

REGULAR MEETING OF THE MONTVALE PLANNING BOARD
AGENDA

Tuesday, June 20, 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 7:32 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

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

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Carl O'Brien, Borough Engineer and Erica Davenport, Assist. to the Land Use Administrator

ABSENT: Frank Stefanelli and Lorraine Hutter, Land Use Administrator

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

ZONING REPORT: Mr. Gruber – 400 Market Street has submitted plans for the landlord portion of two confirmed future tenants. The project on 20 & 22 Phillips Parkway is nearing completion and requesting final inspections. Village Springs on Paragon Drive have started the last building within that development. The Alexa on Spring Valley Road is completing the last building within that development. The new development on Spring Valley Road known as Wedge Hill has one foundation in the ground which has been inspected to date.

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

SITE PLAN COMMITTEE REPORT/ MASTER PLAN COMMITTEE REPORT: Mr. Lintner – There were two applicants that came before the committee this evening, the first applicant was Balchem.

They are reducing the size of the footprint. They are also putting in charging stations and we felt like their changes were de minimis in nature and they will be coming before us with a formal application. The second applicant was 57 N. Kinderkamack Road, this applicant was looking to do a subdivision but the committee frowned upon doing a subdivision for a flag lot so it was decided that a road should be put in to access the two houses. The applicant accepted their ideas and will be coming back with new plans to show that roadway. Regarding the Master Plan, they completed the review of the open space recreation plan and the review will be forwarded to the Environmental Commission for their comments and changes. We started to review the housing element and demographics and we will complete that review at our upcoming July meeting. We also did a final review of the business survey and the master plan survey which will be going out to residents. There will be one final review and then pass it along to the Mayor and Council for approval to distribute.

CORRESPONDENCE: On back table

APPROVAL OF MINUTES: **May 16, 2023** – A motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

DISCUSSION: None

USE PERMITS:

Block 2002 Lot 3 – Balchem – 5 Paragon Drive (6,380 sq. ft.)

Brent Tignor stepped forward to represent applicant Balchem. Mr. Regan swore in Mr. Tignor. Chairman DePinto read the application aloud into the record. There were no changes made to the application submitted. The application was amended to read the zone as OR-3. The applicant already occupies 40,000 sq. ft. of the building however they are here to occupy an additional 6,380 sq. ft. The intended use of this space is to do research and development of food and nutrition ingredients. Attached to the application is the Montale Police Department report. No questions arose from any board members. A motion to approve was made by Councilmember Koelling and seconded by Mr. Lintner. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 2904 Lot 3 – Bergen Prosthodontics, LLC – 102 Chestnut Ridge Road (2,429 sq. ft.)

Paul M. Elias, Esq. stepped forward from Bittiger Elias Triolo & Diehl, P.C. to represent applicant Sung Eun Kim. Mr. Regan swore in applicant Ms. Kim. There were no changes made to the application submitted. Chairman DePinto read that application aloud into the record. Mr. Elias identified both signatures. Attached to the application is the Montvale Police Department form as well as a Chamber of Commerce form. A floor was also attached, marked as Exhibit A. The list of zip codes will be sent to the Planning Board Secretary when employees are hired. Ms. Kim gave a brief summary of her business. It is a prosthodontic office that focuses on everything in the mouth above the bone. No questions arose from any board members. Mr. Gruber stated that they will need to go to the building department to obtain a new tenant certificate. A motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 1001 Lot 1 – Franzese and Balian, LLC – 135 Chestnut Ridge Road (1,770 sq. ft.)

