

REGULAR MEETING OF THE MONTVALE PLANNING BOARD
MINUTES

Tuesday, May 16, 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 7:40 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

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

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner;
Andrew Hipolit, Borough Engineer; Lorraine Hutter, Land Use Administrator

ABSENT: Javid Huseynov and Erica Davenport, Assistant to the Land Use Administrator

MISC. MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH
ENGINEER/BOROUGH PLANNER: None

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – Discussion went on regarding the ERI. Cleanup day was a success and plastic bag recycling continues. The trail and Huff Pond is complete.

SITE PLAN COMMITTEE REPORT: Mr. Stefanelli – There were 3 applicants this evening. The first was the Courtyard by Marriot and they are looking to change their signs with a nice design. The next applicant was 100 Summit Avenue, Gray capital, they are looking for more space with a partial basement to put their electrical room. They will need to come back for amended site plan for a soil movement. Lastly, was 22 Railroad Avenue, they had a concept plan however they need to rework this plan and come back before the board at a later time.

MASTER PLAN COMMITTEE REPORT: Mr. Lintner – The master plan approved the historic preservation element tonight which will now be included in the Master Plan. They asked Lisa Loranger, Director of Recreation, to estimate what her future needs will be for the next 5 years for recreation and they will incorporate that into the Master Plan as well. Regarding the Open Space and Recreation Plan, they have developed a survey which will be going out to residents and once that generates a response, we will incorporate that into the Master Plan.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES:

May 2, 2023 – 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. Mr. Huseynov abstained.

DISCUSSION:

Proposal for Professional Planning Services – 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.

USE PERMITS:

Block 2904 Lot 3 – Bergen Prosthodontics, LLC – 102 Chestnut Ridge Road (2,429 sq. ft.) –
No show

Block 2702 Lot 1.01 C3001 and C3002 – Naya Montvale, LLC – 310-330 Market Street
(2,300 sq. ft.)

Antimo A. Del Vecchio from the firm Beattie Padovano stepped forward to represent client Hady Kfoury. Mr. Regan swore in Mr. Kfoury. Chairman DePinto then read the application aloud into the record. This restaurant will be located in Building #3 right next to Rumble Boxing. Mr. Kfoury gave a brief explanation of his business. It is a Middle Eastern counter and grill food establishment which is inclusive of a dining area. They also have a takeout/delivery service as well via online orders. The seating that they are anticipating is 23 seats. Attached to the application is a Montvale Police Department form as well as a plan for signage. The list of

zip codes will be submitted once employees are hired. No questions arose from any board members. Mr. Gruber stated that they will need a new tenant certificate.

Mr. Del Vecchio spoke briefly about the sign. They will be channel cut letters and internally illuminated. The temperature on the light is 500k. The blade sign is not illuminated and it is proposed to be mounted under one of the light sconces that is already existing on the building. No questions or comments arose from any board members.

A motion to request the board attorney to prepare a resolution 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.

Block 403 Lot 3 – Fresh Finest, LLC – 103 Spring Valley Road (1,800 sq. ft.)

Aaron Cohen stepped forward from Price, Meese, Shulman & D’Arminio to represent the client. Mr. Regan swore Eliesar Weiss into the record. Then Chairman DePinto read the application aloud into the record. Mr. Cohen amended the application to read that they will be on the second floor located in **Suite #2**. The application was also amended to read parking in common. Mr. Cohen identified both signatures on the form that was submitted. Attached to the application is the Montvale Police Department report and a list of employee zip codes. Mr. Weiss gave a brief overview of the nature of the business and stated that they will be doing strictly administrative work for consumer products such as clothing and apparel. There will be no shipping and receiving out of this facility. No questions arose from any board members. Mr. Gruber stated that they need to obtain a new tenant certificate before they move in. 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.

PUBLIC HEARINGS (NEW): None

A five-minute break was taken at 8:21pm.

PUBLIC HEARINGS (CONT):

Block 2002 Lots 13 & 14 - Montvale Grove, LLC – 20-24 Spring Valley Road – Application for Preliminary and Final Subdivision and Preliminary and Final Site Plan Approval together w/ Bulk and Use Variances

Councilmember Koelling, Mr. Ryan and Chairman DePinto recused themselves for this application. Mr. Stefanelli stepped forward as Vice-Chairman.

Antimo A. Del Vecchio, Esq. from Beattie Padovano stepped forward and gave a summation from last meeting. Mr. Del Vecchio marked the revised site plans dated April 28, 2023 as **A27** and the revised stormwater report dated April 28, 2023 as **A28**. He stated that the homeowner's association will primarily be in charge of the maintenance of the detention basin and the maintenance of the exterior of the homes such as snow removal and landscaping. Mr. Del Vecchio also explained that they added generator pads on the back of each building just in case a homeowner wants a pad so they would never have to come in for an approval. The homeowner will not be permitted to make any changes to the exterior of the property once they move in. This will be put in the HOA documents so the planning board can review and sign off on them before the building permits are issued. They are trying to be clear for the board and any potential buyers that what you see is what you get. Mr. Del Vecchio hopes that this resolved the concern regarding any of the HOA issues.

Mr. Dipple was recalled to continue his testimony from last meeting. Mr. Dipple was previously sworn at the last meeting and remains under oath. Mr. Dipple started his testimony from A27, sheet C03. There are now a total of 14 units and the roadway and access into the development did not change. They added a passage recreation area and they modified the guest parking by taking away the parallel parking. Since they reduced to total number of units, they were able to reduce the amount of parking spaces. They revised the home in the northeast corner of the property so it can meet the side yard setback. They will comply with the lighting and landscaping. They are increasing the lighting by adding two more lights in the development. He had a colorized version of the site plan which Mr. Del Vecchio marked as **A29** dated May 16, 2023. Mr. Dipple was able to provide greater separation of the homes now that there are less units which he thinks is a benefit. Mr. Dipple has spoken with the county and they have seen multiple versions of this plans and they agree with what they are intending

to do. The county is ok with the landscaping that is proposed. The HOA will be responsible of the water detention basin. There are a number of units with patios and stairways leading to these patios this is because of the slope of the overall property. They had to make up the grade change especially around the stormwater management basin in the center and they are also including a tiered retaining wall. This is why there needs to be stairs down to the patio in some units. There are no walkout basements. These stairs are strictly from the main floor to the patio. Mr. Zitelli asked about any environmental impacts from this development and Mr. Dipple does not believe so.

Mr. Regan marked Mr. Hipolit's engineering report of May 11, 2023 as **B9**. Ms. Green's planning report dated May 11, 2023 was marked as **B10**. The Fire Department report dated May 12, 2023 was marked as **B11** and the Police Department report dated May 3, 2023 as **B12**.

Mr. Culhane was concerned about the close proximity of each home if a fire were to happen. Mr. Del Vecchio stated that they are RSIS compliant and they are compliant with the road width for title 59 in case a fire truck needs to come into this development.

Mr. Halzack, Fire Official, was sworn in by Mr. Regan. Mr. Halzack stated that he doesn't believe there are adequate parking spots for a family and if they have guests over. If a fire truck needs to come down the street and cars are parked on both sides there will not be enough room. Mr. Del Vecchio also stated that this is a 55 and older community and kids younger than 21 will not be permitted to reside in this community. Mr. Halzack asked if they could put in more parking spaces? Mr. Del Vecchio stated they did not have enough room to put more spots.

Geoffrey Gibbons, Fire Chief, came forward and was sworn in by Mr. Regan. Mr. Gibbons stated that they do have 2 feeds into the development however, he is requesting a letter from Veolia that they do not have to perform any system upgrades for fire protection into the complex and also, Mr. Gibbons hasn't seen a flow test from a hydrant in the complex to know what type of water pressure is needed. Mr. Regan stated that this would be a condition of approval.

Mr. Gruber asked about parking in the southeast, if it would be possible to put in the northeast. Mr. Dipple didn't like them in that area because of the close proximity to the entrance. Mr. Gruber is trying to make more space between the homes as best he can and maybe reconfiguring these parking spaces might be better. Mr. Dipple did not think that was a good spot for parking.

Mr. O'Brien commented about the pervious asphalt and how that will be the main concern of the HOA keeping that clean. A lot of salt and debris is going to clog the pores of the pervious asphalt which will inhibit it to drain properly. Mr. O'Brien believes they should reconsider that to be regular asphalt pavement. He doesn't see this 5 years down the road to be working if this is not maintained properly. Mr. Dipple stated that the state does love this material and they did use this in the Wegman's site and it is working fine. Mr. O'Brien also asked about a phasing plan? Mr. Dipple stated that there is no phasing plan. Mr. Dipple then discussed the retaining wall and how it will have a fence on top of it with a screen. The retaining wall appears to be 5 feet in height at the northwest corner and gets to 6 feet in height at the rear corner. It then goes to 9 feet at the bend where the grade is the steepest. Mr. Dipple discussed putting a gazebo at the southwest corner of the site with a pathway being proposed throughout. This would be a nice little amenity for the residents of this development.

Mr. Stefanelli was concerned about the maintenance of the stormwater basin and Mr. O'Brien stated that the HOA needs to give documentation of maintenance of this yearly to the town. This will be written in the deed. If it does fail then there is substantial liability. Mr. Stefanelli also asked about patio screening. Mr. Dipple stated he could add landscaping in the rear of each property. Mr. Stefanelli doesn't want each homeowner to come to the board if they're concerned about privacy. Mr. Regan wants this in bold, large print because we don't want another Flintlock situation. Mr. Del Vecchio reiterated that in the HOA documents it is going to read as what you see is what you get. After some discussion with the developer, Mr. Del Vecchio stated that they will give the potential buyer an option to place plantings on one side of the patio for a privacy screen. We can make that as a condition of approval.

