

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

## **MINUTES**

**Tuesday, November 16, 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 7:47pm

### **ROLL CALL:**

**PRESENT:** Theresa Cudequest, John Culhane, Councilmember Koelling; 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; and Erica Davenport, Assistant to the Land Use Administrator

**ABSENT:** John Ryan, Mayor Designee and Lorraine Hutter, Land Use Administrator

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

**ENGINEER/BOROUGH PLANNER:** None

**ZONING REPORT:** Mr. Gruber – The entrance to Wegman’s is still being used by non-Wegman’s trucks and he would like to consider placing signs so the trucks can follow some kind of route and not damage any property from turning around in the wrong locations. They are currently coming in by the Starbuck’s entrance and that is not where trucks should be coming in. He received an inquiry of 25 Philips Parkway of inside athletic facilities of some sort with no details given. He plans on turning that over to Lorraine so she can handle it. Also, the Shoppes at DePiero’s regarding the garbage enclosures are on order. They will be replaced in the next few weeks and they are currently in transit to arrive soon.

Chairman DePinto was concerned about the truck route and the damage they are causing to the property. He would like the Manager of Wegman's and John Derisse to come to the next Planning Board meeting so he could discuss some options to eradicate this problem. Mr. Gruber will have Lorraine contact him.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Zitelli – They had their meeting last night and the primary discussion was about open space. They had Barbara Davis from the Land Conservancy of NJ informing them about Green Acres funding and funding they might be able to get from Bergen County. They also discussed about getting input from them for a revised Master Plan for the town until everything gets approved.

Chairman DePinto stated that he received an email from Bob Hanrahan talking about the Land Conservancy of NJ and how they provide services to towns where they do vacant land adjustments and recommendations for open space and things that should be incorporated in the Master Plan. The email particularly talked about how we are going to the Mayor and Council to seek funding to re-do the Master Plan. It's a two-step process, the first step, which is the most critical, is dealing with open space. The fee is about \$12,000 and most municipalities are able to pay that from their Open Space Trust Fund rather than come out of the municipal budget. What Bob Hanrahan would like is the support of the Planning Board to go to the Governing Body to support the Environmental Commission's request of the funding coming from that source. There was no objection from any board members.

Chairman DePinto would like Erica to tell Maureen Iarossi, Administrator, that the Planning Board is in support of the Land Conservancy of NJ working with the Environmental Commission to put together a plan which would be incorporated into the Borough's Master Plan.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli reported that there was only one applicant tonight, which was Block 2601 Lot 32 - Memorial Sloan Kettering. They are looking to install a temporary tent to screen patients before they come into the building. There is a section of the building that has not yet been approved and they don't have occupancy to that area so they need some area to screen patients before entering. We have given them a 6-month

approval for the tent and then they will come back at the end of that timeline if they don't get approval from the DCA to open their building.

**CORRESPONDENCE:** On the back table

**APPROVAL OF MINUTES:** October 19, 2021 – 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.

**DISCUSSION:** Proposal for Professional Planning Services. Ms. Green gave a brief overview of her proposal. There are lots of various programs that need to be rolled out or implemented such as the Rehabilitation Program, the Affordable Housing, the Quarterly Assistance Program or the Borough Owned Properties, etc. There are items that need to be consistently monitored and reviewed. This proposal will allow Ms. Green to continue to assist Lorraine with answering any questions and maintaining compliance. No questions arose from any board members. A motion was made this evening and a professional service resolution will be written up by Mr. Regan. A motion to approve 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.

**USE PERMITS:**

**Block 1902 Lot 5 – Synergy Health Advisors – 305 W. Grand Avenue - (448 sq. ft.)**

Andrew P. Bolson from Meyerson, Fox, Mancinelli & Conte, PA came forward to represent his client Mustafa Dinani. Mr. Regan then swore in Mr. Dinani. Chairman DePinto read the application aloud into the record. Mr. Dinani gave a brief overview of his business. They are a small medical office and the space will be used to have their labs. They only have 3 examination rooms. No questions arose from board members. Mr. Gruber stated that they will need to obtain a CCO and any permits from the building department. Chairman DePinto stated that there will be no markings on parking spaces. 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.

