

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

## **MINUTES**

**Tuesday, October 18, 2022**

**Municipal Complex 12 DePiero 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 the meeting at 7:40 PM and led everyone in the Pledge of Allegiance.

### **ROLL CALL:**

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

**ALSO PRESENT:** Robert Regan, Board Attorney; Darlene Green, Borough Planner; Dipti Sheth, Acting Engineer; John Kurz, Fire Chief; Lorraine Hutter, Land Use Administrator and Erica Davenport, Assistant to the Land Use Administrator

**ABSENT:** Javid Huseynov and Andrew Hipolit, Borough Engineer

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

**ENGINEER/BOROUGH PLANNER:** None

**ZONING REPORT:** Mr. Gruber - Building 100 at the District has received their Certificate of Occupancy. Building 300 at the District has received their Temporary Certificate of Occupancy. AR Landmark on at 12 Van Riper Ave has started stick framing and is anticipated to be completed by summer of 2023. All other big projects in town are moving along however building material supplies are still an issue.

**ENVIRONMENTAL COMMISSION LIAISON REPORT:** Mr. Zitelli – The Environmental

Commission met last night and the discussion was about the trail at Huff Pond where the Girl Scouts are doing some plantings. The trail is in good shape. Also, the usage of plastic bags has gone down significantly, about 50%, which is great news.

**SITE PLAN COMMITTEE REPORT:** Mr. Stefanelli – This evening we had one applicant which was AR Landmark Montvale. They had some discrepancies on the site plan which needed some modifications. They will be waiting for the Sony project is complete and then they will be coming back to our committee with updated plans.

**CORRESPONDENCE:** On back table

**APPROVAL OF MINUTES: September 20, 2022** – A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner. There was no discussion on the motion. A roll call vote was taken with members stating aye. Mr. Teagno abstained.

**DISCUSSION:** None

**USE PERMITS:**

**Block 2002 Lot 3 - Balchem Corporation - 5 Paragon Drive (40,000 sq. ft.)**

Hatsuki Miyata came forward to represent client, Michael Brent Tignor. Mr. Regan swore in Mr. Tignor. Chairman DePinto read the application aloud into the record. The application was amended to read OR-3 as the zone. Council identified the two signatures on the application. Attached to the application was the Montvale Police Department form as well as the Montvale Chamber of Commerce form. Ms. Miyata gave a brief overview of the business. The intended use of the space will be used as a flight center office space and it is a global publicly traded company. It will be used for administrative purposes meant for shipping and receiving supplies. Chairman DePinto polled the board for questions, no questions arose from any board members. A motion to approve was made by Mr. Culhane and seconded by Councilmember Koelling. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 2702 Lot 1.01 - MNT Group LLC d/b/a Rumble Boxing Montvale – 310-330 Market Street - Suite 320 (2,198 sq. ft.)**

Andy DelVecchio came forward representing client Jasmine Kim. Mr. Regan swore in Ms. Kim. There were no changes to the application that was submitted. Chairman DePinto then read the application aloud into the record. Mr. DelVecchio identified the signatures on the application. Attached to the application is the Montvale Police Department form. Ms. Kim explained the proposed use of the location. Ms. Kim stated that it is a boxing inspired boutique fitness training program. There will be clothing and accessory sales at this location. Mr. DelVecchio stated that it is a location on the South side of the building next to Real Hot Yoga in Building #3. Councilmember Koelling asked how many people they expect on a daily basis and Ms. Kim responded approximately 75 people. Mr. Ryan asked if this is membership based and Ms. Kim responded it will be both membership and walk-ins. Mr. Gruber asked if there will be any signs and Mr. DelVecchio stated that it will be in compliance with the signs permitted by the planning board. A motion to approve was made by Councilmember Koelling and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Mr. DelVecchio then gave brief testimony regarding his signage plan. Mr. Regan marked it as Exhibit 1. Mr. Regan will prepare a resolution for this application. A motion to request the board attorney to prepare a resolution was made by Mr. Lintner and seconded by Mr. Ryan. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 2602 Lot 1 - Dr. Steven Geanopulos - 210 Summit Avenue (1018 sq. ft.)**

