

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

**Tuesday, February 7, 2023**

**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 7:35pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

**PRESENT:** John Culhane; Councilmember Koelling; Javid Huseynov; Robert Zitelli; Frank Stefanelli; William Lintner; Christopher Gruber; Dante Teagno and Chairman DePinto

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

**ABSENT:** John Ryan, Mayor Designee and Andrew Hipolit, Borough Engineer

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

ENGINEER/BOROUGH PLANNER: None

ZONING REPORT:

Mr. Gruber - Complaints are being made to the building department about noises from the roof of building 100 and 300 at the District due to A/C units running constantly at all hours of the night and day. Mr. Gruber has made the building owner aware of the complaints.

Paris Baguette has gotten their finals and c/o. They are concerned their clients will not be able to park near the store and are requesting some kind of signage making tenants park elsewhere instead of by the main entrance. Suggestions have been made to have signs for parking near the retail spaces to say *(Reserved for retail parking only - Violators will be towed)*. Chairman DePinto stated that they will need to communicate with the Hekemian Group for approval.

The Alexa development now has finished erecting all buildings as per the site plan agreement. Building #1 is being wired and getting ready for interior rough inspections. Several commercial real estate signs are coming down as commercial leases are increasing.

The District has been informed that the pavers in the roadway in front of their buildings leading to the Shops at DePiero's have been coming up creating a road hazard. This has happened several times and they keep repairing them. Calls from residents to the building department are requesting something to be done.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – No report tonight.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli – This evening we met for Master Plan with the Police Department, EMS, Recreation, Fire Department and the Seniors. There was also one applicant, The Reserve at Montvale (1-101 Autumn Way) to discuss the installation of 4 benches which the committee approved.

MASTER PLAN COMMITTEE REPORT: Mr. Lintner stated that Mr. Stefanelli covered everything that was discussed for Master Plan.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES:

**December 6, 2022 – Carried to February 21, 2023** – Board did not receive transcript from Montvale Grove, LLC yet.

**January 17, 2023** – 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. Mr. Zitelli abstained.

DISCUSSION: None

USE PERMITS:

**Block 1102 Lot 1 – Office Solutions USA Inc. d/b/a Teklink** – 1 Paragon Drive, Suite 159 (2,985 sq. ft.)

Andrew P. Bolson, Esq. of Meyerson, Fox, Mancinelli & Conte, P.A. stepped forward to represent applicant who could not appear tonight. There were no changes to the application submitted. Mr. Bolson confirmed the signatures that were on the application. Chairman DePinto then read the application aloud into the record. Attached to the application was the Montvale Police Department report, a list of zip codes and a floorplan. Mr. Bolson gave a brief

overview of the business and he stated that they are a management firm for phone systems. No customers will be coming in to view the phones, it's strictly servicing phone systems via online. There will also be no vehicles parked overnight on the premises. Chairman DePinto stated that they must post the name of the entity and suite number on the door. Chairman DePinto polled the board for questions and no questions arose. Mr. Gruber stated that they will need a new tenant certificate and permits from the Building Department. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 1102 Lot 1 – Kids First Management, Inc. – 1 Paragon Drive, Suite 100 (2,981 sq. ft.)**

Andrew P. Bolson, Esq. of Meyerson, Fox, Mancinelli & Conte, P.A. stepped forward to represent client Jared Herzberg. Mr. Regan swore in Mr. Herzberg. There were no changes to the application submitted. Chairman DePinto then read the application aloud into the record. Attached to the application was the Montvale Police Department report, a list of zip codes and a floor plan. They are looking to do minor changes such as moving an interior wall. Mr. Herzberg identified both signatures that were on the application. Mr. Herzberg gave a brief overview of the business and he stated that they are a management organization for healthcare agencies servicing children. They handle billing, HR and business development. They are moving out of their current location into this new location. No questions arose from any board members. Mr. Gruber stated that they will need a new tenant certificate and permits from the Building Department. A motion to approve was made 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 2701 Lot 3 – Agricultural Bank of China, LTD. – 85 Chestnut Ridge Road (1,644 sq. ft.)**

