

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, February 16, 2021 - Remote Meeting (see below)

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.

You are invited to a Zoom webinar.

When: Feb 16, 2021 07:30 PM Eastern Time (US and Canada)

Topic: Planning Board Regular Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87191375276?pwd=YWxUR3NQRUNTTy9FM0c5eGlyOWZoUT09>

Passcode: 872909

Or iPhone one-tap:

US: +13126266799,,87191375276#,,,,*872909# or +19294362866,,87191375276#,,,,*872909#
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International numbers available: <https://us02web.zoom.us/j/kcRr90nCS1>

OPEN PUBLIC MEETINGS STATEMENT -Please be advised that due to the state of emergency and public health emergency declared by Governor Phil Murphy pursuant to Executive Order 103 and in an effort to prevent further spread of COVID-19, this Planning Board Meeting will be held virtually via Zoom in lieu of an in-person meeting. Notice of this meeting has been advertised in the RECORD and placed on the website. Documents have been posted on the website under the planning board agenda under documents.

All public will be muted until the chairman opens it up to the public for questions only of each applicant's or board professional testimony. The public can address their questions to the chair and he will direct it to the appropriate person. When at the end of the public hearing the chairman will again open it up to the public for comments. If you have a comment please hit the raise hand symbol and I will acknowledge you. Please state your name, spell your name and give your address when asking questions or giving comments. All questions and comments will be directed through the chair and he will in turn direct it to the appropriate person.

ROLL CALL:

PRESENT: Theresa Cudequest, John Culhane, Councilmember Curry, Christopher Gruber, Mayor Ghassali, William Lintner, Frank Stefanelli, 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: Javid Huseynov, Dante Teagno, Robert Zitelli

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

None

ZONING REPORT: Mr. Gruber stated that snow removal is going well with the residents and business owners considering how much snow we've had. Also, building 2 at Market Square is obtaining a CCO mid-March.

ENVIRONMENTAL COMMISSION LIAISON REPORT: None

SITE PLAN COMMITTEE REPORT: None

CORRESPONDENCE: On website

APPROVAL OF MINUTES: January 19, 2021 – 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 Ms. Cudequest abstaining and all other members stating aye.

DISCUSSION: Mayor Ghassali stated that our COVID numbers seem to be leveling off which is good news. He is trying to work with distribution of the vaccine with the state and will have more information in the coming weeks about that. We had a salt shortage and we now have more salt for the upcoming storms. Regarding the project on Schoolhouse Road, Mayor Ghassali is in communication with the Mayor and Chairman of The Village of Chestnut Ridge and they agreed that they will set up a meeting with all professionals to talk about traffic. The Mayor of

The Village of Chestnut Ridge was very receptive and they are in good communication to work together on this project.

USE PERMITS:

Block 3101 Lot 1 – Yeung d/b/a MP Chinese Kitchen – 1-30 Chestnut Ridge Road – (1980 sq. ft.)

<https://docs.google.com/document/d/15W0iRDgjJlAdwp0DDlhOhidnn71MASjkjc-5Q7FS60/edit?usp=sharing>

Janice Gatto, Esq. represented the applicant. Cho Yeung and Fung Yeung were both present as the applicants. They were all sworn into the record by Mr. Regan. Chairman DePinto read the application aloud. Ms. Gatto stated that there is no separate parking. Parking will be in common with other businesses within the area. Ms. Gatto identified the signatures on the application as Mr. Yeung and the landlord. Attached to the application is the Montvale Police Report and the Chamber of Commerce application. Mr. Yeung explained to the board the intended use of the space as a Chinese Restaurant. There will be about 40 available seats. They need to relocate from their current location in Woodcliff Lake. They propose to do some alterations to the kitchen equipment. Mr. Gruber has not been inside the building however; he will be stopping by to obtain a floor plan and count the tables and chairs that are on site. Mr. Lintner brought up the fact that the street address is listed as 14A Chestnut Ridge Road on the police report. Chairman DePinto made an amendment that the street should be listed as 14A Chestnut Ridge Road instead of 1-30 Chestnut Ridge Road. Chairman DePinto stated that Mr. Yeung needs to comply with the exterior sign and Montvale does not permit illuminated window signs. Mr. Yeung agreed. A motion was made to approve by Ms. Cudequest and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote as taken with all members stating aye.