**Block 2602 Lot 1 - Luxury Lease Partners, LLC - 210 Summit Avenue (3332 sq. ft.)**

**Block 2602 Lot 1 - Dr. Jessica McCarthy - (formerly DeGaetano) - 210 Summit Avenue (640 sq. ft.)**

**Block 2602 Lot 1 - The 210 Summit Avenue Company, LLC - 210 Summit Avenue (896 sq. ft.)**

**Block 2602 Lot 1 - Groesbeck & Groesbeck, LLC - 210 Summit Avenue (531 sq. ft.)**

Richard S. Libowitz came forward to represent all 5 clients located at 210 Summit Avenue. He stated that all of these clients are being moved to different suites within the building. Joanne McCoy, owner of the building, was also present. Mr. Regan swore in Ms. McCoy. Ms. McCoy stated that all clients have been approved and are already in the building however, she is moving

certain people around since one person broke his leg and can no longer get up and down the stairs. All clients are in compliance and will not be making any changes to any of the spaces. All members are in agreement to move spaces. None of their business have changes since they have already been approved by the board. Ms. McCoy stated that all doors will be updated with the correct name and suite number to accurately identify where they are located. Mr. Regan stated that it is not necessary to read each use permit into the record since they have all been previously approved and they can all be approved with a single vote. No questions arose from any board members. Mr. Gruber stated that they will need to go to the building department for the proper permits. A motion to approve was made by Mr. Ryan and seconded by Mr. Stefanelli. There was no discussion on the motion. All members stated aye.

**Block 2402 Lot 5 - Joshua Miller d/b/a Psychic Readings - 23 Kinderkamack Road (400 sq. ft.)**

Mr. Miller came forward to represent himself because he will be operating as a sole proprietor. Mr. Regan swore in Mr. Miller. There were no corrections to the application submitted. Chairman DePinto read the application aloud into the record. The application had the block and lot number left blank so it was amended to read Block 2402 Lot 5. The zone was also left blank so it was amended to read B1 zone. Mr. Miller will not make any alterations to the space. That was amended on the application to reflect none under 4N. The application was also amended to read parking in common with other tenants. Mr. Miller identified the signatures on the application. Attached to the application was the Montvale Police Department form. Chairman DePinto amended the Police Department form to read Psychic Readings instead of Joshua Miller as the business name. Chairman DePinto polled the board for questions and no questions arose from any board members. Mr. Gruber stated that they will need to obtain a CO from the building department. A motion to approve 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.

## **PUBLIC HEARINGS (NEW):**

### **Block 2411, Lot 7.01 - Sam Matthews -19 Hillside Terrace-Major Soil Movement Application**

Mr. Regan first swore in the Borough Planner, Darlene Green, the acting Borough Engineer, Dipti Sheth, Kirstin Ostercorn, Engineer and Planner, and Gregory Ralph, Architect. Mr. Regan marked the plans submitted by the architect as **A1** (with a revision date 8/10/22). Ms. Ostercorn gave brief testimony of her submission. Ms. Ostercorn stated that currently the site is vacant and this lot was a part of an approved subdivision back in March 2016. Through that subdivision it created a non-conforming lot width of 97 feet where 100 feet is required. All other bulk variances that are a part of this application are conforming. They are here tonight for a major soil movement permit and as a part of this application they have an existing non-conformity for lot width and they are requesting a waiver for the wall height in the rear yard. It was also brought to her attention regarding pre-disturbance of topographic conditions over 15%. There are portions of the lot that they will be disturbing that are over 15%. Mr. Regan checked the notice to make sure that they did notice for all variances needed for this lot. Mr. Regan stated that the notice does cover all variances and waivers so they can move forward with their testimony. Ms. Ostercorn brought an exhibit that was marked as **A2**. This lot slopes from the rear to the front and drainage is towards Hillside Terrace. They are proposing to remove 8 trees for this project and they will be replaced with 8 trees - evergreens will be on the North and South side. They will build a single-family house - 5 bedroom 4 ½ bath that conforms with all bulk requirements. Building coverage is at 19.5% where 20% is permitted. Impervious coverage is 28.5% where 40% is permitted. Building height is from existing grade at 27.5% where 28% is permitted. In the rear yard they will be doing a tier-walled system, this is where the 8-foot wall in the northeast corner will be. Given the grade of the property, this is why they will be making it a 3-tiered wall. Part of the design of the wall will be "Alan Block" which are big blocks in order to reduce the disturbance behind the wall on any neighboring properties. There will be some seepage pits in the front yard to provide proper drainage for the property. The total cut of the soil being moved is 1,645 sq. ft. Ms. Ostercorn believes that this house will fit within the neighboring houses and will be a great addition to the block.

