REGULAR MEETING OF THE MONTVALE PLANNING BOARD MINUTES
Tuesday, February 6, 2024
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 7:37 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

PRESENT: Christopher Gruber; Councilmember Koelling; William Lintner; John Ryan, Mayor Designee; Dante Teagno; Javid Huseynov; Sherwin Tsai; Joseph Puglisi and Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Jamie Giurintano, Borough Engineer; John Kurz, Fire Prevention; Michael Halzak, Fire Prevention and R. Lorraine Hutter, Land Use Administrator

ABSENT: John Culhane and Frank Stefanelli

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

ZONING REPORT: Mr. Gruber reported AR Landmark is still waiting for meter pads and transformers for permanent electrical hook up and anticipates early Spring completion. Wedge Hill on Spring Valley Road has 4 permits released with 2 homes under construction. Building 400 at Market Square has on going inspections with Pottery Barn and William Sonoma and is nearing completion.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Tsai reported incomplete documentation on the Veteran’s Home and the documents have been sent for full review.

SITE PLAN COMMITTEE REPORT: Mr. Linter reported that there were two applicants that night. Thrive of Montvale applied to make changes to the independent living units to assisted living units, not effecting the number of units and also changing some of the studio units to 1 bedroom assisted living units, which would decrease the numbers of units. The committee

expressed concerns with permits and questions from the Fire Officials will be submitted in a letter to the committee.
11 Philips Parkway submitted a sign application, which the applicant will need more information on the ordnance for signage and must discuss with the landlord of the property or comeback to the committee with a different sign that reflects the requirements.

MASTER PLAN COMMITTEE REPORT: Mr. Linter reported that the final review of the ERI was addressed and they are sending back to the ECC with minor changes, which they believe will be accepted in the near future to complete the document. A brief discussion started regarding the OR Restrictions and changes to the OR analysis, which will be discussed at the next meeting.

CORRESPONDENCE: On back table – None

APPROVAL OF MINUTES:
January 2, 2024 - 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. Mr. Culhane and Mr. Stefanelli were absent.

December 5, 2023 - A motion to approve was made by Councilmember Koelling and seconded by Mr. Ryan. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Culhane and Mr. Stefanelli were absent.

December 19, 2023 – to be carried to the next meeting

DISSCUSSION: EV Ordinance - **to be carried to the next meeting, February 20, 2024**

RESOLUTIONS:

1. **Block 1103, Lot 3** - Resolution Granting Amended Preliminary and Final Site Plan Approval, Variance Relief, a Major Soil Movement Permit, and a Waiver from Requiring the Submission of an Environmental Impact Statement to Gray Capital, LLC for Premises Designated as Block 1102, Lot 3.
   Jerome A. Vogel of Jeffer, Hopkinson & Vogel stepped forward to represent the applicant, Gray Capital LLC. Mr. Vogel stated that the original report for ambulance service to be available 24/7 was discussed but that the original Resolution sent to him was stating Gray Capital have an operational ambulance on site 24/7, which he stated he does not recall this being discussed and believes that this is an unreasonable requirement. Gray Capital did state that they agreed to have ambulance service available to answer calls 24/7 but to have an ambulance staffed on site at all times is not within reason. Mr. Vogel requested to adopt the Resolution but without the stipulation of the on-site ambulance.

The Chairman proposed to poll the board on the matter and inquired with Brough employees as to the conditions the Tri-Boro Ambulance Corps has been dealing with in recent years. Ms. Hutter stated that a high strain has been put upon the Tri-Boro Ambulance Corps due to non-life-threatening calls at the many medical facilities in town. Councilmember Koelling stated this is an on-going issue that is actively being addressed. One solution is to require all the medical facilities to provide a 24/7 ambulance service but that the contacted companies often state that do not have staff to send on the calls causing the Tri-Boro Ambulance Corps to have to pick up the call. Mr. Kurz reinforced the high strain being put upon the Tri-Boro Ambulance Corps causing them to have to reach out to the County for assistance.