PUBLIC HEARINGS (NEW):

1. Block 2702 Lot 1.01 Qualifier C2000 – Beattie Padovano, LLC – 200 Market Place –

Application to Construction Non-Conforming Signage - Zoning Variance

https://drive.google.com/drive/folders/15clxJhViBafzITJsdmBhAr2pfkIBx_pJ?usp=sharing

Mr. DelVecchio - Applicant SHG Montvale. Mr. Richard Preiss was present as the planner for this application. Mr. DelVecchio stated that this is the retail office building #2 in the North Market Project. This evening they are requesting filing under a single application for 3 distinct signs, the first sign is the “Beattie Padovano, LLC” sign, located in the top right corner of the 4th floor building #2 as it sits facing Mercedes Drive. That sign is 2 feet, 6 inches in height and 34 feet, 6 inches in length. Comprising a total sign area of 86.25 square feet. The second sign is to put the building number “200” and they would like to put that in the glass over the top of the doors. Those doors are on the backside of the building facing the Garden State Parkway, which is the main entrance way. The third sign is entitled “Workplace North Market” which is approximate 2 feet 6 inches in height, and 8 feet 6 inches in length, 21.25 sq. ft. total. The affidavit of service was marked as A1. The North Market sign plans (11x17) dated November 30, 2020 with a revised date February 15, 2021 of was marked as A2. Mr. Preiss, Ms. Green and Mr. Hipolit were all sworn into the record.

Mr. Preiss explained to the board that he reviewed all documents from the borough planner and engineer and provided a brief description. He explained that the signs will be a matte white with halo lit. In terms of the variances that are being requested, the “Beattie Padovano, LLC” sign is 86.25 sq ft and the letter height is 2.5 ft. Under the ordinance, any tenant occupying space over 10,000 sq. ft. is allowed to have two wall signs at a maximum of 36 sq. ft. and a total of 60 sq. ft. combined, in this case, they have a single tenant sign at 86.25 sq ft. They need a variance for the size of that sign. The second variance needed is for “The Workplace North Market” sign because the ordinance states that wall signs should be limited to the identification of the tenant only whereas in this case the wall sign is identifying the name of the building. The review letters from the professionals indicated that a variance is needed for the “200” sign above door however, Mr. Preiss believes that no variance is needed because the section that is sided includes address signs no more than 3 digits, with no digit of letter having an excess of 10 inches or height in excess of 12 inches. Their sign does not transgress any of those requirements. He goes on to say that this sign does not exceed 20% of the area of the window. He believes that the two variances are a C2 variance where the benefits outweigh the detriments. With regard to the “Beattie Padovano, LLC” sign, he doesn’t

believe that there will be any negative visual impact because the size of this sign goes well with the size of the building. As shown in the rendering, its an appropriate scale for the size of the building. He believes that providing the name of the tenant of the building will be a good identification of the building.

Chairman DePinto marked into evidence Ms. Green's review letter dated January 14, 2021 as B1, Montvale Fire Department Report as B2, Montvale Police Department Report as B3. Ms. Green stated that since she issued her review letter, she received two updates of this signage packet presentation that amended her variances that she initially wrote about. For the application, she is in agreement with Mr. Preiss that they do need the variance for the Workplace North Market sign because its not a permitted sign type. As for the Beattie Padovano sign, the updated information they submitted did eliminate variances #3 and #4 on page 3 of her letter so they do not need those variances. Additionally, she had 8 comments in her letter and Mr. Preiss did provide testimony on the grant of the variances and the updated sign packets answered all of her comments. However, the only comment that remained unanswered was comment #3 about the hours of illumination of the signage. Mr. DelVecchio stated that he has no objection to having his sign go on at 7am and go dark at 11pm.

Mr. Zitelli commented that the Beattie Padovano is quite large and didn't know what the benefit was for the size of the sign to exceed by so much. Mr. Preiss stated that it is a mixed use building and wanted this office building to have the name be seen from the roadway so visitors and people who are conduction business in the nearby shopping center to see the sign. At a smaller size this sign will not be that visible.

Mayor Ghassali questioned if another applicant came in who wanted to take up an entire floor and they want a sign also, who that need another variance? Mr. Preiss stated that there would only be tenant signs on the first level and if a tenant wanted another level of the building then there may be a sign located on the other side of the building. He believes another tenant sign on the same side as the Beattie Padovano sign would not be appropriate. Mayor Ghassali stated that he does not want this entire building to be a billboard of signs.

Chairman DePinto believes that the sign at the top of the building is tasteful and he believes a larger sign would be easier to see from afar due to the setback of this building from the roadway. By the applicant's submitted drawing with tenants on the lower level having signs, this granting of the variance does not apply to them. Mr. DelVecchio

agreed that any other signage on this building would be subject to their own application. Chairman DePinto opened the meeting to the public which was motioned by Ms.

