

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

## **MINUTES**

**Tuesday, December 7, 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 7:36 PM

### ROLL CALL:

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

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

**ABSENT:** John Culhane, Christopher Gruber and Andrew Hipolit, Borough Engineer

**MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER/BOROUGH PLANNER:** No report.

**ZONING REPORT:** Mr. Gruber was absent. No report.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Zitelli had no report.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli reported that there were 3 applicants tonight. The first applicant was Gray Capital, LLC located at 100 Summit Avenue. They are proposing a healthcare center/nursing home. We expect them to submit plans to us sometime in February. The next applicant was Meta Surgical Center located at 6 Chestnut Ridge Road. They are just interested in changing their sign from "Montvale Surgical" to "Meta Surgical". Due to the resolution that was passed for that shopping center, they

needed to come before the Site Plan Review committee to do so. That sign change was approved. The last applicant was Bob Meyers located at 17 Flintlock Road. The home is being constructed and there is already a retaining wall on site however it needs to be reconstructed and the Site Plan Review committee gave him approval to do so as making it a diminimus change. No need to file a full application can just go forward through the building department and file an as built when done.

**CORRESPONDENCE:** On the back table

**APPROVAL OF MINUTES:** November 16, 2021 – A motion to approve was made by Ms. Cudequest and seconded by Mr. Lintner. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Ryan abstained.

**DISCUSSION:**

**Mayor Ghassali Discussion** - Use Permit Alternative

Mayor Ghassali first stated that Ms. Cudequest will be moving back to the Mayor and Council and will no longer be a Planning Board member. There will now be an open seat and we are seeking to fill someone in her seat. Secondly, Mr. Ghassali spoke about the vacancies in Montvale. Since January of last year, Montvale has lost 55 businesses. Some downsized and moved out while others went out of business. Mayor Ghassali proposed a policy change for Use Permits. He would like to get rid of the section where the application asks for zip codes for all employees. He believes it doesn't help with the traffic study that it originally started as. He is leaving that decision up to the Planning Board as to how they would like to handle that. The second policy change is if a small company moves in and falls under the category of "permitted use", they should only have to go to the construction department and not have to come before the Planning Board. The third policy change he is proposing is also under the permitted use category. If a business is already occupying space and seeking to only enlarge their space, they should only have to go to the construction office, not the planning board. Since their business is already permitted, it would only make sense for them to go get construction permits to allow them to make the necessary changes they want. Chairman DePinto would like to put together a committee to discuss these changes. He will get back to the Mayor February 1, 2022. He believes there needs to be measurable standards.

**Ordinance #2021-1513** – An ordinance of the Borough of Montvale amending and supplementing chapter 400, “Zoning,” To Rezone Block 1002, Lot 7 As A New “AH-6-AR” Zoning District and Establishing the Zoning Regulations for Said District Including Implementing an Age Restriction Consistent with The Borough’s Affordable Housing Court-Approved Settlement and Judgment Of Compliance and Repose”

There is one property in the Borough that is under the AH-6 and they will be changing it to a sub zone. It was determined that our housing plan was age restricted however it was not reflected in the judgement of repose that was issued by the court. Ms. Green stated that this update simply aligns the code book with the housing plan. A motion to introduce was made by Councilmember Koelling and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

#### **USE PERMITS:**

##### **Block 1001 Lot 1 – Brownstone Contractors – 135 Chestnut Ridge Road - (1077 sq. ft.)**

Jennifer Berardo on behalf of Wells, Jaworski & Liebman LLC came forward to represent the client, Hayward Brown. Mr. Regan swore in Mr. Brown. Ms. Berardo explained that Mr. Brown will be the only employee working at this location. Chairman DePinto left the application to read 2-4 employees. Chairman DePinto read the application aloud into the record. The number of visitors was marked as 0-1. Attached to the application is the Montvale Police Department report as well as the list of zip codes. Also, marked as Exhibit A is the floor plan. Mr. Brown gave a brief overview of the business. They are a construction company and they will be using this space to review plans and general office space. There will be no storage of tools on premises. No questions arose from any board members. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Teagno. A roll call vote was taken with all members stating aye.

