REGULAR MEETING OF THE MONTVALE PLANNING BOARD MINUTES
Tuesday, August 20th, 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 7:36 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

PRESENT: John Culhane; Councilmember Koelling; William Lintner; John Ryan, Mayor Designee; Dante Teagno; Javid Huseynov; Anita Bagdat and Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Jamie Giurintano, Borough Engineer; Michael Halzack, Deputy Fire Inspector and Fran Scordo, Borough Clerk

ABSENT: Christopher Gruber; Frank Stefanelli; Sherwin Tsai; Joseph Puglisi; and R. Lorraine Hutter, Land Use Administrator

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

ENVIRONMENTAL COMMISSION LIAISON REPORT: To be carried to the next scheduled meeting on September 17, 2024

SITE PLAN COMMITTEE REPORT: Mr. Lintner reported the committee met on June 6th, 2024 to discuss 78 Spring Valley Road (Block 1102, Lot 6) proposed alterations to a storage garage on the property.

MASTER PLAN COMMITTEE REPORT: None

ZONING REPORT: To be carried to the next scheduled meeting on September 17, 2024

CORRESPONDENCE: On back table

APPROVAL OF MINUTES: None

DISSCUSSION: The Chairman received a letter from the Environmental Commission addressed to the Planning Board with respect to the role of the EC in review of site plan and subdivision applications. The Environmental Commission had been receiving certain plans and reporting back on the landscaping plans. The last set of plans they received was for 21 Philips Parkway and in the report, they stated that members walked the property, which is not permitted, and the Chairman wrote back to them and advised them that unless they receive consent from the property owner, they do not have the right to walk on anyone's property and therefore they should discontinue the practice. In response to the Chairman's letter the EC wrote back sighting ANJEC that they do have a right to enter the property in order to undertake those investigations. The Chairman stated that these actions make him uncomfortable, as well as the Borough's Administrator and should be further discussed. The Chairman will have the Board Secretary distribute that letter to the Planning Board members so that it can be discussed at the next meeting, September 17, 2024.

USE PERMITS: None

PUBLIC HEARINGS (NEW): None

1. **<u>Block 805 Lot 6 – Michael Funtsch – 100 Montvale Avenue – Zoning Variance Application</u>**

   Michael Funtsch stepped forward to represent himself. Mr. Regan swore in the applicant, as well as the Borough Planner. The Chairman reviewed the application and introduced the Colliers Planner Review dated 7/17/24, which was marked as Exhibit B1. Mr. Funtsch explained to the board why he was seeking the variance for the improvements on his residence. Ms. Green, the Borough Planner summarized her report to the board. The Chairman then opened up for board members to ask questions to Ms. Green and Mr. Funtsch, to which there were none.
   The Chairman then introduced the Colliers Engineer Review dated 7/2/24, which was marked as Exhibit B2. Mr. Giurintano, the Borough Engineer summarized his report to the board. The Chairman then opened up for board members to ask questions to Mr. Giurintano, to which there were none.
   The Chairman introduced the Montvale Fire Department Review dated 7/15/24 and marked as Exhibit B3, which stated that they have no comment or recommendations. The Montvale Police Department Review dated 6/21/24 was also introduced and marked as Exhibit B4, which stated that they have no concerns.
   The architectural plans prepared by Lawrence P. Quirk, AIA dated 3/26/24 and 5/9/24 with the proposed 1 story addition and house alterations was introduced and marked as Exhibit A1.

The Chairman motioned to open to questions from the public. A motion to open was made by Councilmember Koelling and seconded by Mr. Culhane. All in favor stated Aye. Lorina Leonard of 57 Pennsylvania Ave stepped forward and Mr. Regan swore in the resident. Ms. Leonard voiced concerns of how the alterations of this residence and what possible impact it might have on her property. The Chairman asked Mr. Giurintano to address Ms. Leonard's concern and explain if there would be any impact to her property. Mr. Giurintano stated that he did not see any negative impact to Ms. Leonard's property from the proposed alteration of the applicant's property. The Chairman also asked Ms. Green to address Ms. Leonard's concerns, to which she responded that she did not see any negative impact to Ms. Leonard's property. The Chairman then asked Mr. Regan if he felt there would be any negative impact on surrounding properties created by the proposed alterations of this project, to which he responded that he did not foresee any negative impact on the surrounding properties. A motion to close to the public was made by Mr. Culhane and seconded by Councilmember Koelling. All in favor stated Aye.

The Chairman motioned to request the board attorney to prepare a Resolution of approval pending the resubmission of the plan reflecting the changes stated by Mr. Funtusch would make to the plan relative to the variances that are needed. A motion was made by Mr. Lintner and seconded by Mr. Teagno. There was no additional discussion on the motion. A roll call vote was taken with all present members stating aye.

2. **<u>Block 1902 Lot 8 – Montvale Real Estates Ventures – 160 Summit Ave – Variance Application</u>**

Antimo Del Vecchio, Esq. of Beattie Padovano, LLC stepped forward to represent the applicant, Montvale Real Estate Ventures, LLC. Mr. Del Vecchio then proceeded to read into record the applicant's application proposing removing the existing signs at the location and replacing them with two new monument signs and building signage. Mr. Del Vecchio went on the discuss the Borough Planners review letter. The Chairman introduced the Colliers Planner Review dated 7/11/24, which was marked as Exhibit B1, as well as the Colliers Engineer Review dated 7/10/24, which was marked as Exhibit B2. Mr. Del Vecchio introduced the Affidavit of notice which was marked as Exhibit A1; the Monument Sign Plans prepared by Serious Work LLC and dated 5/7/24 was marked as Exhibit A2; the Site Plans by L2A dated 5/21/24 was marked as Exhibit A3. Mr. Del Vecchio went on to discussed the changes made after the Site Plan Review meeting earlier in the year and the suggestions made by the Site Plan Review Committee that the applicant had taken into consideration.

