REGULAR MEETING OF THE MONTVALE PLANNING BOARD MINUTES

Tuesday, June 18th, 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 7:38 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

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

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Jamie Giurintano, Borough Engineer; Michael Halzack, Deputy Fire Inspector and Theresa Di Popolo, Assistant to the Land Use Administrator

ABSENT: Sherwin Tsai; Anita Bagdat 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

MASTER PLAN COMMITTEE REPORT: Mr. Lintner reported the committee met on June 6th, 2024 to discuss the drafted Economic Development Plan written by Ms. Green. After extensive discussion it was decided to move forward and direct Ms. Green to prepare a finalized document.

ZONING REPORT: Mr. Gruber reported AR Landmark has been issued a TCL and is anticipating to be complete by the end of June. 400 Market St. has all the building and apartment finals and is awaiting final sign off from Engineering in order to receive the Certificate of Occupancy. Williams Sonoma and Pottery Barn are completed and are awaiting 400 Market St. to receive the Certificate of Occupancy in order to receive their Certificate of Occupancy.

CORRESPONDENCE: On back table

SITE PLAN COMMITTEE REPORT: None

APPROVAL OF MINUTES:

1. **<u>April 4, 2023</u>** - A motion to approve was made by Mr. Lintner and seconded by Mr. Stefanelli. There was no discussion on the motion. A roll call vote was taken with all present members stating aye. Mr. Tsai and Ms. Bagdat were absent. Mr. Gruber, Mr. Huseynov and Mr. Puglisi abstained.

2. **<u>May 7, 2024</u>** - 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 present members stating aye. Mr. Tsai and Ms. Bagdat were absent. Mr. Gruber and Mr. Huseynov abstained.

USE PERMITS:

1. **Block 1102, Lot 1 –OHZ Security d/b/a Safeco Corp.** – 1 Paragon Drive, Suite 112 (1,559 sq. ft.) – Andrew P. Bolson of Meyerson Fox and Conte represents the applicant, Ben Kleinman, Manager of OHZ Security d/b/a Safeco Corp. Mr. Regan swore in the client. The Chairman read the application into the record. The space will be used as a general business office for a virtual security company, 3 employees are to occupy the space, which will not be altered and has 6 rooms currently. A list of 3 employee zip codes was presented, an outdoor sign is not required, parking will be 3 employee spaces and all other for parking in common. A motion to approve was made by Mr. Huseynov and seconded by Mr. Teagno. A roll call vote was taken with all present stating aye.

2. **Block 3101, Lot 1, 2,3 – Bergen Wellness Group Inc. d/b/a Perspire Sauna Studio Montvale** – 30 Chestnut Ridge Road, Unit 20 (1,980 sq. ft.) – Matthew E. Gilson of Murphy Schiller & Wilkes LLP represents the applicant, Jennifer Feliciano of Bergen Wellness Group Inc. Mr. Regan swore in the client. The Chairman read the application into the record. The space will be used for Infrared Sauna sessions that are 40-minute, private sessions and by appointment only. 2 employees are to occupy the space, which will be altered to have a total of 10 rooms, 8 of which are to be private sauna rooms. An outdoor sign is required and an application will be filed, parking will be 2 employee spaces and all other for parking in common. A motion to approve was made by Councilmember Koelling and seconded by Mr. Teagno. A roll call vote was taken with all present stating aye.

3. **Block 1902, Lot 8 – RMMLM Smiles LLC** – 160 Summit Avenue, Suite 101 (3,140 sq. ft.) – Tomas R. Paneque of the Law Offices of Tomas R. Paneque, LLC represents the applicants, Dr. Michelle Lee Mirza and Dr. Robert Mirza of RMMLM Smiles LLC. Mr.

Regan swore in the clients. The Chairman read the application into the record. The space will be used for a licensed professional dental practice, a total of 5 employees will occupy the space, which currently is 1 room and will be built out with an open floor plan to accommodate a general dental practice office. An outdoor sign is not 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. Culhane. A roll call vote was taken with all present stating aye.

4. **Block 3004, Lot 2 – Leshkowitz & Company LLP** – 50 Chestnut Ridge Road, Suite 226 (2,361 sq. ft.) – Andrew P. Bolson of Meyerson Fox and Conte represents the applicant, Barry Leshkowitz of Leshkowitz & Company LLP. Mr. Regan swore in the client. The Chairman read the application into the record. The space will be used as a general business office for an accounting firm, 7 employees are to occupy the space, which will be altered to have 9 rooms. A list of 7 employee zip codes was presented, an outdoor sign is not required, parking will be 7 employee spaces and all other for parking in common. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Culhane. A roll call vote was taken with all present stating aye.

5. **Block 2404, Lot 1 – Bipin Patel d/b/a Montvale Liquors** – 20 Kinderkamack Road (4,715 sq. ft.) – Brian M. Chewcaskie of Cleary Giacobbe Alfieri Jacobs LLC represents the applicant, Bipin Patel of Montvale Liquors. Mr. Regan swore in the client. The Chairman read the application into the record. The space will be used as retail liquor store, 4 employees are to occupy the space, which will be altered to have a larger office space and closed off storage area. A list of employee zip codes was presented, an outdoor sign is required but it is proposed to simply move the existing approved sign from its original location to the new, larger storefront. Parking will be 4 employee spaces and all other for parking in common. A motion to approve was made by Mr. Teagno and seconded by Mr. Huseynov. A roll call vote was taken with all present stating aye.

PUBLIC HEARINGS (NEW):

1. **Block 2802, Lot 2 (COO1B) – New Jersey Brain and Spine** – 32 Philips Parkway – Sign Variance Application – Antimo A. Del Vecchio, Esq. of Beattie Padovano, LLC stepped forward to represent the applicant, New Jersey Brain and Spine. Mr. Del Vecchio summarized his client's application proposing its signage in connection with its tenancy. Mr. Del Vecchio presented an Affidavit of Public Notice, marked as Exhibit A1; Signage Plans prepared by Jacob Signs, numbered as page 2/3 and 3/3, dated 2/29/24 with lighting examples and dimensions marked as Exhibit A2.
   Mr. Del Vecchio then introduced Katherine Gregory, the client's Planner, as a witness on behalf of New Jersey Brain and Spine and Mr. Regan swore in the witness as well as the Borough Planner. Ms. Gregory presented a page, prepared by Gregory Associates, dated June 2024 with multiple photos of the existing conditions and surrounding areas, which was marked as Exhibit A3. Ms. Gregory discussed the reasoning as to why they

would like the signage to appear on the rear of the building, spacing of the signage on the building, and the relationship between the other business of The Spine and Heath Center, as well as the need for the signage to differentiate the two separate businesses. The Chairman introduced the Borough Planner Review Report dated 4/30/24 and marked it as B2, and the Montvale Police Department Report dated 4/10/24 and marked it as B3 stating that the department has no concerns or comments. Ms. Green stated that her review letter was in agreement with Ms. Gregory's statements and inquired about the wall signs extending more than 3 ½ inches be at least 10 feet above ground level to which Mr. Del Vecchio agreed to make a condition of the resolution. Discussion of the placement of the signs occurred and Mr. Del Vecchio confirmed that the placement is at the landlord's discretion but would comply with recommendations from the Planning Board in order to keep a certain symmetry on the building side. Also discussed was the monument sign for the building, which had already been approved by the Planning Board on the corner of Grand Ave. and Philips Parkway. The Chairman proposed drawing up the resolution upon the condition of a revised plan confirming the font style, the change in dimensions, and the symmetrical placement of the signs to which Mr. Del Vecchio agreed.

The Chairman motioned to open to questions from the public. A motion to open was made by Mr. Stefanelli and seconded by Councilmember Koelling. All in favor stated Aye. No one from the public wishing to be heard. A motion to close to the public was made by Councilmember Koelling and seconded by Mr. Teagno. All in favor stated Aye. The Chairman then asked for a motion to request the board attorney prepare a resolution of approval subject to the submission of revised plans. A motion was made by Mr. Ryan and seconded by Mr. Stefanelli. A roll call vote was taken with all present voting aye.

PUBLIC HEARINGS (CONT.): None

RESOLUTIONS:

1. **Resolution for the 2024 Master Plan & Development Regulations Reexamination, Borough of Montvale –**

   The Chairman requested that Ms. Green summarize the report dated 5/29/24 in question. Ms. Green stated the reexamination is intended to be incorporated as an Element of the Borough Master Plan and address existing regulations, proposed amendments to the Zoning Ordinance and to evaluate polices and objectives pertaining to prior Reexamination Reports. Ms. Green stated that the section on page 7 subtitled "Technical Training Facility" was not meant to be included and with the board's approval request that it be removed from the finalized version of the report. The Chairman discussed that when actual ordinances for the "cluster zoning" reference in the document that the board must have very specific wordage in order to prevent any developers from taking advantages of the zoning.

The Chairman motioned to open to questions from the public. There was no person from the public present to be heard as noted by Mr. Regan.
The motion to introduce was made by Mr. Lintner and seconded by Mr. Ryan. There was no discussion or additional changes to be made to the Resolution. A roll call vote was taken with all present members stating aye.

DISSCUSSION:

1. **Ordinance No. 2024-1558 –** The Chairman reviewed an Ordinance made by the governing body of Montvale regarding looking into sign regulations in the OR District. The Chairman requested that Ms. Di Popolo send a letter to the governing body with the board's recommendation to move forward with the Ordinance.

2. **Ordinance No. 2024-1556 –** The Chairman reviewed an Ordinance made by the governing body of Montvale regarding looking into EV Changing Stations in the Borough of Montvale. The Chairman requested that Ms. Di Popolo send a letter to the governing body with the board's recommendation to move forward with the Ordinance.

OTHER BUSINESS: None

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

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

Next Regular Scheduled Meeting: July 16th, 2024

Respectively submitted:

Theresa Di Popolo,
Assistant to the Land Use Administrator