**Block 2002 Lot 15 – PCN Medical Group, LLC – 221 W. Grand Avenue - (900 sq. ft.)**

Arthur M. Neiss from Beattie Padovano came forward to represent the applicant. Mr. Regan swore in David Alvarez. An amended application was submitted and there were no changes made to that application. Chairman DePinto read the amended application aloud into the record. Mr. Alvarez explained that he already occupies 968 sq. ft. and intends to add 966 sq. ft. more into his office space. The additional space will be for administrative use only. There will be a total of 10 rooms including a waiting area. Chairman DePinto amended the application to read “parking in common” and there will be no marked parking spaces. Attached to the application was the Montvale Police Department report, the Chamber of Commerce form and a list of zip codes of 6 employees. Also attached was a floor plan marked “Proposed Expansion to Medical Offices” by Robert P. De Pippa Jr. Mr. Culhane was concerned about the number of parking spots for the number of clients he may have at one time. Mr. Alvarez explained that he only gets 15-25 patients per day. Chairman DePinto amended the application to read 3-4 patients/hour typical. Ms. Cudequest asked if an ambulance would have enough room to come in with a stretcher. Mr. Alvarez assured her that there is enough room. No other questions arose from any other board members. A motion to approve was made by Mr. Teagno and seconded by Ms. Cudequest. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 1102 Lot 1 – Sentry Laboratories LLC – 1 Paragon Drive, Suite 125 - (7,819 sq. ft.)**

Andrew P. Bolson from Meyerson, Fox, Mancinelli & Conte, PA came forward to represent his client, Jeffery Levitin. Mr. Regan swore in Mr. Levitan. Chairman DePinto read the application aloud into the record. Attached to the application was the Montvale Police Department application as well as a floor plan and a list of zip codes of employees. Mr. Bolson clarified that the intent of this office is to be used as a lab. There will be a portion of the space for administrative purposes and a small space to test tissues for cancer. The testing will take place in the rooms that are labeled “AC” on the floor plan. There are also some empty rooms not labeled that will be used for computer analysis of these tissues. There are 4 employees. Mr. Levitin explained that they are not apart of a large company, however, they have a lot of salesmen that come to the office. There is a lot of computer training that takes place for these salesmen and to test the equipment. Chairman DePinto asked if there was special ventilation

required. Mr. Levitin explained that these samples of the tissue are not live and are delivered by FedEx or UPS. They are tested under a computer in laboratory conditions and are disposed of properly. They have a contract with a disposal company who then comes and picks up the disposal. Mr. Lintner brought up the fact that they had a similar company come before the board a number of years ago and they provided a list of machinery that they used. Mr. Teagno asked if there were any hazardous materials. Mr. Levitin stated that he could give a list of chemicals and equipment if needed. Chairman DePinto said they could move forward with the application for this evening subject to the applicant providing a list of the equipment, a list of the materials, the method of disposing of waste and the assurance that there will be no fumes or odors emitted into the air. Mr. Gruber stated that they will need a CCO for the space and architectural plans from a licensed architect because it looks like they will be putting a lot of sinks in. Due to the nature of the use and consistent of what has been done in the past, Chairman DePinto would like Mr. Regan to prepare a resolution of approval. Mr. Regan could incorporate all of the submitted material from Mr. Levitin into his resolution. Chairman DePinto stated that this needs to be done since it is such a significant change in the use from what previously existed on the property. A motion was made to request Mr. Regan to prepare a resolution 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 1001 Lot 1 – Mark Lazarus – 135 Chestnut Ridge Road - (1,401 sq. ft.)**

Mark Lazarus came forward, representing himself. Mr. Lazarus is a licensed attorney in NJ as well as NY. Mr. Regan swore him in. Chairman DePinto read the application aloud into the record. The application was amended to read Zone: OR-3. Mr. Lazarus stated that the space will be used as a standard law office with 4 offices ranging in size, a conference room and a small kitchen and reception area. Chairman DePinto stated that upon approval tonight, it will be necessary for Mr. Lazarus to obtain building permits from the building department. Mr. Lazarus agreed. Parking was marked as parking in common with other tenants. Attached to the application is the Montvale Police Department report. No questions arose from any 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 2402 Lot 5 – Larisa Stupak/Love Skin LLC – 235 Kinderkamack Road - (350 Sq. ft.)**

Jennifer Berardo on behalf of Wells, Jaworski & Liebman LLC came forward to represent the client, Larisa Stupak. Mr. Regan swore in Ms. Stupak. Ms. Berardo amended the application to read, 23 South Kinderkamack Road, not 235 South Kinderkamack Road. Also, the zone should state B1. Chairman DePinto read the application aloud into the record. An outdoor sign was requested by the applicant. Chairman DePinto explained that she would just need to go to the building department for approval. No changes will be made to the space so Chairman DePinto amended the application to read none instead of N/A. Mr. Gruber asked where she plans on putting the sign. Ms. Stupak would like the sign to go on the side of the building. Mr. Gruber stated that she would need a permit for that. A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 2408 Lot 2 – TAIMOC LLC – 2-8 South Kinderkamack Road - (1,398 sq. ft.)**

