REGULAR MEETING OF THE MONTVALE PLANNING BOARD MINUTES
Tuesday, April 2, 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 7:43 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

PRESENT: John Culhane; Councilmember Koelling; William Lintner; John Ryan, Mayor Designee; Frank Stefanelli; Dante Teagno; Javid Huseynov; Sherwin Tsai; Joseph Puglisi; Anita Bagdat and Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Carl O'Brien for Borough Planner and Borough Engineer; John Kurz, Fire Prevention and R. Lorraine Hutter, Land Use Administrator

ABSENT: Christopher Gruber

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

ZONING REPORT: None

ENVIRONMENTAL COMMISSION LIAISON REPORT: None

SITE PLAN COMMITTEE REPORT: Mr. Lintner reported the committee reviewed an application for 36 S. Kinderkamack Rd. proposing a redesign of the PNC Bank ADA parking area, replacing the existing pavers with smooth concrete paths. The committee determined that it would be unnecessary to come back for full site plan approval. The committee also reviewed an application for 78 Spring Valley Rd. proposing a subdivision of the property, which will need variances for each property and possible studies from the DEP and EPA because of a stream that runs through the property but that believe this will come before the Planning Board in the near future.

MASTER PLAN COMMITTEE REPORT: None

CORRESPONDENCE: On back table – None

APPROVAL OF MINUTES:
March 19, 2024 - A motion to approve was made by Mr. Culhane and seconded by Mr. Ryan. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Gruber was absent. Mr. Stefanelli, Mr. Teagno and Mr. Tsai abstained.

DISSCUSSION:
EV Ordinance – Members discussed their concerns regarding this Ordinance. Mr. Regan brought up the feeling that the Ordinance will cause great concern for public safety in a push for Montvale residents to purchase electric vehicles. Mr. Kurz volunteered information of experiencing first hand, the difficulties of handling electric vehicle fires and recommended that the ordinance be 100 feet, not 50 feet from structures in public charging spaces.
The Chairman also brought up enforcement of this Ordinance regarding parking and the stress on the police services. Mr. Lintner discussed putting in place a way to restrict overnight charging, which the Ordinance does not cover. Mr. Huseynov also brought up the concern of overnight charging in a private residence. Members also questioned why the need for the Ordinance when there is a NJ State Statue already in place regarding electric vehicles.
The Members recommended that the Mayor and the Council send back this ordinance until conversations with the Montvale PD, the Montvale FD, the Montvale Planner, and the Montvale Engineer are had regarding the concerns that they discussed in tonight's meeting.

USE PERMITS:

1. **Block 1902 Lot 8 – Kitex USA LLC** – 160 Summit Avenue, Suite 110 (4,200 sq. ft.) – Andrew Bolson, Esq. of Meyerson Fox & Conte represents the applicant, Mr. George Thomas of Kitex USA LLC. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general business offices for a company specializing in garment import, sales and distribution. 12 employees will occupy the space, the existing floor plan will not be change, but will be reduced from 7,300 sq. ft to 4,200 sq. ft. (giving up the space marked as Suite 101). An outdoor sign is not required, the parking will be 12 employee spaces, 1 visitor space was requested but all parking is in common parking, as is the case for all tenants in the building. A motion to approve was made by Mr. Huseynov and seconded by Councilmember Koelling. A roll call vote was taken with all stating aye.

2. **Block 403 Lot 4 – Double R Interior Inc.** – 72 Summit Avenue, Suite 104 (995 sq ft.) – Andrew Bolson, Esq. of Meyerson Fox & Conte represents the applicant, Mr. Mendel Lebowitz of Double R. Interior, Inc. The Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general administrative offices for a construction framing and drywall company with no storage of tools or equipment at the

location. 7 employees will occupy the space, the existing floor plan will not be changed, and an outdoor sign is not required. The parking will be 7 employee spaces, no visitor space was requested; all parking is in common parking, as is the case for all tenants in the building. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Teagno. A roll call vote was taken with all stating aye.

PUBLIC HEARINGS (NEW): None

A five-minute break was taken at 8:31pm.

PUBLIC HEARINGS (CONT.):