Ms. Green asked if the client would be willing to deed restrict the garages to two vehicles being able to fit in them? Mr. Del Vecchio stated that would be no problem. That's all that Ms. Green had to ask.

Mr. Stefanelli opened the meeting up to the public. A motion to approve was made by Mr. Culhane and seconded by Mr. Lintner. All in favor stated aye.

1. **Bob Cicchino – 60 Spring Valley Road** – Did you do a traffic study? When was it done and what did it show? Mr. Del Vecchio stated that Mr. Dipple did not do any testimony on traffic tonight. However, there was a traffic study done and discussed at an earlier meeting. Mr. Del Vecchio stated that it showed that the cars coming from this site would not increase the traffic flow at all. Mr. Cicchino disagreed however he did not see the report and it was his opinion.
2. **Sharon Gearloff – 23 Spring Valley Road** – Where is the entrance? Is that going to become a 4-way intersection now at Akers Avenue and Spring Valley Road? Mr. Dipple stated its directly across from here. Ms. Gearloff asked is this gated? When school got let out, she was blocked in her driveway from kids trying to leave the school. What is going to be the solution to the people living across the street? What are you going to do when people living her have parties with only 8 parking spots? Where is the overflow when all these people have parties? Mr. Dipple stated that they are required to have 20 feet spaces and seven guest parking spaces so that's a total of 35 and we have 57. There are 2 cars in the garage, 2 cars in the driveway and the 8 spaces around. Ms. Gearloff asked how are you going to make the people park in their garage. Mr. Regan stated that we already spoke about this and we are going to make this a condition of approval that they garages will have to be used as a location to store your vehicles. Ms. Gearloff asked if one of the people living here has a 35-year-old son who wants to bring his family to live with them, would that be allowed? Mr. Regan stated no, it would not be permitted if they have any child in their family under 21.
3. **Mr. Gearloff – DIFFICULT TO HEAR – DID NOT SPEAK INTO THE MIC** - Are the houses the same exact size as before? Mr. Dipple stated, yes. Regarding the sidewalks, will there be a crosswalk. Mr. Dipple stated that he does not believe there should be a crosswalk since this is a busy road. Does the amount of parking spaces get made from the 55 and older community? No, they are unit based. Two spaces per unit and the is NJAC

standard. If you do a preliminary vote tonight, do we get to talk before the vote? Mr. Regan responded, yes.

4. **Bob Cicchino – 60 Spring Valley Road** – Is there a sidewalk? Yes, there will be a sidewalk running down Spring Valley Road and it will connect to a sidewalk further down the road to the corner. Did the traffic study show that the turning lane was adequate? Mr. Dipple stated that this was actually approved by the county and it has a 13-foot-wide deceleration lane and acceleration lane. So, are there restrictions coming out? No, there are no restrictions in this driveway at all. It allows full movement; you could go left or right.
5. **Cynthia Arnold – 34 Spring Valley Road** – Why did you eliminate the low-income housing? Mr. Dipple couldn't answer that since he is the civil engineer. Also, the taxes have not been paid. Mr. Regan stated that if they are unpaid then the property will go to a tax sale.
6. **Mary Cotter – 76 Spring Valley Road** – Is there definition of age restricted housing, is that written down anywhere so we know what you guys are talking about? Mr. Del Vecchio said they have stipulated on the record that it will be contained in the HOA documents that will be subject to board review that at least one spouse needs to be 55 in order to reside in the complex. Is that by the state or local? Mr. Regan - it is a document that will be prepared which is in connection to this development. So, there is no legal definition? Mr. Regan - No, it's a document from the HOA. Ms. Cotter - Who is going to be responsible if there is a violation? Mr. Regan - It would be the HOA and the municipality. Who enforces the rule that no Wegman's truck go down Spring Valley Road? Mr. Regan – I assume that's the police. Ms. Cotter – That's an assumption. Mr. Regan – I don't enforce those rules. Ms. Cotter – Nobody does. Ms. Cotter – What are the size of the homes? Mr. Dipple – You can ask the architect. Ms. Cotter – If someone is coming from Grand Avenue and making a left into this facility, is there going to be a way for cars to go around them or does everybody have to sit there and wait for them to turn in? Mr. Dipple – There is no bypass lane so they would have to wait. Ms. Cotter – Can you make a bypass lane? Mr. Dipple – Its not required for this low level of traffic. Ms. Cotter – I disagree about the low level of traffic. The woman who gave the traffic study never included Spring Valley to Grand so I want another traffic study done with that.