Jennifer Berardo, Esq. of Wells, Jaworski & Liebman stepped forward to represent client, Michael Mirabella. Mr. Regan swore in Mr. Mirabella. Ms. Berardo stated some changes to the application that was submitted; 5C should read no visitors required, 5D should read parking in common, and they are intending to occupy Suite 117. Chairman DePinto then read the application aloud into the record. Mr. Mirabella identified both signatures on the application. Attached to the application is the Montvale Police Department report, a Montvale Chamber of Commerce application, a list of zip codes and lease floor plans that they are proposing to do. They would like to eliminate one of the interior walls. Mr. Mirabella then gave a brief overview

of the business. He stated that they are looking to obtain this office for a disaster relief site for their business. They are currently located on Park Avenue, NY and this Montvale site is required by their federal reserve bank and department of financial services by the state. They need a physical location for their employees who cannot use their home for disaster recovery services who do not have a place to go. In the event of a national catastrophe, this location would be utilized and that is why the list of zip codes is so long. They would really only need 20 people to run the branch here in Montvale so by no means would you have this entire list of employees coming to this location however, he wanted to provide all of the employees that they would pull from for our references. This specific bank focuses on institutional lending. Mr. Gruber stated that they will need a new tenant certificate and apply for permits from the Building Department if they want to do any interior renovations. A motion to approve was made by Mr. Lintner and seconded by Mr. Huseynov. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**Block 1902 Lot 5 – Kayal Medical Group, LLC d/b/a Kayal Orthopedic Center –**

305 Grand Avenue (7,683 sq. ft.)

John A. Conte, Jr. of Meyerson, Fox, Mancinelli & Conte, P.A., came forward to represent client, Robert Lyon; Director of Operations. Mr. Lyon was sworn in by Mr. Regan. There were no changes to the application that was submitted. Chairman DePinto then read the application aloud into the record. Mr. Lyon identified both signatures that were on the application. Attached to the application is the Montvale Police Department report as well as a list of zip codes of employees. Also, a floorplan is attached and a sign will go in place of the current sign that is listed as Montvale Health. Mr. Lyon gave a brief overview of the business. He stated that it is a PT, Chiropractic and acupuncture facility. All of the existing staff from Dr. Saint will stay at this location and 4 orthopedic staff members will be joining them from Kayal Medical Group. The patient count will stay pretty much where it is now. There is more than enough parking and the space itself is in great condition. Chairman DePinto asked if they will need ambulance services on a regular basis and Mr. Lyon stated that this facility really only handles therapeutic services after someone gets surgery. They rarely have any patients that need ambulatory services. No other questions arose from any board members. Mr. Gruber stated that they will need to get a new tenant certificate and pull any permits if they plan on doing modifications to the space. 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 3103 Lot 2 – EVU Residential, LLC – 100 Philips Parkway (15,000 sq. ft.)**

Andrew P. Bolson, Esq. of Meyerson, Fox, Mancinelli & Conte, P.A. stepped forward to represent client Avi Orlansky. Mr. Regan swore in Mr. Orlansky. Mr. Bolson stated that they are here tonight to seek approval of the entire space so they can occupy 15,000 sq. ft. plus the 8,000 sq. ft. of the southern portion of the building. However, Chairman DePinto stated that they are only permitted to occupy the 8,000 sq. ft. temporarily while they are waiting for the approval of the other 15,000 sq. ft. from the building department. The entryway is not allowed to be used until they get site plan approval. Mr. Bolson agreed. The application was amended to read the above statement. Once they get site plan approval, they will be able to access the building through the new entryway. Chairman DePinto then read the application aloud into the record. The zone was amended to read OR-4. Attached to the application was the Montvale Police Department form as well as a list of zip codes. Mr. Orlansky gave a brief overview of the business and he stated that they are a real estate/property management firm. They perform HR and accounting services in the office for administrative functions. Mr. Culhane suggested a resolution to be put in place however Chairman DePinto stated that a detailed letter from Mr. Bolson attached to the application will suffice. Mr. Bolson agreed to submit a letter to reflect all changes that were discussed tonight. Mr. Gruber stated building permits will be needed as well as a new tenant certificate. A motion to approve was made by Mr. Culhane and seconded by Mr. Huseynov. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

A 10-minute break was taken at 9:03pm.

PUBLIC HEARINGS (NEW): None

PUBLIC HEARINGS (CONT):

**Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Preliminary Major Site Plan and Major Subdivision Approval – [See attached transcript](#)**

Mr. Ryan and Councilmember Koelling are ineligible to participate due to the D-variance. Chairman DePinto also recused himself and Mr. Stefanelli stepped forward as the Chairman.

After hearing testimony, it was decided by the board and applicant that they will be carried to be heard at the meeting of March 7, 2023.