Mr. Vogel stated that he never experienced a requirement of a 24/7 on site ambulance at any facility but only a contacted ambulance service to provided 24/7 service, but not on site. After discussion amongst the board, it was decided that Gray Capital and more medical facilities moving into the area must draft a contract with an ambulance service with specific language regarding a guarantee response and a reasonable response time. Mr. Vogel agreed to be supportive of this type of contract for his client, Gray Capital LLC.

The Chairman stated that the board would have to see the drafted agreement to see if the contract meets the necessary requirements to alleviate the strain from the Tri-Boro Ambulance Corps and the town council, Mr. Regan, would have to review and approved such a contract and amend the Resolution to reflect that requirement. Mr. Vogel agrees to the condition and that the contract must be presented in a timely matter.

The motion to introduce was made by Mr. Lintner and seconded by Mr. Huseynov. Mr. Regan introduced minor changes that would need to be corrected and reflect the requirement of the recommended specific contract. There was no additional discussion on the motion. A roll call vote was taken with all members stating aye, Mr. Culhane and Mr. Stefanelli were absent.

USE PERMITS:

1. **Block 3201 Lot 5 – Joseph M. Sanzari, Inc.** – 25 Philips Parkway, Suite 207 (1,761 sq. ft.) – Christian M. Hibinski of Schepisi & McLaughlin, P.A. represents the applicant, Matthew Goff of Joseph M. Sanzari, Inc. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for 3rd party inspection agency to assist with overseeing the Garden State Parkway bridge and strictly administrative purposes, no equipment will be on the property, 5 employees will occupy the space, which will not be altered. A list of all employee zip codes was presented. No outdoor signage is required and parking will be 5 employee spaces and all other for parking in common. A motion to approve was made by Mr. Ryan and seconded by Mr. Teagno. A roll call vote was taken with all stating aye.

2. **Block 2702 Lot 1.01 – Natural Nails & Spa V Inc. d/b/a Natural Nails and Spa** – 110 Market Street (1,789 sq ft.) – Antimo A Del Vecchio of Beattie Padovan, LLC represents the applicant, Jessica Lin of Natural Nails & Spa V Inc. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for a high-end nail salon offering manicures, pedicures and other services typically offer by nail salons and retail sales of nail related products. 4 - 5 employees will occupy the space, which is new construction and will be 3 rooms in total including 10 pedicure and 12 manicure stations; all chemical products will be kept in a fire preventive metal storage cabinet. A list of all employee zip codes was presented. Parking will be 3 employee spaces and all parking is common parking, as is the case for all units in the building. Two outdoor signs have been requested and plans submitted for review. The building façade sign would be 31.85 sq. ft. with the height of 22 inches and width 209 inches; it will be black and green in daylight changing to white when illuminated at night. The blade sign is non-illuminated, 5 sq. ft. and will be black and white with green logo. A motion to approve and prepare a Resolution for the signage was made by Mr. Linter and seconded by Councilmember Koelling. A roll call vote was taken with all stating aye.

3. **Block 2701 Lot 3 – Cleanstart Energy**– 85 Chestnut Ridge Road, Suite 220 (762 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, Michael Sgambati of Cleanstart Energy. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for administrative and general business purposes in for a solar energy company and no equipment or tools will be stored on the premises. 8 employees will occupy the space, which will be altered to create an open office area within the space, as laid out in Exhibit A. A list of all employee zip codes was presented as Exhibit B. No outdoor signage is required and parking will be 8 employee spaces and 3 visitor space was requested but all parking is common parking, as is the case for all suites in the building. A motion to approve was made by Councilmember Koelling and seconded by Mr. Ryan. A roll call vote was taken with all stating aye.

4. **Block 2002 Lot 3 – Yellow Bus ABA** – 5 Paragon Drive, Suite 105 (4,630 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, Saloman Parnes of Yellow Bus ABA. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general administrative office for a company that provides therapeutic services for all those diagnosed with Autism Spectrum Disorder. 14 employees will occupy the space to start off, which will be altered to create 10 rooms or offices within the space, as laid out in Exhibit A. A list of all employee zip codes was presented. No outdoor signage is required and parking will be 20 employee spaces and 1-2 visitor spaces were requested but all parking is common parking, as is the case for all suites in the building. A motion to approve was made by Mr. Teagno and seconded by Mr. Huseynov. A roll call vote was taken with all stating aye.