Andrew P. Bolson, Esq. stepped forward from Meyerson, Fox & Conte to represent client, Michael Franzese. Mr. Regan swore in Mr. Franzese. There were a few changes made to the application submitted. The address should read 135 Chestnut Ridge Road, *Suite 290*. The attorney representing the client should read *Andrew P. Bolson*, not John Conte. 4i. should state that the applicant intends to occupy the premises once alterations are done. 4j. The nature of present use should read *vacant*. 4k. The name of prior business occupying the space should read *unknown*. Chairman DePinto then read the application aloud into the record. Chairman amended 5e. to read zero not N/A. 6a. reads that Peter Reynolds, CPA is the sub-tenant. Chairman DePinto would like the name, *Peter Reynolds, CPA* on the door so fire officials know where to locate him if needed. Mr. Bolson agreed. Mr. Bolson identified the two signatures on the application. Attached to the application is the Montvale Police Department form. An application to the building department will be submitted to them regarding the changes they are planning on doing to the space. Mr. Franzese gave a brief summary of what his business is all about and he stated it is an accounting and tax preparation service. His business originated in Montvale and he then left for a number of years to surrounding towns. Now he would like to return to Montvale. No questions arose from any board members. 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.

Block 2701 Lot 4 – Sapphire Advance – 95 Chestnut Ridge Road (1,500 sq. ft.)

Andrew P. Bolson, Esq. stepped forward from Meyerson, Fox & Conte to represent client, Joel Kis. There were no changes to the application that was submitted. Mr. Regan swore in Mr. Kis. Chairman DePinto then read the application aloud into the record. Mr. Kis identified both signatures on the application. Attached to the application is the Montvale Police Department form as well as a list of employee zip codes, marked as Exhibit A. Additionally, there are site plans marked as Exhibit B showing 95 Chestnut and a second plan showing a floor plan. Mr. Kis gave a brief summary of his business. It is a general business office for a finance company. Chairman DePinto stated that he has 14 employees and he wants to occupy 1,500 sq. ft., he is concerned about having all of these employees fit in such a small space. Mr. Gruber questioned the number of offices they have listed and if they might be too small. Chairman DePinto is going to rely on UCC standards regarding occupancy load which is not determined until after architectural drawings are reviewed and approved by the building department. When this is approved by Mr. Gruber and he provides the CCO, he can cap the occupancy based on UCC code. Mr. Bolson stated that his client understands that his maximum occupancy is based on this. Chairman DePinto stated that once this business is established, it will be monitored by our fire officials and building department. A motion to approve was made by Mr. Lintner and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 1001 Lot 1 – Montvale Acupuncture & Pain Center – 135 Chestnut Ridge Rd. (2,025 sq. ft.)

Andrew P. Bolson, Esq. stepped forward from Meyerson, Fox & Conte to represent client, Jin H. Lee. Mr. Regan swore in Mr. Lee. Chairman DePinto then read the application into the record. The application provides a list of zip codes and the Montvale Police Department report as well as a floor plan prepared by SNS Architect & Engineers, P.C. The application was amended to read parking in common with a total of 269 parking spaces. No questions arose from any board members. Mr. Gruber stated that they will need to come to the building department for a new tenant certificate of occupancy. A motion to approve was made by Mr. Ryan and

seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 1001 Lot 2 – Kiewit Infrastructure Co. – 155 Chestnut Ridge Road (31,470 sq. ft.)

Robert G. Platvoet, Esq. stepped forward from Bertone Piccini, LLP to represent client, Patrick M. Loecher. Mr. Regan swore in Mr. Loecher. Mr. Platvoet amended the address to read, 155 Chestnut Ridge Road, *Suite 1100 & Suite 2203, Zone OR-1*. Chairman DePinto read the application aloud into the record. Attached to the application is the Montvale Police Department form as well as a list of zip codes. Mr. Loecher gave a brief summary of his business. This extra space is needed temporarily for 7 months in order for him to remodel his current location at 470 Chestnut Ridge Road. No questions arose from any board members. 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 403 Lot 4 – Turnkey Capital Improvements, LLC – 72 Summit Ave., Suite 107 (635 sq. ft.)

Andrew P. Bolson, Esq. stepped forward from Meyerson, Fox & Conte to represent client, Jay Yunger. Mr. Regan swore in Mr. Yunger. There were no changes made to the application submitted. Chairman DePinto read the application aloud into the record. Attached to the application is a list of employee zip codes, the Montvale Police Department form as well as a floor plan marked as Exhibit A. Mr. Yunger gave a brief summary of his business which is a general business office for a construction management firm. No questions arose from any board members. Mr. Lintner stated that he was concerned about parking at that building. 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 403 Lot 4 – Neurolinks – 72 Summit Avenue (792 sq. ft.)

Andrew P. Bolson, Esq. stepped forward from Meyerson, Fox & Conte to represent client, Yehudis Klein. Mr. Regan swore in Mr. Klein. There were no changes made to the application submitted. Chairman DePinto read the application aloud into the record. Attached to the application is a list of employee zip codes, the Montvale Police Department form as well as a floor plan marked as Exhibit A. Mr. Klein gave a brief summary of his business, which is a general office for educational therapists specializing in children's learning disabilities and

neuro development. No questions arose from any board members. 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 2802 Lot 2 – Petz Love Food’n Stuffz – 54 Farm View (1,134 sq. ft.)

Antimo A. Del Vecchio, Esq. Stepped forward from Beattie Padovano, LLC to represent client, David Turetzky. Mr. Regan swore in Mr. Turetzky. There were no changes to the application that was submitted. Chairman DePinto read the application aloud into the record. Attached to the application is the list of zip codes as well as the Montvale Police Department form. Mr. Turetzky gave a brief summary of his business which is a retail business for pets such as clothing, food, toys, etc. Mr. Gruber asked about storage on the site. Mr. Turetzky stated that they will have deliveries however not much will be stored, items will be purchased as needed. Mr. Del Vecchio stated that a sign will be conforming to what was approved for this location. The sign will have white channel cut letters with black return using LED illumination at the 5,000k temperature. The channel letters will be affixed to the actual sign, there is no separate backing. They are also proposing a rear sign in the range of 5ft. No other questions arose from any board members. A resolution will be made by the Board Attorney for the use of the subject space as well as the sign. A motion to approve was made by Mr. Ryan and seconded by Councilmember Koelling. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

A five-minute break was taken at 9:11pm.

Chairman DePinto recused himself along with Councilmember Koelling and Mr. Ryan. Mr. Stefanelli was called to attend via phone regarding the Montvale Grove, LLC application.

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

Continued Public Hearing Held June 20, 2023

57. At the continued public hearing held on this date, counsel for the applicant recalled its engineer, Michael Dipple. Marked into evidence as Exhibit A-31 was a drawing designated as Sheet 100, with a revision date of June 20, 2023 which was described by Mr. Dipple as a colorized update of the Site Plan.

58. Commencing his testimony, Mr. Dipple stated that at the prior hearing held on May 16, 2023, applicant representatives listened to comments made by Board members and the public. As a result of these comments, the revised plan has increased the separation between homes to a minimum of twelve (12) feet. He described homes on the prior plan that were previously ten (10) feet apart, with the revised plan providing for a minimum separation of twelve (12) feet. He noted that in the northeast corner, the home at that location will have a separation of fifteen (15) feet from the corner of the home to the patio, with a home in the southeast corner having a similar distance. A home at the northwest corner will have a separation of 19.5 feet. He also noted that patios will have an option for screening, and he referenced the proposed location of the gazebo at the southwest corner. He also described landscaping and revised lighting of the parking areas intended to provide appropriate illumination. The development will continue to have eight (8) guest parking spaces, although several have been relocated within the development. He also noted where the proposed generator would be located for the unit at the northeast corner.

59. It was confirmed that the applicant is presently seeking only preliminary site plan approval, together with the approval of the two *d*(5) density variances and *c* variances which relate to building coverage, lot coverage, rear yard setback and slope disturbance. A waiver will also be required for fence height relating to a fence atop a retaining wall. Mr. Dipple noted that the plan has also been revised to widen the radii at the northwest and southeast corners to improve turning movement. Board Engineer Carl O'Brien noted that the applicant had addressed his comments from the previous meeting and that the information submitted is adequate for a preliminary site plan approval.

