REGULAR MEETING OF THE MONTVALE PLANNING BOARD MINUTES
Tuesday, March 19, 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.

Vice Chairman Lintner opened the meeting at 7:36 pm and led everyone in the Pledge of Allegiance.

Mr. Regan swore in the new appointee as a 3rd Alternate, Ms. Anita Bagdat, for a One Year Term.

ROLL CALL:

PRESENT: John Culhane; Christopher Gruber; Councilmember Koelling; Vice Chairman William Lintner; John Ryan, Mayor Designee; Joseph Puglisi; Anita Bagdat

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

ABSENT: Frank Stefanelli; Dante Teagno; Javid Huseynov; Sherwin Tsai and Chairman DePinto

Mr.. Lintner read into the record a letter from Mr. Del Vecchio in regard to asking the board to carry the application of the Estate of Elain DePiero to the meeting of April 2, 2024. No further notice would be required.

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

ZONING REPORT: Mr. Gruber reported that AR Landmark is anticipating May/June for final building inspections of their project. They have been given March 22nd, 2024 as a tentative date for permanent electrical hook up by O&R. The Montvale Apartments on Summit Avenue are 100% occupied, Williams Sonoma and Pottery Barn are nearing completion and Flemings Steak House is under way with inspections beginning.

ENVIRONMENTAL COMMISSION LIAISON REPORT: None

SITE PLAN COMMITTEE REPORT: Mr. Gruber reported the committee reviewed an application for 136 Summit Avenue, proposing EV Charging Stations in the parking lot. It was determined that the applicant would not have to go before the Planning Board and that it should go directly the Building Department for review.

MASTER PLAN COMMITTEE REPORT: Mr. Lintner reported the committee reviewed the OR 4 analysis presented by Ms. Green and some modifications were made. The analysis will be modified with those changes and presented to the Affordable Housing Committee, then have it come back for review in April and present it to the Mayor and Council. The committee also reviewed the current sign ordinance in the OR Zone that Ms. Green will summarize and prepare to be presented to the Planning Board, as well as the Mayor and the Council.

CORRESPONDENCE: On back table –

APPROVAL OF MINUTES:

February 20, 2024 - A motion to approve was made by Councilmember Koelling and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Stefanelli, Mr. Teagno, Mr. Huseynov, Mr. Tsai and Chairman DePinto were absent. Ms. Bagdat abstained.

March 5, 2024 - A motion to approve was made by Mr. Culhane and seconded by Councilmember Koelling. There was no discussion on the motion. A roll call vote was taken with all members stating aye. Mr. Stefanelli, Mr. Teagno, Mr. Huseynov, Mr. Tsai and Chairman DePinto were absent. Mr. Lintner, Mr. Ryan and Ms. Bagdat abstained.

DISSCUSSION:

Proposal for Professional Planning Services - Continued Services for Affordable Housing Compliance 2024 - Ms. Green, Planner:
Ms. Green presented the proposal, which is review every 6 to 9 months, to the Planning Board members giving a full break down of the proposed scope of services, schedule of fees and client contract authorization in regards to the Affordable Housing Compliance. Ms. Green also stated that the Senate and the State Assembly recently pasted Bills; which will go before the Governor; changing the way affordable housing will be administered in the 4^{th} Round. The Bills proposed timeline changes are extremely aggressive and will be difficult to achieve by Municipalities.

The Vice Chairman asked for a motion to have the board attorney prepare a resolution for approve of the Proposal for Professional Planning Services – Continued Services for Affordable Housing Compliance 2024. A motion was made by Mr. Ryan and seconded by Mr. Culhane. A roll call vote was taken with all present voting aye.

USE PERMITS:

1. **Block 1001 Lot 2 – Dynarex Corporation** – 155 Chestnut Ridge Road, Suite 2202 (1st fl. temporary occupancy is 25,730 sq. ft and will move to the 2nd fl. final occupancy is 27,930 sq. ft.) – Adam Lazaros of Prime & Tuvel represents the applicant, Judy Hershberg of Dynarex Corporation. The Vice Chairman read the application into the record. Mr. Regan swore in the client. The space will be used for general administrative and human resources offices for a medical supplies company. 65 employees will occupy the final space, the temporary offices will be used as is while the final space will be altered to create 68 offices and/or rooms. An outdoor sign is required and the applicant will be filing a sign variance application after use permit is granted. The parking will be 60 employee spaces, 5 visitor spaces were requested but all parking is parking in common, as is the case for all tenants in the building. A motion to approve was made by Mr. Puglisi and seconded by Councilmember Koelling. A roll call vote was taken with all present stating aye.