5. **Block 3004 Lot 2 – Kesef Accounting LLC, a Togetherwork Company** – 50 Chestnut Ridge Road, Suite 120 (2,365 sq ft.) – Andrew Bolson of Meyerson Fox and Conte represents the applicant, Cindy DiCaprio of Kesef Accounting LLC. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general administrative office for a bookkeeping company. 8 employees will occupy the space to start off, which will not be altered from the existing 5 offices and an open space area within the space, as laid out in Exhibit A. A list of all employee zip codes was presented as Exhibit B. No outdoor signage is required and parking will be 8 employee spaces and 2 visitor spaces were requested but all parking is common parking, as is the case for all suites in the building. A motion to approve was made by Councilmember Koelling and seconded by Mr. Ryan. A roll call vote was taken with all stating aye.

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

PUBLIC HEARINGS (NEW):

1. **Block 603, Lots 8 and 42 – Fintan and Kelly Seely and Michael O'Donovan –** 107 Woodland Ave. and 83 Magnolia Ave. – Minor Subdivision

   Dennis J. Francis, Esq. stepped forward to represent the applicant, Fintan Seely and stated that there will be a change to the lot line from the original plans, altering the sizes of the lots by a much larger portion. Mr. Regan swore in the client, the Borough Engineer and the Borough Planner. The Chairman questioned why this was being presented at such a late time and that this change was not a minor change. There must be new review letters from both the Borough Engineer and Planner after reviewing the revised plans. The applicant will have to be carried to March 5th, 2024 for Revised Plans.

2. **Block 1903, Lots 2, 3, 4, and 5 – Estate of Elaine Depiero –** 53 Craig Road – Application for Minor Site Plan Review and Variance Application. Councilmember Koelling, Mr. Ryan and Mr. Puglisi recused themselves for this application.

   Antimo Del Vecchio of Beattie Padovano stepped forward to represent the applicant and presented the notice documents, which had yet to be reviewed. Mr. Regan stated to Mr. Del Vecchio that because three of the members had to recuse themselves the board was down to only 6 members eligible to vote and that they may not be able to conduct a vote on the application. Mr. Del Vecchio agreed to proceed and agreed to a vote at a later date if necessary.
   Mr. Del Vecchio reviewed the application and stated that there was to be no new construction on the lands aside from improvements to fencing, landscaping and

gravel drives. The application is simply designed to create the subdivision of lands. Mr. Del Vecchio presented witnesses for the applicant; Joe Vince, PE, LS, PP of Schwanewede, Hals & Vince as the applicant's engineer and Keenan Hughes of Philips Price as the applicant's planner. Mr. Del Vecchio submitted Exhibits marked A1, an Affidavit of Notice; A2, Revised Minor Subdivision Plan dated 1/19/24; A3, Revised Site Plan dated 1/19/24; A4, a Survey prepared by M. Rehock from 3/23/23; A5, a Summary Letter prepared by Schwanewede, Hals & Vince dated 1/23/24.
Mr. Regan swore in the applicant's Engineer as well as the Borough Engineer and the Borough Planner.
The applicant's engineer, Joe Vince gave a general full review of the property subdivision proposal to reconfigure the 4 lots into 2 conforming lots in order to have road frontage. No new construction and only minor improvements and retain the existing single family residential dwellings, the existing barn and the existing landscaping business, which has an unstriped gravel parking area and equipment storage area, which will not be viewed from the road area. The landscaping business has a 25-foot clearance area to allow easy movement of vehicles and equipment, as well as any emergency vehicles if needed. Mr. Vince also stated that the removal of the existing gravel driveway, which will be re-soiled and seeded and a newer smaller gravel driveway would be created and would reduce the storm water run-off for the area.
The Chairman introduced the Borough Engineer Review Report dated 2/2/24 and marked it as B1. Mr. Giurintano a general full overview of his review letter and that many of the comments have been addressed and that opening number of topics were basically informative with regards to the survey.
The Chairman inquired with Mr. Del Vecchio if applications had been filed with the County and DEP. Mr. Del Vecchio confirmed that the application had been file with the County but that DEP was not a requirement.
The Chairman motions to open to questions from the public. The motion to approve was made by Mr. Teagno and seconded by Mr. Huseynov. All in favor stated Aye.
Mr. Joseph Puglisi stepped forward, as a member of the public. Mr. Regan swore in Mr. Puglisi. Mr. Puglisi asked the Chairman to question the owners of the landscaping company regarding what he describes as excessive run off and what they plan to do to resolve the issue.
Mr. Del Vecchio responded that he believes that this issue should be brought before them by the associate of the property and not an individual. He also stated that he fails to see how this condition is directly related to the subdivision proposed when this land has been there for many years and could be a historical condition.
Mr. Puglisi responded with presenting Andrew Chalileh, president of the home owner's association in question and that he believes he has the right to represent the HOA of the property. Mr. Regan swore in Mr. Chalileh. Mr. Chalileh stated that