RESOLUTIONS:

**Resolution Granting a Use Permit to Evolve Med Spa for Premises Designated as Block 2801, Lot 2 and Block 2702, Lot 1 (C2000)**

A motion to introduce 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.

**Resolution Amending Resolution Granting Variance Relief to John Chiavelli for Premises Designated as Block 603, Lot 29**

A motion to introduce 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.

OTHER BUSINESS: None

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

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

Next Regular Scheduled Meeting: February 21, 2023

**Respectfully Submitted,**

**Erica Davenport**  
**Assistant to the Land Use Administrator**

**APPLICATION OF MONTVALE GROVE, LLC**

**SUMMARY OF TESTIMONY**

**Continued Public Hearing Held February 7, 2023**

At the outset of the continued hearing on this date, counsel for the applicant marked into evidence the following exhibits:

- Exhibit A-16      Site Plan drawings prepared by L2A Land Design, LLC consisting of 19 sheets revised to January 5, 2023
  
- Exhibit A-17      Architectural plans for Building 1 prepared by Montoro Architectural Group consisting of 6 sheets revised to December 15, 2022
  
- Exhibit A-18      Architectural plans for Building 1 prepared by Montoro Architectural Group consisting of 4 sheets revised to December 15, 2022
  
- Exhibit A-19      Reply letter of L2A Land Design, LLC dated January 5, 2023
  
- Exhibit A-20      Stormwater Management Report prepared by L2A Land Design, LLC revised to January 5, 2023
  
- Exhibit A-21      Color version of Drawing C-100 prepared by L2A Land Design, LLC

Testimony in support of the application was provided by Michael Dipple, a licensed professional engineer with L2A Land Design, LLC who was qualified in this field and who prepared the Site Plan drawings. Commencing his testimony, Mr. Dipple indicated his familiarity with the subject property and surrounding neighborhood and referenced his conversations with County officials pertaining to the proposed age-restricted residential development. Mr. Dipple first referenced Sheet C-03 of Exhibit A-16, the aerial view of the subject

property, noting the site's location at Grand Avenue and Spring Valley Road, with Pascack Hills High School opposite the site at the corner of Grand Avenue and Spring Valley Road. Located to the north of the property is residential development, to the rear or west is Benjamin Moore Headquarters, and to the south another office building. The Engineer described Spring Valley Road as an arterial or collector road under County jurisdiction and running in a north-south direction. As a result, Bergen County Planning Board approval is required, and discussions have occurred between the applicant's representative and County officials pertaining to improvements. The Engineer also referenced Sheet C-O2 which depicts existing conditions, with the property comprising two lots, 13 and 14, both of which are developed with single-family homes and accessory structures, with the southerly lot containing the larger of the two residences (Lot 14). He noted the presence of steep slopes which are shaded on the Plan, with slope conditions running from the northeast to the southwest. All improvements currently on the premises are to be removed.

The Engineer next referenced Sheet C-04 of Exhibit A-16 which depicts the Site Plan, with the color version being Exhibit A-21. One drive into the site is proposed for ingress and egress, which will be a private road. Sixteen (16) single-family homes are proposed for the age-restricted development, plus a single building on Lot 14.13 consisting of 0.33 acres which will contain three (3) affordable units. The Engineer stated that there will be driveways off the access road to private garages for the homes. He also described the location of the proposed guest parking areas at the northerly boundary of the site and at the southeast and southwest sections. A total of fourteen (14) guest spaces are depicted on the plan. The Engineer next referenced the retention basin in the



middle of the property which would collect runoff from the road and driveways and would discharge off the property to the southwest, with all drainage flowing from the northeast to the southwest. Stormwater will discharge at a lower rate, with the basin designed to conform to stormwater regulations. Mr. Dipple also noted that rooftops will discharge into dry wells, and he noted their location on the plan.

The Board was advised by Mr. Dipple that the design of the private road meets the requirements of the Residential Site Improvement Standards (“RSIS”) with a conforming turning radius, with the road having a width of 24 feet with no parking except as to the location of parallel spaces at the northerly end where the road expands to a width of 29 feet permitting parking on one side. He stated that a 24-foot width conforms, provided there is no parking on both sides. The Engineer also stated that the number of parking spaces provided will comply with RSIS, with 38 required and 74 provided, a garage and driveway spaces and guest spaces. The single-family dwellings will be two garage spaces, plus two in the driveway for a total of four, with a credit of 3.5 spaces permitted pursuant to RSIS. He described the dimensions of the parking areas provided in the driveways (20 feet wide and 20 feet in length) as well as the parking for the three-unit structure.