2. **Block 1901 Lot 5 – Quality Facility Solutions** – 180 Summit Ave, Suite 205 (1,200 sq ft.) – Aryeh Pomerantz of Pomerantz & Pomerantz, PLLC represents the applicant, Benjamin Stern of Quality Facility Solutions. The Vice Chairman read the application into the record. Mr. Regan swore in the client. The applicant current occupies a space of 7,439 sq. ft. in the building and will be reducing their offices to 1,200 sq, ft., which will be used for human resources and administrative offices for a janitorial services company. 6 employees will occupy the space, which will not be altered from the existing 5 rooms, an outdoor sign is not required, and parking will be 6 employee spaces and 2 visitor spaces were requested but all parking is parking in common, as is the case for all suites in the building. A motion to approve was made by Mr. Ryan and seconded by Councilmember Koelling. A roll call vote was taken with all present stating aye.

PUBLIC HEARINGS (NEW):

1. **Block 808, Lots 5 – Verdino –** 36 Marion Road – Variance Application
   Andrew Bolson of Meyerson Fox and Conti stepped forward to represent the applicant, Robert Verdino. His client had submitted plans for an in-ground pool with a surrounding paver patio in his rear yard, which were prepared by Paul Gdanski, P.E., PLLC dated 2/23/24 were marked as Exhibit A1. Mr. Bolson stated that the proposed plans also include the relocating of an existing 10x24 shed.

Mr. Regan swore in the client's Engineer, Stuart Strow, as well as the Borough Engineer and the Borough Planner. Mr. Strow stated he was able to review the plans and the property and confirmed the information provided in the application and plans submitted.

The Vice Chairman introduced the Borough Engineer Review No. 2 Report dated 3/19/24 and marked it as B1. Mr. Giurintano stated that based on the testimony and the answers provided by Mr. Strow he believes issues that were raised previously have been addressed by the applicant. He also stated he has no concerns regarding the proximity of the gravity wall to the pool.

The Vice Chairman introduced the Borough Planner Review Report dated 3/13/24 and marked it as B2. Ms. Green gave an overview of her review and stated that the testimony provided the information she was seeking.

A motion to open was made by Councilmember Koelling and seconded by Mr. Culhane. All in favor stated Aye. Robert Waldron of 29 Jefferson Place stepped forward with questions for the Engineer. He inquired as to how the applicant proposes to backwash the pool because his property is directly behind the applicants and questioned as to where the water is going to go because he believes it is going to go into his yard. Mr. Strow stated that the backwash is minimal and would have to look further into the question. Mr. Waldron had no additional questions for the Engineer at this time. A motion to close to the public was made by Councilmember Koelling and seconded by Mr. Culhane. All in favor stated Aye.

Mr. Bolson then presented his clients to testify. Mr. Regan swore in the applicants, Jenna Verdino and Robert Verdino. Mr. Bolson asked them for a brief overview of the property and submitted 8 photos of the property in question, marked as Exhibit A2a, b, c, d, e, f, g, and h. Mr. Bolson also asked for a brief overview of the neighborhood and the property directly behind theirs. He also questioned his clients if they know of any drainage issues currently on this property, to which they answer none that they know of exists. The applicant then went on the discuss the removal of the existing deck in the yard and that they are not removing any trees to install the pool and patio but are open to adding landscaping if that would be helpful to the process. Mr. Bolson provided 6 photos of the previously existing deck and conditions of the yard before the deck removal as Exhibit A4a, b, c, d, e, and f. Mr. Bolson addressed the raised issue of the potential backwash going onto their neighbor's property and the idea of adding a catch basin to which they were in agreement. Mr. Reagan questioned if they would agree to that being a condition of approval to which they agreed. The issue of the type of filter was raised by Vice Chairman Lintner as to what type of pool and what kind of filter to be used. The applicants stated that it will be a salt water pool but did not know what kind of filter was being used. The Vice Chairman then went on to discuss the different types of filters used and that many cause a great deal of backwash, which is a concern for his neighbor and that they should find out about using a filter that does not get backwashed. He also expressed concerns regarding the discharge of salt water, which