Cudequest and seconded by Mr. Lintner. All in favor stated aye. No one from the public came forward. A motion to close the meeting to the public was made by Ms. Cudequest and seconded by Mr. Culhane. All in favor stated aye.

Mr. DelVecchio stated that the proposed lighting temperature be 5000k. He gave two options for the board to consider. The 3000k color gives a cream color and the 5000k color gives more of a bright white color. Mr. DelVecchio stated that their preference is the true white 5000k color. Mr. Hipolit is ok with any color within that given range. Ms. Green stated that the 5000k color would look good due to the building color being more of a brown and a brighter white color would stand out more. Mayor Ghassali liked the 3000k color more however, if the applicant would prefer a brighter white at 5000k then he is ok with that. Mr. DelVecchio thinks the 5000k looks better with their building design. No other questions or comments arose.

A motion was made to have the board attorney prepare a resolution to set forth the recommendations made by the board and borough professionals. A motion 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 other than Mr. Zitelli voting no due to his opinion of the size of the Beattie Padovano sign being too large.

2. Block 903 Lot 6 – Speidel – 33 Old Chestnut Ridge Road – Application for Zoning Variance
<https://drive.google.com/drive/folders/1XpP2apMznMd4I2CD2xWXgXulbZxL9hE?usp=sharing>

John Speidel and Toniel Speidel were present and represented themselves. Mr. and Mrs. Speidel were sworn into the record along with Ms. Green and Mr. Hipolit. Chairman DePinto marked into evidence the ZB1 plans as A1, the January 13, 2021 ZB2 revised plans as A2 and the ZB3 plans as A3. The site plan was marked as A4. The planning report from Ms. Green dated January 20, 2021 was marked as B1. The engineering report dated January 27, 2021 was marked as B2. The Montvale Fire Department report was marked as B3 and the Montvale Police Department report was marked as B4. Both B3 and B4 have no comments.

Mr. Speidel gave a brief overview of what their variance application entailed. They would like to replace a covered porch and a deck that have both fallen into disrepair. They

would like to do an addition with a new roof and new siding, inclusive of vinyl siding and masonry. They are requesting 2 reliefs both on the rear yard setback.

Ms. Green summarized her technical review and stated that this is a very unique property which is almost flag shaped. They have a very large frontage along Chestnut Ridge Road, yet there is this stem where their driveway comes through on Old Chestnut Ridge Road. While there are two deviations triggered, one to the addition and one to the deck, they are both from the same section of the code, so it is technically one variance. The only item that is outstanding is the light pole. Mr. Speidel stated that the light pole was existing when they purchased the house. He had it decommissioned and it will be removed and replaced with the patio being put in.

Mr. Hipolit summarized his technical review letter, dated January 27, 2021, and questioned Mr. Speidel what is the height of the proposed addition. Mr. Speidel responded 20.1 ft and Mr. Hipolit agreed with that. The existing fence crosses on to lot 5 and Mr. Speidel stated that he has an agreement with his neighbor that they both can utilize it. They are also staying with their current air conditioning unit and not adding any new units. If they did perhaps add any new units and put it inside the setbacks, they wouldn't need anything from the planning board other than a permit from Mr. Gruber. No other questions arose from any of the board members.

Chairman DePinto opened the meeting to the public, motioned by Councilmember Curry and seconded by Mr. Culhane. All in favor stated aye. No one from the public came forward. A motion to close the meeting to the public was made by Councilmember Curry and seconded Mr. Culhane. All in favor stated aye.

Chairman DePinto called for the board attorney to prepare a resolution of approval setting forth the conditions so stated on the record and plans. 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.

3. **Block 401 Lot 6 – Heinbockel – 49 North Avenue – Application for Zoning Variance**
<https://drive.google.com/drive/folders/19Jq2acxeFnA-lY8Vsx9BbytI2DHqhO4c?usp=sharing>

Tom Heinbockel and Christine Heinbockel were present and represented themselves. Mr. and Mrs. Heinbockel were sworn into the record along with Ms.

Green and Mr. Hipolit. Chairman DePinto marked into evidence a revised plan dated 12/8/21 as A1 entitled "Pool House Site Plan". Mr. and Mrs. Heinbockel gave a brief overview of what their plans are for their pool house. The structure will be the same height as the house and there will be a bridge that connects from the pool house to the actual house. They are seeking a side yard setback relief. They are asking for the west side to have 26 ft even though the east side already had a pre-existing, non-conforming setback of 13 feet. Cumulative its going from 50 feet to about 40.63 feet. Chairman DePinto marked into evidence the Montvale Police Department Review as B1 and the Montvale Fire Department review as B2. The Planning report, dated December 23, 2021, was marked as B3 and the Engineering report as B4.