1. **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.
   Mr. Culhane, Mr. Stefanelli and Ms. Bagdat signed an Oath of Listening to Recording for the February 6, 2024 meeting in order to be able to vote.
   Antimo Del Vecchio of Beattie Padovano stepped forward to represent the applicant and gave a brief overview of the hearings that occurred at the February 6, 2024 meeting, recapping the testimonies of the applicant's engineer and applicant's planner. Mr. Del Vecchio stated that the applicant's engineer and planner addressed many of the concerns and discussions brought up at the February meeting and had submitted revised plans.
   Mr. Del Vecchio submitted Exhibits marked A6, a letter from Schwanewede, Hals & Vince dated 3/13/24; A7, the updated Minor Subdivision plans dated 3/12/24 and A8, the one sheet updated plan dated 3/12/24.
   Mr. Regan swore in the applicant's substitute Engineer, Michael Dipple, as well as the acting Borough Engineer, Carl O'Brien. Mr. Dipple stated that he reviewed the update plans, has visited the property on more than one occasion and is very well acquainted with the project. Mr. Dipple report that the updated plans incorporated many of the Borough Planner's recommendations, as listed in the Planning Report dated 3/4/24 and marked as Exhibit B4. Mr. Del Vecchio asked Mr. Dipple to discuss the concerns brought up at past meetings regarding drainage issues to which Mr. Dipple responded that the applicate proposed the addition of a swale to the area in question in order to assist in stopping that drainage issue. Mr. Dipple stated that he believes that that swale will be enough to prevent any drainage problems.
   Mr. O'Brien, the acting Borough Engineer, had some questions for Mr. Dipple and wanted to discuss the Borough Engineer Review Report dated 3/18/24 addressing the revised plans submitted by the applicate; at which time the Chairman introduced and submitted to the record the Borough Engineer Review Report dated 3/18/24 as Exhibit

B3. Mr. O'Brien asked Mr. Dipple about the proposed swale not cause a streaming effect in the downward sloping area of the property, to which Mr. Dipple confirmed and assured Mr. O'Brien that that would not be the case. Mr. O'Brien specifically asked about Section 25 of the engineer's report with concerns to certain items not being addressed and asked that addressing these issues be a condition of approval.
The Chairman motioned to open to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye.
Ms. Lisa Angioletti of 30 Forshee Circle, stepped forward and was sworn in by Mr. Regan. Her question for the Mr. Dipple was in regards to his comment that the Swale "should fix the water," and she would like to know what they are prepared to do if it does not. Mr. Dipple stated that the swale will be a vast improvement and that they will continue to work with the Zoning Board Engineer to ensure that it will be a proper solution to the drainage issue. Mr. Regan suggested perhaps having a bond estimate to be factored in in order to cover any possible issue or cost that could arise. Mr. Del Vecchio responded that if there should be any negative effects from storm water that it will be for the applicant to rectify it.
The Chairman asked if there was anyone else from the public. No one stepped forward.
The Chairman motioned to close to questions from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye.
The Chairman at this time introduced and submitted to the record the reports from the Borough's Planner dated 3/4/24 as Exhibit B4 and 3/18/24 as Exhibit B5. Mr. O'Brien reported that Ms. Green's report from 3/18/24 addresses a few variances in which she breaks it down that if the approval is granted then some of the existing variances would be eliminated. Mr. O'Brien continued with more specific changes and summarized that the resolution should reflect her recommendations of her report, to which Mr. Regan stated that Ms. Green usually reviews the draft before presenting to the board.
The Chairman questioned Mr. O'Brien as to what steps Colliers Engineering & Design would be taking during the construction to protest the property owners south of the property in question. Mr. O'Brien reassured that members of Colliers Engineering & Design would be on site during construction in order to ensure that the everything is being built as approved and that if additional changes are needed, they will work closely with the applicant's engineer to rectify the situation.
Another item brought up by the Board was the question of submission to the Bergen County Soil Conservation District and that it will be a condition of approval. Mr. Del Vecchio agreed that if it is a requirement that it will be submitted.
The Chairman motioned to open to comments from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Stefanelli. All in favor stated Aye.
Mayor Michael Ghassali of 20 Serrell Drive, stepped forward and was sworn in by Mr. Regan. Mayor Ghassali thanked the Board for the hard work they do and stated that the town has every intention of completing the purchase of a large portion of the property in order to make it into working farmland for the community.

The Chairman asked if there was anyone else from the public. No one stepped forward. The Chairman motioned to close to comments from the public. The motion to approve was made by Mr. Culhane and seconded by Mr. Stefanelli. All in favor stated Aye.
Mr. Del Vecchio stepped forward to make a short closing statement to review that the project will be completed in a multi-step process and will be working in cooperation with the Borough and hope that this project will last for many years to come and benefit the community greatly over the years.
The Chairman opened the meeting to the Board members for discussion, to which all expressed positive statements and that they believe the project will be a great benefit to the community.
The Chairman motions to request the Board Attorney to prepare the Resolution. The motion to approve was made by Mr. Huseynov and seconded by Mr. Teagno. There was no additional discussion or corrections on the motion.
A roll call vote was taken with all members stating aye; Mr. Gruber was absent.

RESOLUTIONS:

1. **Resolution for Professional Planning Services to Assist the Borough in Complying with the Affordable Housing Settlement and Judgment of Compliance and Repose.**
   The motion to introduce was made by Mr. Culhane and seconded by Mr. Tsai. There was no discussion or corrections on the motion.
   A roll call vote was taken with all members stating aye; Mr. Gruber was absent

OTHER BUSINESS: None

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

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

Next Regular Scheduled Meeting: April 16th, 2024

Respectively submitted:

Theresa DiPopolo,
Assistant to the Land Use Administrator