The Engineer next referenced the Subdivision Plan, noting that the lots include single-family and multiple-family dwellings and the road and detention basin. The lot lines have been provided as parallel to each dwelling to the extent possible, with the objective to avoid a condominium development. There will be an easement to each of the owners pertaining to the detention basin, with the Master Plan Deed providing for the maintenance by the homeowners of all

common areas, including the detention basin, gazebo and roadway. Each of the lots will be in individual ownership, except as to the detention basin and roadway.

The Grading and Drainage Plan (Sheet C-05) was next described by the Engineer who detailed the site topography which runs in a northeast to southwest direction. The detention basin is located in the middle of the site, with dry well systems surrounding the basin. He described the treatment of paved areas as to drainage and the overflow mechanisms with a small area draining to the curb, with remaining areas draining to the detention basin and dry wells. He described the man-made sanitary sewers created by the design, with three on one slopes, which he termed as “acceptable”, and the grading as “appropriate”. The Soil Movement Plan (SM-01) was referenced by the Engineer who noted that anticipated soil exported would be 14,112 cubic yards, all of which relate to the construction of the homes, the detention basin and other areas.

Exhibit A-21 (Sheet C-100) was next referenced by the Engineer who stated that the County requirements have been incorporated on the plan, which include the widening of Spring Valley Road and an acceleration or deceleration lane into or out of the site. An upcoming meeting with Mr. Timsak of Bergen County pertaining to roadway striping is scheduled for February 9<sup>th</sup>. The width of the roadway will be 38 feet, with the centerline being 12 feet from the edge of pavement. Sheet C-06 is the Utility Plan, with all utilities running from Spring Valley Road. The sanitary sewer line is located in the centerline of Spring Valley Road, and the Engineer described the existing water main. Fire hydrants are proposed within the development at the southern and northwest corners and at

the site entrance, with Mr. Dipple stating that the applicant will comply with all Fire Department recommendations as to hydrant locations, as well as other issues, except for the Department's request for a 35-foot-wide driveway. Sheet C-07, the Lighting Plan, was next described by the Engineer who described the proposed Colonial post fixture with LED lighting and porch lighting for the residences, as well as a fixture over the garage, which he described as typical residential lighting. The light poles will have a height of 14½ feet, with light levels directed at the roadway and internally with 3000 Kelvin temperature.

Sheet C-08, the Landscaping Plan, was next addressed by the Engineer, with Mr. Dipple stating that "heavy landscaping" is proposed along Spring Valley Road, with dense landscaping throughout the site frontage except at the entrance, which he stated will hide the development from the adjoining roadway. He described the proposed plantings and street trees along the roadway, referencing the Borough Planner's comments and noting that the landscaping along Spring Valley Road may be adjusted to comport with the Borough Planner's recommendations. Mr. Dipple noted that the County will permit landscaping within the easement area along Spring Valley Road. Sheet C-09, Vehicle Circulation Plan-1, references circulation by a Borough fire truck, with the plan design consistent with RSIS. Mr. Dipple stated that he is familiar with the Montvale Fire Department fleet and noted that the tightest maneuver into the site would be in a southbound direction, with easier access northbound on Spring Valley Road. He stated that the roadway design is compliant and can accommodate fire apparatus. Sheet C-09A references circulation by a garbage or refuse truck, and the site will be serviced by a private hauler. Sheet C-09B pertains to access by a delivery truck having a length of 26 feet. Sheet C-10 is

the Snow Storage Plan and Mr. Dipple stated that the site has substantial room to store snow for a 24-inch event. He noted that there is no Ordinance requirement pertaining to snow storage. The Engineer next referenced Sheet C-11, the Soil Erosion and Sediment Control Plan, noting that approval of the Bergen County Soil Conservation District will be required. Total disturbance has been quantified at 184,281 square feet, or 4.23 acres.

Several questions were raised by Board members to the Engineer, including whether the property could be subdivided into four (4) single-family lots, with Mr. Dipple responding in the affirmative. He stated that the design is intended to provide "close living". Counsel for the applicant stated that the plan does not contemplate fences between the properties, which would not have decks but only patios. A concern was also raised pertaining to the distances between the homes and the concern that if a home catches on fire, whether the fire would spread to an adjoining residence.