Ms. Green summarized her report. She stated that she agrees with the applicant that they only need 1 variance for the combined side yard setback of 40.63 where 50 feet is required. There are some pre-existing, non-conforming conditions on the site, first is the lot width of 243 feet, also the min of the side yard setback of 20 feet. Lastly, the ordinance has a requirement of a 50 rear yard setback and a portion of the deck and the home already exist within that rear yard setback. The plans submitted indicate a circular driveway, however, she questioned when this driveway was installed. The applicants did install this new driveway back in July and they did pull all the permits required. Ms. Green also questioned the rectangular pad on the east side. Mr. Heinbockel stated that it was perhaps some of the pool equipment but he wasn't sure why that was added. Chairman DePinto stated that they need to communicate with their architect to distinguish what it actually is. The applicants agreed. Ms. Green would also like to put in some sort of deed restriction to the pool house because the plans indicate that they are putting in a kitchen, bathroom and washer and dryer. While these owners may not have any intention as using this structure as a separate dwelling, future owners may want to use it as such. Mr. Regan fully concurs about a deed

restriction being required. Mr. and Mrs. Heinbockel agreed.

Mr. Hipolit summarized his review letter. Mr. Hipolit asked what the height is of the actual addition. Mr. Heinbockel responded with 17 feet. It matches more of the gutter line of the garage. Mr. Hipolit brought up the fact that there were no soil movement calculations and since they are putting in a pool, they would most likely be over 500 cubic yards. Mr. Regan stated that if they do need to do a major soil movement application it would need to be heard at another hearing since they don't have the proper documents needed at this time. Mr. and Mrs. Heinbockel were not aware that they needed this separate document. Mr. Lintner asked what they were connecting this bridge to? The applicants responded with it being a separate bonus room/play room type space. Mr. Gruber stated that this connecting bridge needs to actually be connected, if they start this process and decide not to connect this bridge then it will cause a lot of permitting issues. Mr. and Mrs. Heinbockel understand that they are going to have to re-appear for the soil movement application. Mr. Hipolit also stated that if they are doing any excavation, the soil needs to be removed from the site.

Chairman Depinto opened the meeting up to the public. This was motioned by Mr. Culhane and seconded by Mr. Lintner. All in favor stated aye. Mrs. Birdsall came forward and was sworn in by Mr. Regan. Mrs. Birdsall's son spoke on her behalf, Kevin Birdsall, who was also sworn in by Mr. Regan. They were concerned about lighting and Mr. and Mrs. Heinbockel stated that the only lighting that will be was inside the pool, no spotlights anywhere. Also, they asked about drainage. Mr. and Mrs. Heinbockel stated that all drainage is up to code and will not affect any neighbors. No one else from the public came forward. A motion to close the meeting to the public was made by Mr. Culhane and seconded by Mr. Lintner. All in favor stated aye.

Chairman DePinto stated that they can move forward with this application for the board attorney to prepare a resolution, subject as to clarification on what those rectangles are on the property and subject to you revising the plan if necessary, to eliminate them or return to seek the necessary reliefs set forth in Ms. Green's technical review. Ms. Green stated that they have to revise comments 5, 6, and 7 regarding the various numerical discrepancies in order to move forward with the application. Mr. Hipolit stated that there were no other changes that needed to be made to this plan other than a separate soil movement application. No other comments were made from board members. A motion 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 FIVE-MINUTE BREAK WAS TAKEN.

PUBLIC HEARINGS (CONT):

1. **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- 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
<https://drive.google.com/drive/folders/1484vkWTKSafI5nUb9rEJemFjV7EuOCBQ?usp=sharing>

Minutes for this application were taken by a court reporter – see attached. This application was carried to March 16, 2021.

2. **Block 2904 Lot 4 - Bank of America - Chestnut Ridge Road** - Amended Site Plan - Lighting

https://drive.google.com/drive/folders/15Y_tPQAcuf2AJHRpGm_48-Xnhcuk_7e4?usp=sharing
Carried to March 16, 2021

3. **Block 2002, Lot 3-Mobius Solar 1, LLC ("Mobius") - 5 Paragon Drive** - Amended and preliminary and final site plan approval and a Major Soil Movement Permit for Solar Panels-
Carried to March 2, 2021

RESOLUTIONS: None

Other Business: None

Open Meeting to the Public: Motion was made by Ms. Cudequest and seconded by Mr. Culhane. All in favor stated aye. 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. Lintner. All in favor stated aye.

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

Next Regular Scheduled Meeting Remote: March 2, 2021 AT 7:30 PM

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator