

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

MINUTES

Tuesday, January 18, 2022

Remote Meeting

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.

Topic: Montvale Planning Board Meeting

Time: Jan 18, 2022 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87383254779?pwd=eVFtUFgzVmVQbUU2OWpkVElHWHY0Zz09>

Meeting ID: 873 8325 4779

Passcode: 318707

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OPEN PUBLIC MEETINGS STATEMENT -Please be advised that due to the state of emergency and public health emergency declared by Governor Phil Murphy pursuant to Executive Order 103 and in an effort to prevent further spread of COVID-19, this Planning Board Meeting will be held virtually via Zoom in lieu of an in-person meeting. Notice of this meeting has been advertised in the RECORD and placed on the website. Documents have been posted on the website under the planning board agenda under documents.

All public will be muted until the chairman opens it up to the public for questions only of each applicant's or board professional testimony. The public can address their questions to the chair and he will direct it to the appropriate person. When at the end of the public hearing the chairman will again open it up to the public for comments. If you have a comment, please hit the raise hand symbol and I will acknowledge you. Please state your name, spell your name and give your address when asking questions or giving comments. All questions and comments will be directed through the chair and he will in turn direct it to the appropriate person.

ROLL CALL:

PRESENT: John Culhane, Councilmember Koelling; John Ryan, Mayor Designee; William Lintner, Robert Zitelli, Christopher Gruber, Dante Teagno, Javid Huseynov and Chairman DePinto

ALSO PRESENT: Robert Regan, Board Attorney; Darlene Green, Borough Planner; Andrew Hipolit, Borough Engineer; Lorraine Hutter, Land Use Administrator and Erica Davenport, Assistant to the Land Use Administrator

ABSENT: Frank Stefanelli

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

ZONING REPORT: Mr. Gruber – 5 Paragon has been issued 2 tickets: 1 for a truck parked overnight and 1 for a salt storage that has not been approved by site plan. The Delta station on Kinderkamack Road has been issued 3 tickets: 1 for a car parked overnight, 1 for non-approved lights by site plan and 1 for a broken sidewalk. 1 Paragon has been issued 2 separate \$2,000 fines for a total of \$4,000, due to having allowed occupancy prior to receiving the required CCO and appearing before the planning board for a use permit for these tenants. Lastly, the Surgical Center on Kinderkamack Road has been issued a warning and has been informed to file a zoning application for having a trailer parked overnight due to a down backup generator which is being repaired. Fire prevention has already issued violations for parking the trailer in a fire zone. The existing generator is in the process of being repaired and getting parts seems to be the issue.

ENVIRONMENTAL COMMISSION LIAISON REPORT: Mr. Zitelli – The trail on Memorial has been cleaned up by contractors. The garbage fence that was down has now been fixed. An additional fence will be installed between the recycling center and the trail. Plastic bag recycling continues. After a certain number of plastic bags has been collected, Trex donates

a bench. We are now on our third bench earned and this third bench will be going to our Senior Center by the Bacci Courts. To date, a little over 375,000 bags have been recycled.

SITE PLAN COMMITTEE REPORT: Mr. Lintner – The committee had three applicants this evening. The first was 3 Paragon Drive – Evergreen Energy Solutions. They came before us for the installation of Solar Panels over the entire rooftop of the building. They presented a PowerPoint presentation indicating that the solar panels are of a low-profile installation which will be no larger than 11 inches. None of these solar panels will be visible from the street in any way. They will get consent from the property owner for the application. The Site Plan Committee decided to give them a waiver from having to file a full amended site plan approval so they can go get permits and get this completed.

The second applicant was Montvale Real Estate Ventures, LLC located at 160 Summit Avenue. The applicant just recently purchased this building within the last 12 months. They are in the process of upgrading it to a Class-A medical facility. They have a need for additional handicapped access and additional parking spaces on the site plan. They also included a complete upgrade of landscaping. There are 3 diseased trees that will be replaced. They have also agreed to start reducing the designated parking spaces. This building in particular has a large amount of designated parking which they believe is not necessary anymore. They will eliminate all future designated spaces and try to reduce the number there is now. The board felt that they could give them a waiver and not have it necessary for them to file a full amended site plan application.

The third applicant was Drop Fitness which is the old Gym facility located on Chestnut Ridge Road. They came before us looking for two signs. He is going to apply directly with the building department that appears to be smaller than the old Gym sign. The building department should have no problem giving him approval for that. The sign that he is proposing to get approval on is very interesting. It is a green turf wall that goes from grade level up to the roof line. His app logo will be on the sign. Then he will come back before us for approval for the second sign, which is just a small sign at the front entrance of the building.

CORRESPONDENCE: Available at Borough Hall to view.

APPROVAL OF MINUTES: January 4, 2022 – A motion to approve was made by Mr. Teagno and seconded by Mr. Culhane. A roll call vote was taken with all members stating aye and Mr. Huseynov abstained.

DISCUSSION:

Expanding permitted Uses in the OR-4 Zone – The mayor had a discussion with members of the governing body regarding the uses of the OR-4 Zone. The mayor indicated to the Council that he has received a number of inquiries around tenants/purchasers for uses that may not be permitted. In order to assist with some of the vacancies in the Borough, the Council desires getting the Board's opinion of the expansion of these uses. Chairman DePinto asked the board members if they were in support of expanding the uses beyond the normal OR-4 Zone? He suggested having Ms. Green compare what the permitted uses were in the OR-4 Zone with what uses had been previously permitted in the SED Zone. Chairman DePinto polled the board members and they all agreed to have Ms. Green give an analysis of her findings.

Use Permit Recommended Changes – A committee was formed to examine the use permit process that the borough goes through. A meeting was held and it was determined that there was a size limitation. If an applicant was seeking less than 1,000 sq. ft. then we would be able to waive the formal application. If an applicant was expanding an existing use, then there would be no formal application. If there was a simple transfer of ownership, the application would not need to come before the board, these three exceptions would go directly through the building department. They would like to continue with collecting the list of zip codes since it does help with ongoing traffic studies. Also, anything in the minor use permit would be \$100 and for the usual use permit still remains at \$225. They would like to have two forms: 1 form for 1,000 sq. ft. or less and 1 form for an expansion of up to 1,000 sq. ft. They would not be required to be represented by any council. They would only be obligated to present their application to the building department. If in fact it is determined by the building department, then they would refer it back to the planning board. First, we need to come up with the forms and have the

Planning Board approve the forms. Then we need to get approval from the Governing Body.
Hopefully within the next 2-4 weeks the forms will be prepared.

USE PERMITS: None

PUBLIC HEARINGS (NEW): None

PUBLIC HEARINGS (CONT): None

RESOLUTIONS:

Block 1002 Lots 3 & 5 – Montvale Family Apartments, LLC – 159-161 Summit Avenue –
Resolution Granting Final Subdivision Approval

<https://docs.google.com/document/d/1RGgKiurLJ9GxLLPEAN7sclSm2yPtjlc/edit?usp=sharing&oid=103343360242232165417&rtpof=true&sd=true>

Councilmember Koelling and Mr. Ryan cannot vote since this application started as a D-Variance.

Ms. Hutter sent the revised resolution to Mr. Del Duca last week and tonight, 1/18/22 at 4:10pm, the planning board received a letter from Mr. Del Duca with many changes to the resolution.

Mr. Regan stated that it was a real discourtesy to the board that changes were requested at such a late time. Mr. Del Duca's letter states in comment #1, the police departments review letter of December 27th regarding the additional parking. The applicant limits the parking to 5 additional spaces. Mr. Del Duca's letter also objects in paragraph 2, the boards proposed resolution of paragraph 16 with changes to the sign and site details of the plan. This is a condition that Mr. Regan puts in every single resolution he writes which shouldn't be of concern. Mr. Del Duca's letter also opposes Mr. DeBlasio's review letter which is concerning because Mr. DeBlasio approved the landscape and lighting without any issues. Chairman DePinto was concerned about paragraph 2 because the board has not required this applicant to submit samples of the materials intended to be used in the construction of the structure. In Mr. Del Duca's letter, it seems to indicate that they will submit samples of materials but refuse to be bound by that and they reserve the right to change the materials as they deem necessary. This issue of the bike shed, though minor, they are not clearly saying they will comply. Why? We don't have any input

from council or planning/engineering. The Mayor and Council contributed, at no cost to the developer, \$400,000.

Chairman DePinto polled the board members to see if they were in favor of approving the resolution tonight, as is. All board members stated that they are in favor of moving forward with this resolution, with paragraph 16 being included. There were no additional comments from Mr. Hipolit nor Ms. Green. Chairman DePinto wanted to establish a condition that samples should be provided to the board for its review and approval prior to the issuance of the Developers Agreement. Mr. Regan stated that he can add that to paragraph 22 in the resolution. Chairman DePinto wanted to tie in a performance timeline and all members agreed. No other comments were made. A motion to introduce the amended resolution was made by Mr. Lintner and seconded by Mr. Culhane. There was no discussion on the motion. A roll call vote was taken with all members stating aye.

OTHER BUSINESS: Ms. Hutter stated that Mr. Gruber needs to take an online Planning Board course.

OPEN MEETING TO THE PUBLIC: A motion to open the meeting to the public was made by Mr. Culhane and seconded by Mr. Ryan. All in favor stated aye. No one from the public came forward to be heard. A motion to close the meeting to the public was made by Mr. Culhane and seconded by Mr. Huseynov.

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

Next Regular Scheduled Meeting: February 1, 2022

Respectfully Submitted,

Erica Davenport
Assistant to the Land Use Administrator