale restaurant and liquor license. Also, the construction on the apartments has been underway but delayed due to material and labor shortages. They hope to start taking occupancy by Spring of next year. There are 2 other major tenants looking to move into North Market. They have very good activity.

Over at the Shoppes at Depiero's, a major book retailer is looking to take space. If in fact that were to happen, it would take up all of the vacant space, which is really good considering the pandemic. All of the other retailers that are there are paying full rent again. Things seem to be finally moving in the right direction.

Ms. Hutter, Mayor Ghassali and Mr. Hipolit did a zoom call tonight with the owners of the old Western Union building. They are looking to demolish and build new/blend with the existing of landscaping and lighting. They are anxious to get moving on that development.

100 Philips Parkway – there are a number of potential bidders on that property. There has been an uptick on inquiries on the Borough. There will most likely be a busy year coming up.



Chairman DePinto stated that we are in need of a new master plan. They need a new committee so they can get input from others. Hoping to put it all together by the end of October.

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

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

**Next Regular Scheduled Meeting:** November 16, 2021 at 7:30 PM

Respectfully Submitted,

Erica Davenport  
Assistant to the Land Use Administrator