he has lived at the same location for 17 years and has witness the run off condition on numerous occasions, which has caused risk and costs to the HOA. Mr. Chalileh also stated that alterations were made to the area by unknown persons without authorization and that the property's management company hired an engineering firm to review and reported that the water is impacting the area.

Mr. Del Vecchio responded that nothing he has hear from the individuals is anything more than a pre-existing conditions of water patterns of the area. Nothing was changed to redirect water to that area in question. He proposed that his client could try to regrade the surface and pitch the water toward the back of the property line as long as it does not interfere with any conservation groups. The Chairman requested to get a copy of the engineering report from the management company. Mr. Del Vecchio responded that the report with introduce an additional witness and it is not something he would consent to allow into the record.

The applicant's Planner, Keenan Hughes stepped forward to testify. Mr. Regan swore in the applicant's Planner. Mr. Hughes stated that he did visit the property and the surrounding area and gave a general overview of the property, detailed in his report for the client, and variance changes that are needed. He also stated that he agreed with Ms. Green's review report of the property. Mr. Regan request a copy of Mr. Hughes' report be submitted to the Planning Board for review. Mr. Hughes restated that the board is dealing with all existing conditions and uses and no real evidence of substantial impacts as a result of the minor changes proposed.

The Chairman motions to open to questions from the public. The motion to approve was made by Mr. Teagno and seconded by Mr. Tsai. All in favor stated Aye. No one stepped forward. The Chairman motions to close to questions from the public. The motion to approve was made by Mr. Huseynov and seconded by Mr. Tsai. All in favor stated Aye.

The Chairman introduced the Borough Planner Review Report dated 1/31/24 and marked it as B2. Ms. Green asked Mr. Hughes to elaborate on the descriptions of the residential structures. She also requested he clarify the arrangements being made for the landscaping company. Mr. Hughes stated that the operations that are currently happening will continue for the future. Ms. Green stated that she wanted to be sure that the current operations have been approved by the board so that future operations will not potentially bring about violates. Ms. Green stated that she agreed with Mr. Hughes on the variances but questioned the waiver proposed, which is a minor item. She presented a few minor changes she proposed in her report.

The Chairman questioned the proposed lot line change when there was a concrete structure, a former loading dock, that would be on both lots. He also questioned the number of variances that are being proposed, which is causing violations with the board. He proposed that the lot line be reconsidered to a slightly different location in order to not cause these violations. The Chairman stated that the matter will be carried to the next meeting, February 20, 2024. He also advised that the applicate address the comments made by the board members, board professional and the public and return with improvements to the plans.

PUBLIC HEARINGS (CONT.):

OTHER BUSINESS: None

OPEN MEETING TO THE PUBLIC: No one from the public came forward.

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

Next Regular Scheduled Meeting: February 20th, 2024

Respectively submitted:

Theresa DiPopolo,
Assistant to the Land Use Administrator