will kill plant life and cannot be discharged into the sewer or storm drain that the application should be updated to reflect the changes and any changes be forwarded to their office prior to filing for review. Mr. Francis stated that his client agrees to the request. The Vice Chairman also discussed the proper placement of the shed and that the plans reflected the placement of the shed to be too close to the property line and would like the shed relocation to be included in the application process.
Mr. Waldren was invited up to ask questions of the applicant and was mostly concerned about how the board was going to make sure that the alterations and agreements discussed were going to be enforced to which he was reassured that the building department and zoning officers will be monitoring the process.
The Vice Chairman introduced the Montvale Police Department Report dated 12/27/23 and marked it as B3 stating that the department does not have any concerns.
Mr. Bolson then closed with the remarks that his clients are in full agreement with working with the town in order to install their pool with as little disruption as possible. Mr. Bolson also stated that the clients' Engineer did confirm that the pool filter is in fact a cartage, which will reduce the amount of backwash needed to maintain the pool. He also stated that his clients' property and Mr. Waldren's property does have a buffer zone between the properties and should help reduce any issues of water going into his yard. Mr. Bolson closed his remarks stating that his clients are in full agreement with the board's conditions for approval.
Mr. Regan then swore in Mr. Waldren so that he may make a statement in regards to the matter. Mr. Waldren stated that his biggest concern is the conditions of the plant life that is preexisting in the area and that the installation of the pool is going to affect the root system of the trees in the area that is on his property. He is worried that these trees will die and become his responsibility and expense to remove, which can be costly. He also expressed concerns with the distance of the pool from the property line being only 5.7 feet instead of the 15 feet as per the zoning law states. He when on to comment that most of the homes in the area have some type of sub-pump or drainage in their basements due to existing hydrostatic water conditions and is concerned that they will not have adequate drainage and cause the conditions to worsen. Mr. Waldren also brought up that it is his belief that the Tennessee Valley Authority has a right of way in the backyard area between the two properties. He then offered his notes of concern to be reviewed.
The Vice Chairmen then inquired with Mr. Bolson regarding the easement to which Mr. Waldren referred to between the two properties and Mr. Bolson stated he knew of none in the area he referred.
The board members were in agreement that the location of the shed must be changed to be more compliant to the zoning laws as well as the changes recommended for the run-off water. They asked the applicants if they would be in agreement with the boards recommendations to which they stated that they would agree to their recommendations and to present revised plans, which will include a dry well for

backwash, pervious pavers and relocation of the shed. Mr. Bolson agreed to these conditions of approval.
A motion to approve was made by Councilmember Koelling and seconded by Mr. Culhane. A roll call vote was taken with all present voting aye.

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.
   At the applicant's request this matter is to be carried to April 2nd, 2024.

RESOLUTIONS:

1. **Block 603, Lots 8 and 42** – Resolution Granting Minor Subdivision Approval to Fintan and Kelly Seeley and Michael O'Donovan for premises designated as Block 603, Lots 8 and 42 – Fintan and Kelly Seely and Michael O'Donovan – 107 Woodland Ave. and 83 Magnolia Ave. – Minor Subdivision
   The motion to introduce was made by Mr. Gruber and seconded by Mr. Culhane. There was no discussion or corrections on the motion.
   A roll call vote was taken with all members stating aye; Mr. Stefanelli, Mr. Teagno, Mr. Huseynov and Mr. Tsai were absent; Mr. Lintner and Ms. Bagdat abstained.

OTHER BUSINESS: None

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

ADJOURNMENT: A motion to adjourn was made by Councilman Koelling and seconded by Mr. Gruber. All in favor stated aye.

Next Regular Scheduled Meeting: April 2nd, 2024

Respectively submitted:

Theresa DiPopolo,
Assistant to the Land Use Administrator