Andrew P. Bolson from Meyerson, Fox, Mancinelli & Conte, PA came forward to represent his client, Amauris Jimenez. Chairman DePinto read the application aloud into the record. Attached to the application is the Montvale Police Department report as well as a floor plan. Mr. Jimenez explained that the main entrance to get into his space is through the common corridor/vestibule. His plan is to have customers come in that way. There is no door on the back side, one door coming from the vestibule and one door going out to the parking lot. Those two doors will be used for customers. These are all existing doors and no new exterior updates will be made. Currently, the space is all one big room. Mr. Jimenez would like to use the space as a coffee shop/smoothie restaurant. Mr. Gruber needs a sign application and updated plans to be submitted to the building department with the correct windows and doors in order to get the CCO. No other questions arose from the board members. A motion to approve 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.

**PUBLIC HEARINGS (NEW):** None

**PUBLIC HEARINGS (CONT):** None

## RESOLUTIONS:

**Block 2202 Lot 11 – Walter Janovic – 25 Akers Avenue – Resolution Granting a Major Soil Movement Permit**

Chairman DePinto read the resolution by title into the record. A motion to introduce was made by Mr. Teagno and seconded by Mr. Culhane. Mr. Regan stated some changes. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

A five-minute break was taken at 9:19pm

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

Chairman DePinto wanted to refer to the review letters submitted by the Borough Professionals. Mr. Regan swore in Ms. Green and Mr. Hipolit. Ms. Green gave a brief summary of her report, dated November 15, 2021. One item that she flagged as outstanding was item #4, the size of the address sign. It is not clear as to how this sign is going to sit on the ground. The detail is unclear because they don't state whether it sits on a base or directly on the ground so she cannot distinguish the height. The next item that was unclear was the material that the playground base was going to be made out of. They originally stated it would be rubber mulch however there is no note on the plans as to what material they have chosen. The detail for the bike shelter as to material and/or lighting is also not clear so that remains outstanding. Also, the colors that they are identifying are confusing because they state using more than three colors and if that is the case, they will need a variance. Regarding the bike shelter walls, they have stated to use wooden boards as the walls and Ms. Green is referring that to the Board if they deem that sufficient. Ms. Green also noted that the architectural plans did not arrive to her office until 3:00pm yesterday which is considered late. She has not had a chance to

review those as of yet. Ms. Green stated that their original submission of the architectural's did detail the interior amenities.

Chairman DePinto stated that he doesn't know if the architectural's that were just submitted are compliant with what the governing body deemed acceptable. Ms. Green will take a look at that because the agreement was made between the governing body and the developer. Chairman DePinto thinks this is very important. Chairman DePinto doesn't know how we can move forward because we must rely upon this agreement and comply with the request of the council. Ms. Green also stated that we do not know if they made any changes from their initial site plan.

Mr. Hipolit gave a brief review of his review dated November 16, 2021. He came up with 7 comments. The first comment is that they never provided any filing destinations. Comment 2, they have not provided any indication on whether or not they will use rubber mulch. Comment 3, they did do the grading of the common area so Mr. Hipolit is okay with that. Comment 4, regarding the bike shelter. They provided a shadow box shelter and that's not what the board asked for so that remains outstanding. Comment 5, 6-foot benches, they are not providing those. Comment 6, the board asked for extra parking spaces to bring the number up to 55. Now they need to modify that to show a handicapped space. Comment 7, they need more detail for the street number sign. Mr. Hipolit stated that on a final site plan all of these items should already be addressed.

Chairman DePinto read the police department review, dated November 4, 2021 aloud. Chairman DePinto also read the Montvale Fire Department review, dated November 12, 2021 aloud.

Chairman DePinto would like to carry this resolution 30 days to give the professionals adequate time to review the architectural's. The board was polled and all members agreed to carry this until all outstanding items are resolved.

**Carried to the January 4, 2022 meeting**

**Block 2904 Lot 4 – Bank of America – 80 Chestnut Ridge Road – Resolution Granting Amended Site Plan Approval and Variance Relief**

Mr. Regan stated that a request came from the Bank of America's council this afternoon asking that the board postpone acting on the resolution. They were provided with a draft of the resolution and they came back with a number of edits to the resolution showing some concerns with the cameras. Mr. Regan rejected those changes and stated that the cameras that would be installed would have to be approved by the police department. The Bank of America is not in agreement and they asked the board to withhold the resolution from getting approved tonight.

**Carried to the December 7, 2021 meeting**

**OTHER BUSINESS:** None

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

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

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

Respectfully Submitted,

Erica Davenport  
Assistant to the Land Use Administrator