##### **Block 1901 Lot 5 – Benjamin Stern/Tri-State Solar – 180 Summit Avenue - (200 sq. ft.)**

Benjamin Stern came forward and represented himself. Mr. Regan swore in Mr. Stern. Chairman DePinto read the application aloud into the record. Mr. Stern purchased Tri-State solar in 2018 – they install solar panels to residential homes. They have independent sales

people and installers. The material gets drop shipped to the customers so there would be no major storage on site. Mr. Stern stated that he does occupy other space in this building under a different name known as "Quality Facility Solutions". That space is 200 sq. ft. however, he is seeking to have that space labeled under "Tri-State Solar". Mr. Stern requested to have a small box truck parked overnight only 1-2 nights per month however, that was polled by board members and denied. Mr. Zitelli stated that he could simply call in to the police department if he needs to park overnight. Mr. Stern was okay with that. A motion to approve was made by Mr. Koelling and seconded by Mr. Huseynov. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 1102 Lot 1 – Riverside Abstract, LLC – 1 Paragon Drive, Suite 159 - (2,300 sq. ft.)**

John Conte from Meyerson, Fox, Mancinelli & Conte, PA came forward to represent client Rea Lazarus. Mr. Regan swore in Mr. Lazarus. Chairman DePinto read the application aloud into the record. Attached to the application is the Montvale Police Department form and a list of zip codes. Also submitted is a floor plan which will then be submitted to the Building Department upon planning board approval. Mr. Lazarus gave a brief overview of the business. His business is a title agency which handles real estate transactions/closings and he will be using the space as a general office space. A motion to approve was made by Mr. Lintner 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-Broad Management Group, LLC-1 Paragon Drive, Suite 200-(3,300 sq. ft. 12,730 sf adding 3,300 sf totaling 16030 sq. ft.)**

John Conte from Meyerson, Fox, Mancinelli & Conte, PA came forward to represent client Mervin Klein. Mr. Regan swore in Mr. Klein. Mr. Conte stated that there were changes submitted. He would like the application amended to reflect the applicant as Broad Management/Amalgamated Insurance Underwriters ("AIU"). AIU is a sister company of Broad Management. The applicant further amends number 4L of the use permit application to state that premises shall be used as a general business office of AIU which provides broker/agent services in the excess and surplus line as part of a national multi-family insurance program. Chairman DePinto read the application aloud into the record. Attached to the application is the

Montvale Police Department form and a list of zip codes. Also, a floor plan marked as Exhibit B. They are awaiting approval from the Planning Board in order to go get Building Department permits. Mr. Klein gave a brief overview of his business. It is a family business that owns properties in 16 states and its multi-family homes. No questions arose from any board members. A motion to approve was made by Ms. Cudequest 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 (NEW):** None

**PUBLIC HEARINGS (CONT):** None

**RESOLUTIONS:**

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

**Carried to January 4, 2022**

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

Board members received two letters this evening, one was addressed to Chairman DePinto stating the objection of the Montvale Police Department's request of cameras to be installed. The second letter addressed to Chairman DePinto and board members that they will be withdrawing their application due to the condition of the cameras. Barbara Farricker, attorney, came forward and stated that they are open to discussion however, Mr. Regan explained that if the application is withdrawn then they would need to start an entirely new application. There can be no further discussion. Ms. Farricker understood. Her client wanted to continue to withdraw the application.

**Application withdrawn on December 7, 2021**

**Block 1102 Lot 1 – Sentry Laboratories – 1 Paragon Drive, Suite 125 –** Resolution Granting  
a Use Permit to Sentry Laboratories

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

**Professional Service Agreement** – The Montvale Planning Board requires professional planning services to assist the Borough in complying with its Affordable Housing Settlement Agreement and Judgment of Compliance and Repose

A motion to introduce 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.

**OTHER BUSINESS:** Chairman DePinto would like to set up a committee to discuss the Use Permit policies and procedures. He would like to come up with recommendations to changing the procedures with respect to smaller spaces, the list of zip codes, and expansion with applicants who currently have space within each of these buildings. He would like to meet on January 4, 2022 at 6pm. He would like the committee members to be Councilmember Koelling, Mr. Gruber, Ms. Hutter, Mr. Ryan and Mr. Lintner. Ms. Hutter will provide a memo to the Mayor to state who will serve on that committee.

**The next meeting of December 21<sup>st</sup> has been cancelled.**

**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. Lintner. All in favor stated aye.

**Next Regular Scheduled Meeting:** January 4, 2022

**Reorganizational and Regular Meeting:** January 4, 2022 at 7:30 PM

Respectfully Submitted,

Erica Davenport, Assistant to the Land Use Administrator