Chairman DePinto marked into evidence Mr. Hipolit's review letter dated 10/13/22 as **B1** and Ms. Green's review letter dated 9/8/22 as **B2**. Chairman DePinto also marked into evidence the Police Department review letter dated 9/13/22 as **B3** and the Fire Department review letter dated 8/29/22 as **B4**.

Mr. Ralph stepped forward to give brief testimony. He made comments that followed along the same lines as Ms. Ostercorn's testimony. His plans were marked as **A3**. Mr. Ralph marked SK1 and 2 as **A4**. Mr. Ralph validated the height calculations and agrees with the planner's calculations. This house will be a traditional style home and also thinks it will be a good addition to the neighborhood.

Ms. Green gave brief testimony. Ms. Green asked about the hatch line of the porch. Mr. Ralph did submit updated plans and he did address her question in those updated plans. Ms. Green also asked about fences. Ms. Ostercorn stated that she needs to include those in her next submission of plans. Ms. Green commented about the garage being living space and that will not conform to RSIS. Mr. Regan stated that the garage will not be living space. That concluded Ms. Green's testimony. Ms. Sheth then read from Mr. Hipolit's review letter. That concluded Ms. Sheth's testimony.

Ms. Ostercorn will be preparing revised plans for our December 6<sup>th</sup> meeting.

Chairman DePinto polled the board for questions. Mr. Gruber asked about water getting into neighboring properties. They will be putting in a seepage pit on the applicant's property however, neighboring properties may not have seepage pits installed. Ms. Ostercorn stated that she will put in a French drain at the top of the wall that they are installing. Mr. Gruber also asked about a generator might be installed on this home. The location might make a loud sound so he hopes the gas lines are installed at a good location so neighbors don't hear a loud sound. Mr. Stefanelli asked about a basement kitchen bar. He is concerned about a second kitchen and he would like the plans to read simply wet bar sink. Mr. Ralph stated he will make that change. No other questions arose from any other board members.

Chairman DePinto opened the meeting to the public. A motion was made by Councilmember Koelling and seconded by Mr. Teagno. All in favor stated aye. George Hecker (36 Earie Avenue – owner of 17 Hillside Terrace) came forward. Mr. Regan swore in Mr. Heckert. Mr. Hecker has a retaining wall on his property and part of it protrudes onto his neighbor's wall. He is asking if they will be removing his wall and he would like to make sure that wall is taken care of since it is being touched by the applicant. Chairman DePinto would like Mr. Hecker to get a copy of the updated plan. Ms. Ostercorn stated that she will take his contact information and meet with him on the property to see if they can come to some agreement on the care of this wall. Mr. Hecker agreed to this. No one else from the public came forward. A motion to close the meeting to the public was made Mr. Stefanelli and seconded by Councilmember Koelling. All in favor stated aye. This application was carried to December 6th in order for the Planning Board to review the updated plans. Chairman DePinto stated that no further notice will be required.

**A ten-minute break was taken at 9:15pm**

**PUBLIC HEARINGS (CONT):**

**Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Preliminary Major Site Plan and Major Subdivision Approval**

**Chairman DePinto recused himself for this application along with Councilmember Koelling and Mr. Ryan due to the D-variance.**

**Please see attached transcription.**

**RESOLUTIONS:** None

**OTHER BUSINESS:** None

**OPEN MEETING TO THE PUBLIC:** A motion to open the meeting to the public was made by Mr. Teagno and seconded by Mr. Lintner. No one from the public came forward. A motion to close the meeting to the public was made by Mr. Culhane and Mr. Zitelli. All in favor stated aye.

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

**Next Regular Scheduled Meeting: November 1, 2022**

**Respectfully Submitted,**

**Erica Davenport**

**Assistant to the Land Use Administrator**