Mr. Regan swore in the applicant's engineer, Michael Dipple; as well as the Borough Planner and Engineer. Mr. Del Vecchio asked Mr. Dipple to give a brief overview of the existing conditions and the proposed changes to be made. Mr. Dipple referred to

Exhibit A3, the Site Plans by L2A, discussed the existing area and past changes that he had worked on. Mr. Dipple also presented a colorized display board of the Site Plan dated 8/20/24 and marked as Exhibit A4, with the proposed changes as well as the past changes marked in a peach color. He went on the discuss the dated existing monument sign and the proposed two new monument signs, equal in size, to be placed at the end of the two driveways and the need for the variances for these signs in regards to size, lighting and location. Mr. Dipple address the concerns brought up in both the Brought Planner's review letter and the Brought Engineer's review letter and that the applicant was amenable to comply with their recommendations.

The Chairman asked Mr. Giurintano if he had anything in addition to add to the discussion with Mr. Dipple. Mr. Giurintano stated that he had two items to address, the first being how many cubic yards of soil would be needed for the signs. Mr. Dipple responded that he estimates about 210 cubic yards. Mr. Giurintano's second item was that any plantings be less than 30 inches in height, to which Mr. Dipple agreed. The Chairman stated that he has concerns regarding the lighting and Mr. Dipple's statement that the intention of the lights is to bring attention to the placards on the monument signs identifying the tenants of the building and the proximity of the location to the roadway. He then asked Mr. Giurintano if there should be any concern of the lighting interfering with traffic or shining in the eyes of drivers. Mr. Giurintano stated that based on Mr. Dipple's testimony the lights would be positioned to be on the sign and causing interference with traffic. Mr. Giurintano also stated that he recommends verbiage stating as much about the lighting be a condition in the resolution, to which the Chairman agreed and Mr. Regan took note of this condition to be added. The Chairman also added that he would like it written that all future tenants must adhere to the conditions of the placards set in the resolution. Mr. Del Vecchio stated that his client has no objection to including such items in the resolution. The Chairman then asked Mr. Dipple if he recommended that there be a stop line in light of the changes, to which Mr. Dipple agreed and the Chairman stated he would also like that to be a condition in the resolution.

The Chairman then opened up for board members to ask questions. Members asked questions regarding the placement and anchoring of the solar powered lights, to which Mr. Dipple assured members that the lights will be secured and will adhere to the Borough's ordinance regarding lighting hours. Members also questioned why they are using solar power lights instead of hard-wired lighting that can be manually or on a timer turned on and off, to which Mr. Dipple answered that the solar power lights were chosen because of the distance of the sign to the electrical room of the building and he would like the opportunity to allow his client to bring to the board a way for the solar powered lights to be placed on a timer in order to do what they would like without hard-wiring the lights. The Chairman followed up that the board would be in agreement to allow the applicant an opportunity to present their ideas and that if the board and the Borough's engineer agreed then it would be accepted but only with their approval.

Mr. Del Vecchio stated that if the lights could not be solar then the applicant would most likely not install any lighting at the sign area because the applicant would have to trench the lot causing a soil movement issue, but that his client would be agreeable to field verify all the conditions of the board regarding the lights.

A five-minute break was taken at 8:51pm.

The Chairman resumed the meeting and brought forward the sign designer, David Norian for questions. Mr. Norian gave a brief description of his sign design. The Chairman then opened up for board members to ask questions, to which there were none.

Mr. Regan swore in the applicant's planner, Katherine Gregory. Mr. Del Vecchio asked Ms. Gregory if she is in agreement with Mr. Dipple and Ms. Green in regards to comments of this project, to which she agreed. Ms. Gregory then went on to give a brief overview of her part of the project. The Chairman then referred to the Borough's planner review letter and Ms. Green gave a brief summary of her review letter and that Mr. Dipple and Ms. Gregory have answered all of her questions as well as agreed to fix some of the minor discrepancies on the plans. The Chairman then asked of both Ms. Green and Mr. Giurintano if it would be safer to have the signs in a different location or is the proposed location the best location, to which Mr. Giurintano responded he felt comfortable with the proposed location. Ms. Green agreed with Mr. Giurintano's opinion.

The Chairman then opened up for board members to ask questions, to which there were none.

The Chairman motioned to open to questions from the public. A motion to open was made by Mr. Culhane and seconded by Mr. Teagno. All in favor stated Aye. There was no one from the public present.

A motion to close to the public was made by Councilmember Koelling and seconded by Mr. Teagno. All in favor stated Aye.

The Chairman introduced the Montvale Fire Department Review dated 7/15/24 and marked as Exhibit B3, which stated that they have no comment or recommendations. The Montvale Police Department Review dated 6/21/24 was also introduced and marked as Exhibit B4, which stated that they have no concerns.

The Chairman motioned to request the board attorney to prepare a Resolution of approval with the conditions discussed and agreed to during the meeting. A motion was made by Mr. Ryan and seconded by Mr. Lintner. There was no additional discussion on the motion. A roll call vote was taken with all present members stating aye.

RESOLUTIONS: None

OTHER BUSINESS: None

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

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

Next Regular Scheduled Meeting: September 17th, 2024

Respectively submitted:

Theresa Di Popolo,
Assistant to the Land Use Administrator