60. Counsel for the applicant provided a closing statement, noting that the density of the project has been reduced from nineteen (19) units (16 market and 3 affordable) to fourteen (14) market-rate units on just over four acres, which he described as similar to the zoning density for the R-10 District. He noted the presence of the Benjamin Moore headquarters which adjoins the property to the west, with wetlands in this area creating a natural buffer. To the south is a commercial building, and he noted the presence of Pascack Hills Highschool across Spring Valley Road to the east. In his opinion, these three conditions are inconsistent with single-family development and the R-40 District. He emphasized that the proposal proposes a density of less than four (4) units per acre, with the units being age-restricted. He described the proposal as particularly suitable for the site, referencing the testimony of Keenan Hughes, the applicant's planner. The proposal for age-restricted single-family homes represents a type of housing which does not exist in Montvale, with the development requiring a resident being 55 or older with no persons under age 21 being permitted to reside in the units. He also noted that Spring Valley Road

adjoining the site will be fully buffered, with the development not being visible unless one enters the site.

62. A discussion ensued pertaining to possible conditions of any approval, including no site modification being made beyond those depicted on the plan and that the two garages be required to be utilized for the parking of vehicles which will permit four spaces per unit, two being in the garage and two in the driveway.

PUBLIC HEARINGS (NEW):

Block 201 Lot 5 – Peter Papay – 135 Upper Saddle River Road – Application for Minor Subdivision Approval

Peter Papay stepped forward to represent himself. Mr. Papay came before the board back in 1996 and got approval from the board however, it required a variance and he never moved forward with it. Now, he is just looking to make this a simple subdivision with no variances. Ms. Davenport stated that the notices were in order. Ms. Green gave a brief summary of her review letter dated June 5, 2023. Mr. Regan marked this into evidence as **B1**. Ms. Green agreed that Mr. Papay does not need any variances however he does need a design waiver for shade trees which he may be able to eliminate if he puts in shade trees along the roadway. Mr. Papy stated that he already has mature trees on the property. Chairman DePinto would like to include in the resolution that those trees shall not be removed unless they are dead. Mr. Papay will show where those mature trees are located on his revised plans that he will submit to the building department. Ms. Green asked about a gravel driveway and how that may affect lot coverage. Mr. Papay stated that it was a dirt patch. Ms. Green also stated that an accessory building is not allowed to be more than 30% of your principal structure's footprint and she wasn't sure if his existing garage was going to remain. Mr. Papay said that the garage was put in early 40's or 50's. Ms. Green stated that this would then fall under pre-existing, non-conforming. Mr. O'Briens letter dated May 23, 2023 was marked into evidence as **B2**. Mr. O'Brien gave a brief summary of his report. Chairman DePinto then marked the Montvale Police Department review letter dated May 15, 2023 as **B3** and the Montvale Fire Department review letter dated June 15, 2023 as **B4**. The minor subdivision plans dated

September 22, 2022 were marked as **A1**. No questions arose from any other board members. A motion to open the meeting up to the public was made by Mr. Culhane and seconded by Mr. Huseynov. No one from the public was present. A motion to close the meeting to the public was made by Mr. Teagno and seconded by Mr. Culhane. All in favor stated aye. A motion to request the board attorney to prepare a resolution of approval was made by Mr. Zitelli and seconded by Mr. Lintner. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

Block 703 Lot 6 - Rockland Electric Company – 131 N. Kinderkamack Road – Application for Conditional Use and Conditional Use Variance Approval
– Carried to July 18, 2023 at the request of the applicant

RESOLUTIONS:

Affordable Housing Compliance Resolution

Chairman DePinto read the resolution into the record by title. A motion to approve was made by Councilmember Koelling and seconded by Mr. Lintner. 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 Signage to Naya Montvale, LLC for Premises Designated as Block 2702, Lot 1.01 (C3001 and C3002)

Chairman DePinto read the resolution into the record by title. A motion to approve was made by Mr. Ryan and seconded by Mr. Culhane. 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. Lintner and seconded by Mr. Culhane. All in favor stated aye.

Next Regular Scheduled Meeting: July 18, 2023

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator