REGULAR MEETING OF THE MONTVALE PLANNING BOARD MINUTES

Tuesday, August 6th, 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 7:37 pm and led everyone in the Pledge of Allegiance.

ROLL CALL:

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

ALSO PRESENT: Robert Regan, Board Attorney; Berge V. Tombalakian, Planner and Engineer; and Fran Scordo, Borough Clerk

ABSENT: Christopher Gruber; Javid Huseynov; Darlene Green, Borough Planner; Jamie Giurintano, Borough Engineer; Michael Halzack, Deputy Fire Inspector and R. Lorraine Hutter, Land Use Administrator

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

ENVIRONMENTAL COMMISSION LIAISON REPORT: None

SITE PLAN COMMITTEE REPORT: None

MASTER PLAN COMMITTEE REPORT: None

ZONING REPORT: None

CORRESPONDENCE: On back table

APPROVAL OF MINUTES:

1. **<u>June 18, 2024</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. Gruber, Councilmember Koelling; Mr. Huseynov and Ms. Bagdat were absent.

2. **<u>July 16, 2024</u>** - A motion to approve was made by Mr. Ryan and seconded by Mr. Teagno. There was no discussion on the motion. A roll call vote was taken with all present members stating aye. Mr. Gruber, Councilmember Koelling; Mr. Huseynov and Ms. Bagdat were absent. Mr. Lintner abstained.

DISSCUSSION: None

USE PERMITS:

1. **Block 3004 Lot 2 – TAT Group, Inc.** – 50 Chestnut Ridge Road, Suite 220 (3,079 sq. ft.) – Andrew P. Bolson of Meyerson Fox and Conte represents the applicant, Russi Ribiat of TAT Group, Inc. 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 beauty product wholesaler, 10 employees are to occupy the space, which will be altered to be 6 rooms. A list of 10 employee zip codes was presented, an outdoor sign is not required, parking will be 10 employee spaces and all other for parking in common. Applicant is going to temporarily occupy suite 207 (3-5 weeks) while suite 220 is being fitted for their needs. The Chairman proposed that the board will not require them to take out a second Use Permit for the temporary suite under the condition of agreement to inspection by the Building Department and Fire Department, to which Mr. Bolson agreed. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all present stating aye and Ms. Bagdat abstained.

2. **Block 2002 Lot 3 – Sheild Funding** – 5 Paragon Drive, Suite 106 (4,098 sq. ft.) – Andrew P. Bolson of Meyerson Fox and Conte represents the applicant, Sam Baitz of Shield Funding. 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 funding company, 14 employees are to occupy the space, which will be altered to be 8 rooms. A list of 14 employee zip codes was presented, an outdoor sign is not required, parking will be 14 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.

3. **Block 3004 Lot 2 – Seidu Brands Corp** – 50 Chestnut Ridge Road, Suite 224 (1,843 sq. ft.) – Andrew P. Bolson of Meyerson Fox and Conte represents the applicant, Esther Breier of Seidu Brands 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 an import, sales and distribution of high-quality hosiery, legwear and cold weather accessories. There will be 3 employees initially to occupy the space, which will be increased to 8 over time, and the space will be altered to be 5 rooms. 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. Teagno and seconded by Mr. Stefanelli. A roll call vote was taken with all present stating aye.

4. **Block 1001 Lot 1 – YH Roth CPA, PC** – 135 Chestnut Ridge Road, Suite 1160 (1,193 sq. ft.) – Andrew P. Bolson of Meyerson Fox and Conte represents the applicant, Yechiel Roth of YH Roth CPA, PC. 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, 5 employees are to occupy the space, which will be altered to be 3 rooms. A list of 5 employee zip codes was presented, an outdoor sign is not required, parking will be 5 employee spaces and all other for parking in common. A motion to approve was made by Mr. Stefanelli and seconded by Mr. Lintner. A roll call vote was taken with all present stating aye.

A five-minute break was taken at 8:15pm.

PUBLIC HEARINGS (NEW):

1. **Block 3201 Lot 4 – Marmont Montvale, LLC – 21 Philips Parkway – Site Plan Review and Variance Application and Soil Movement Application**
   Antimo Del Vecchio, Esq. of Beattie Padovano, LLC stepped forward to represent the applicant, Marmont Montvale LLC. Mr. Del Vecchio then proceeded to read into record the applicant's application proposing a self-storage facility to be built on the property at the above-mentioned location.
   Mr. Del Vecchio presented many items to be marked for Exhibit. An Affidavit of Service was marked as Exhibit A1; an Environmental Impact Statement by L2A dated 4/12/24 was marked as Exhibit A2; Site Plans by L2A dated 4/12/24 was marked as Exhibit A3; Topographic Survey by Lakeland Surveying dated 1/18/18 was marked as Exhibit A4; Survey by Lakeland Surveying dated 3/28/24 was marked as Exhibit A5; Architectural Plans by SAA Architects dated 5/7/24 was marked as Exhibit A6; L2A Stormwater Report dated 4/12/24 was marked as Exhibit A7; L2A Stormwater Maintenance Report dated 4/12/24 was marked as Exhibit A8; Landscape Plans By Arnold Associates dated 4/12/24 was marked as Exhibit A9; Colored Version of Landscaping Plan – Sheet L100 and 101 was marked as Exhibit A10; and Aerial Map of Neighborhood was marked as Exhibit A11.

Mr. Del Vecchio also discussed that updated version of the plans are being worked on in order to incorporate suggestions and recommendations from the Montvale Fire Department, which will result in small changes to the original plans.
Mr. Regan swore in the client's Engineer, Michael Dippel, as well as the acting Borough Engineer and Planner for this application, Berge V. Tombalakian.
Mr. Dippel proceeded to testify on behalf of the client and presented display boards as he discussed and reviewed the plans proposed for the building construction and site plan, as well as sanitary sewer placement, stormwater compliance, the landscaping of the area, the driveway, the parking lot size and signage for the building.
Mr. Dipple also discussed the public utilities locations and the lighting of the building exterior, which are going to be on during the late night hours for security purposes, but dimmed in order to prevent disturbing the surrounding area. He moved forward to further discuss the landscaping plans, reflecting the number of trees and greenery in order to create a barrier from ingoing and outgoing headlights. The landscaping plans he discussed was in reflection of the concerns pointed out by the Environmental Commission Review they had received. At this point the Chairman introduced the Environmental Commission Review dated 7/15/24 and marked as Exhibit B1. Mr. Dipple went on to discuss the landscaping plans are in full compliance of Montvale's tree ordinance.
Mr. Dipple then moved on to discuss changes in the vehicle circulation plan that reflect easier fire engine accessibility and maneuverability for the Montvale Fire Department. He also discussed the soil movement plan, which showed an import of 4,680 cubic yards estimated, but will most likely will come down as the building plans advance.
Mr. Del Vecchio asked a few follow up questions for Mr. Dipple and introduced the Hyde Engineer Review dated 6/16/24, which was marked as Exhibit B2 by Mr. Regan.
Mr. Dipple stated that his office engaged in conversation with Mr. Tombalakian regarding items in the review, primarily the approach of the stormwater management and failure mechanisms regarding stormwater as well as the sanitary sewer flow and solutions on improving it.
Mr. Tombalakian stated that Mr. Dipple has addressed all of his concerns in the review and has answered all his questions to his satisfaction and that there should be no adjustment in the building height required to make the adjustments regarding sanitary sewer flow.
The Chairman then opened up for board members to ask questions to Mr. Dipple or Mr. Tombalakian. The question of security and the monitoring of the comings and goings of items being stored in the facility was brought up. Mr. Dipple stated that the facility will be staffed from 9am to 6pm, but that the public will have access from 6am to 10pm and that the architect will be discussing the levels of security that will be put in place. Mr. Dipple also discussed that the traffic flow for these types of facilities are traditionally much lower than other businesses. The east side of the building will have 8 parking spaces and two loading bays, where vehicles can enter to unload to the

storage unit and the plans factored in an area on this east side for higher-than-normal traffic at the facility. Mr. Dipple also stated that there will be an area of land that can be used to install additional parking on the east side of the building in the future if needed.

Board members also asked about the reasoning behind removing 83 trees and replacing with 93 trees. Mr. Dipple stated it's mostly about repositioning the trees for the parking area and grading needed for stormwater management. Members also addressed the lighting overnight. Mr. Dipple explained to the members that the overnight lighting will be done for security purposes at a diminished brightness as to not disturb residences in the area.

The Chairman asked Mr. Dipple to explain more about the bio-retention system, the depth of the basin and how long a period of time the basin retains water, mostly in regards to public safety i.e. children possibility falling into the area with standing water. Mr. Dipple gave an over view explanation of the bio-retention system, safety measures that will be put in place, the basin is 4.5 feet maximum, which will be fenced and a rapid draining system in place, which will take no more than 72 hours to go dry. Mr. Dipple stated that in reality the basin will drain closer to 6-8 hours for its size and that the grades will not cause spill over into the Bears Nest residence area due to the sloping that will be put in place.

The Chairman motioned to open to questions from the public. A motion to open was made by Mr. Stefanelli and seconded by Mr. Teagno. All in favor stated Aye.

Mr. Allen Wayne of 31 Sherwood Downs stepped forward to voice concern about traffic headlights coming in and out of the facility and if the landscaping could be extended across the back of the building to ensure that this traffic not disturb residence of the Bears Nest Community. Mr. Dipple stated that the distance and existing landscape design should ensure that residence aren't disturbed, but that they are willing to add more evergreen styled landscaping to the area between the facility and the residential area if need be. Mr. Dipple also addressed the direction of the current run off rain water and the modifications being done to prevent the run off effecting the Bears Nest Community moving forward and that the location of the bio-retention system must be placed in the lowest ends of the site.

The Chairman asked if there was anyone else from the public to step forward. No one else from the public wishing to be heard.

The Chairman then went on to request the Chief of the Montvale Fire Department, Geoffrey Gibbons comment on Mr. Dipple's statements of the site being able to accommodate the fire departments vehicles. Chief Gibbons stated that Mr. Dipple accommodated their request to move the front driveway back in order to create an easier access roadway for the vehicles.

A motion to close to the public was made by Mr. Culhane and seconded by Mr. Stefanelli. All in favor stated Aye.

Mr. Del Vecchio stepped forward to call his second witness, the project's architect. Mr. Regan swore in the client's architect, Gretchen Elton. Ms. Elton stated her education and credentials and that she has in the pasted testified in front of other towns boards on similar projects. Mr. Regan voiced his approval of Ms. Eltons qualifications, to which the Chairman agreed. Ms. Elton proceeded to testify on behalf of the client and presented display boards as she discussed and reviewed the plans proposed for the building construction. Ms. Elton presented boards with materials intended to be used on the building and monument sign; the Material Board was marked as Exhibit A12. Ms. Elton also presented color renderings of the proposed building from multiple angles. The Concept Rendering – Colorized Front was marked as Exhibit A13; Concept Rendering – Colorized West Side was marked as Exhibit A14; and Concept Rendering – Colorized Rear was marked as Exhibit A15. These four Exhibits, which were presented on large boards will be sent to the Planning Board Secretary, in photo versions, to be marked as the exhibits and placed in the client's application file. Mr. Del Vecchio asked Ms. Elton about the addition of a stairwell for emergency access at the request of the fire department. Ms. Elton confirmed that an additional stairwell was being added. The Chairman asked if the police department has been informed of this additional stairwell for security reasons. Mr. Del Vecchio stated that the addition was only discussed in the last 48 hours and they had not updated to police department yet. The Chairman mentioned that before a finalization of the project the police department should be consulted on any changes being made. Ms. Elton discussed security measures such as timed gates to prevent someone from following in a vehicle, keypads at the access doors for patrons to use a personalized code, security cameras throughout the exterior and interior of the facility, interior lights on motion control, limits on items that can be stored, limits in place to prevent persons from using the facility as a residence or place of business, limits in place of what type of vehicle can enter the building and that all loading and unloading will be inside the building. Ms. Elton discussed the spacing issues regarding loading and unloading areas for vehicles, to which she stated that typically a person unloading would be able 30 – 60 minutes. Most people if the loading dock bay area is full will carry in the lighter items until a bay area is available. The Chairman also asked about auctioning off units and if that would be something that would be done at this facility. Ms. Elton stated that auctioning would protentional be occurring and that it could be on site or off depending on the boards wishes and that many of the auctions are commonly done online now. Ms. Elton also reiterated Mr. Dipple's statement that there will be an area of land that can be used to install additional parking on the east side of the building in the future if needed.

Mr. Tombalakian asked Ms. Elton about the exhaust system for the interior of the building for when the vehicles are in the bay areas. She stated they will have a tox alert system which will kick on the exhaust fan in order to prevent car fumes from building up in an enclosed space.

The Chairman then opened up for board members to ask questions to Ms. Elton. The question of the security camera monitoring system was brought up and Ms. Elton confirmed that the cameras will be monitored both on and off site and will be recorded on a DVR, which will be stored for about a week. She also confirmed that all the units are fixed in size and most facilities are moving toward doing all auctions off site and online. The question about bringing in solar panels was asked to which Mr. Del Vecchio stated that they are building the facility to accommodate solar panels. Ms. Elton also confirmed that the building will have a full sprinkler system; that the panels are insolated metal panels that are generally 42 inches wide; the units will have open top areas in order to allow the sprinkler system to be effective; the locks on the units are cylindrical locks and the management will have a master key to all the units; the entire facility will have heat and cooling environment control; there will be call buttons in the stair towers for emergency needs. Ms. Elton also stated that each customer must sign a lease for the unit and is subject to the facility rules and regulations regarding what can be stored in the unit, if a customer violates the lease the unit and all its contents will be forfeited and law enforcement contacted if need be.
The Chairman motioned to open to questions from the public. A motion to open was made by Mr. Tsai and seconded by Mr. Culhane. All in favor stated Aye.
Mr. Allen Wayne of 31 Sherwood Downs stepped forward again to voice concerns of not having an employee on site during all the hours of operation. Ms. Elton stated that the public will have access to emergency call buttons throughout the facility after hours and that the cameras will be monitored by security and security personal will send help immediately.
Chief Gibbons stepped forward to ask about the stair towers and the accessibility of the fire department. Ms. Elton stated that the fire department will have key access, but Chief Gibbons stated that keys could be problematic and requested an alternate to which Ms. Elton stated they could connect the latches to the fire alarm.
The Chairman asked if there was anyone else from the public to step forward. No one else from the public wishing to be heard. A motion to close to the public was made by Mr. Lintner and seconded by Mr. Teagno. All in favor stated Aye.
The Chairman introduced the Montvale Police Department review dated 7/1/24 and marked as Exhibit B3, in which the police department would like to be able to enforce Title 39; to provide a quality example of the camera system in and around the facility site and that it will be included in the Resolution to meet the requirements of the police department review. Mr. Del Vecchio stated that Titled 39 would be enforceable at the site; that the quality issue has already been addressed and agreed to the requirements be written in the Resolution.
The Chairman introduced the Montvale Fire Department Review dated 7/23/24 and marked as Exhibit B4. Mr. Del Vecchio stated after receiving that review his client retained the services of a fire consultant and they contacted the fire department to

address the concerns and come to an agreement to add the requested stairwell, as well as all other concerns listed in the review.

Mr. Del Vecchio stepped forward to call his third witness, the project's planner. Mr. Regan swore in the client's planner, James Kyle. Mr. Kyle stated his education and credentials and that he has worked with several municipalities on similar projects in the past. Mr. Regan voiced his approval of Mr. Kyle's qualifications, to which the Chairman agreed. Mr. Kyle proceeded to testify on behalf of the client; primarily addressing the issue of the need of the D variance for the project, as well as the goals and objectives of the Borough's Master Plan and how this facility can help meet those goals and objectives. He also discussed the marketing study that was conducted to show the need of such a facility for the area due to the low volume of these types of facilities in the area, the low volume of traffic generated by the facility, and the ease of access of the location without impacting neighborhood traffic. Mr. Kyle reiterated Ms. Elton's statements about the uses of the units and the limits in place on the leases and pointed out the need of updating a building that has been unoccupied for some time. Mr. Kyle discussed the impact of the facility on the surrounding neighborhoods and the limited disruption this type of facility causes. Mr. Kyle stated that the need of the two signs was mostly for consumers to easily locate the facility and that the building sign would be halo lit, which is understated and should not produce glare. Mr. Kyle also discussed the steep slope disturbance which is primarily to place the drainage basin in the lowest part of the property so that it functions properly and the southwest corner disturbance to create level access for emergency services.

Mr. Tombalakian stated that Mr. Kyle's testimony answered his questions in regards to the Variances and that he finds it acceptable.

The Chairman then opened up for board members to ask questions to Mr. Kyle. Members asked about the number of units being 980 and if it is a typical amount, as well as the typical lifespan of such a facility. Mr. Kyle answered that that number is typical for a building of this size, and the lifespan of a facility of this type is 15 to 20 years on average.

The Chairman stated that he would like to see an amendment to the plan for the number of parking spaces, as well as a statement that there will be no loading or unloading outside of the building, with a sign posted stating as such. Mr. Del Vecchio stated that he will have to discuss these items with his client and that he was confident that a compromise could be met where as if a hand truck would be needed to move items, then the customer must use the load bay but if the item/s being brought into the unit can be hand carried easily then using a parking space and walking the item/s in would be permissible. The Chairman agreed but would like this compromise written into the Resolution, as well as a copy of the lease included in the Resolution, to which Mr. Del Vecchio agreed. Mr. Del Vecchio also agreed to discuss the parking space issue with his client.

The Chairman questioned Mr. Kyle about why the need for two signs and which in his opinion would be the more visible sign for recognition. Mr. Kyle answered that in his opinion the monument sign is the more visible, but that he would have to discuss that with the client. The board members agreed that they were fine with granting the approval of both signs as they were presented.

The Chairman motioned to open to questions from the public. A motion to open was made by Mr. Culhane and seconded by Mr. Stefanelli. All in favor stated Aye. No one from the public wishing to be heard. A motion to close to the public was made by Mr. Culhane and seconded by Mr. Lintner. All in favor stated Aye.

Mr. Del Vecchio then proposed that a Resolution be prepared subject to the compliance plans regarding the items discuss over the course of the evening.

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

PUBLIC HEARINGS (CONT.): None

RESOLUTIONS: None

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

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

Next Regular Scheduled Meeting: August 20th, 2024

Respectively submitted:

Theresa Di Popolo,
Assistant to the Land Use Administrator