7. **Singh – 29 Spring Valley Road** – How much space is inside the garage if garbage is stored there? Mr. Dipple stated that 2 cars in the garage will give you enough space for cars to park. Will it fit an SUV. I proposed two vehicles of adequate size to fit right in. Looking at the architecture it can accommodate 2 vehicles.
8. **Bob Cicchino – 60 Spring Valley Road** – Did the traffic study reflect that there is a large warehouse across the way. Mr. Del Vecchio – It was not proposed at the time the traffic study was done. It is a property in another state seeking variance relief, they may or may not get it, so its highly speculative so we did not include it. Mr. Cicchino, that's my point, this is a big problem for the state there no communication. Mr. Del Vecchio – We did not know that was going to be an application that was filed when the traffic study took place.
9. **Cynthia Arnold – 34 Spring Valley Road** – Do you know what year the traffic study was done? Mr. Dipple – No, I'm not going to get into details about this. Ms. Arnold – Well I am. This was done on Tuesday, 11/16/21 from 7am – 4pm. Were talking about 2021 for one day for a couple of hours. This is what you're basing this on, correct? Mr. Stefanelli stated that Mr. Dipple cannot answer that since it's not his study and he has no authority to answer this. Ms. Arnold wants it to be clear that this was a 2021 study. Mr. Regan stated that this application was submitted in the Spring of 2022.

No one else came forward from the public. The meeting to the public was closed by Mr. Zitelli and seconded by Mr. Teagno. All in favor stated aye.

Mr. Monturo, Architect, came forward and remains sworn in from the previous meeting. Mr. Monturo gave new architectural drawings with a revision date of 5/16/23. Mr. Monturo gave a brief description of what revisions he made. PB 5, 6, and 7 are totally new drawings. The Washington model has stucco and the Jefferson has siding/hardy plank which is a cement-based material. Both of these materials are fire proof so it will help if there happens to be a fire. Sheet 1C was eliminated. Mr. Monturo went through Ms. Green's letter and discussed each item listed as concerns from her letter. Each home is roughly 2,300-2,700 sq. ft. and the garages are 23 ft x 23 ft. There are areas in the garages for SUV's and space for trash cans. Mr. Gruber asked if the homeowner can make changes to the basement by putting in another bathroom or changing out a window or making an extra bedroom. Mr. Del Vecchio stated that

it would be restricted in the HOA documents. Mr. Stefanelli asked if there was an elevator proposed in any of these homes? Mr. Monturo said he can put two closets on top of each other so in the future a homeowner can make that change if they would like in the future. Mr. Del Vecchio stated that all bedrooms are on the first floor. Ms. Green was concerned about how large the second floor is for recreational use if all the bedrooms are on the first floor.

A motion to open the meeting up to the public for questions for the architect was made by Mr. Lintner and seconded by Mr. Culhane.

1. **No name or address stated** – Will there be storage permitted in the basement? Yes, just storage, no bedrooms. Can you get to the basement from the garage? No. So, it's like a cave? No, it's a regular house with a regular basement.
2. **Sharon Gearloff – 23 Spring Valley Road** – Why is a playroom necessary for 55 and older community? So, they have their children or grandchildren watch tv upstairs. Is there an HOA police to make sure they can fit 2 cars in their garage? All garages are at least 20 x 20. Mr. Del Vecchio stated that he cannot testify how clean they are kept to make sure cars can fit in the garage. Is there a group I can go to if I have concerns living here? Yes, that's the HOA.
3. **Mary Cotter – 76 Spring Valley Road** – Why didn't you consider putting any ranches? Mr. Regan – This isn't relevant to the application. You can't tell an applicant to build a certain type of home.

A motion to close the meeting to the public was made by Mr. Zitelli and seconded by Mr. Teagno. All in favor stated aye.

This application was carried to a **Special Meeting of May 31, 2023**. No further notice is required.

RESOLUTIONS:

**RESOLUTION GRANTING A USE PERMIT AND APPROVAL OF SIGNAGE TO SQ PIZZA
MONTVALE, LLC FOR PREMISES DESIGNATED AS BLOCK 2702, LOT 1.01 (C2000)**

Chairman DePinto read the resolution by title into the record. A motion to introduce was made by Councilmember Koelling and seconded by Mr. Stefanelli. Mr. Regan made minor corrections. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

**RESOLUTION GRANTING A USE PERMIT AND APPROVAL OF A BLADE SIGN TO OSI/FLEMING'S,
LLC FOR PREMISES DESIGNATED AS BLOCK 2702, LOT 1.01 (C2000)**

Chairman DePinto read the resolution by title into the record. A motion to introduce was made by Councilmember Koelling and seconded by Mr. Stefanelli. Mr. Regan made minor corrections. 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: None

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

Next Regular Scheduled Meeting: June 6, 2023

Respectfully Submitted,

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