

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, January 10, 2019**

Chairman Lewis called the meeting to order at 7:32 p.m. and welcomed everyone to the Montville Township Planning Board hearing and asked everyone to turn off their cell phones. Ms. Kehoe took the roll call.

**ROLL CALL**

**PRESENT** R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, J. Visco, R. Lipari, N. Agnoli, J. Sandham & G. Lewis

**ABSENT EXCUSED** F. Cooney & A. Maggio

**ALSO PRESENT** J. Mowles (Secretary) & K. Kehoe (Recording Secretary)

**PROFESSIONALS** Joseph Burgis (Board Planner), J. Giurintano (Board Engineer)  
& M. Carroll (Board Attorney)

**PROFESSIONALS ABSENT EXCUSED**

S. Omland (Board Engineer) & M. Carroll (Board Attorney)

**ANNOUNCEMENTS**

Chairman Lewis thanked Committeeman Cook for his last two years of service on the board and welcomed Deputy Mayor Cooney to the board. He reported that all other members were reappointed.

**PLEDGE OF ALLEGIANCE & STATEMENT OF COMPLIANCE**

As required by the Open Public Meetings Act, adequate notice of this meeting has been provided which notice specified the time and place of the meeting to the extent known at that time. The notice was posted on the bulletin board at the Municipal Building, sent to the Daily Record and the Citizen, posted on the Township's website calendar, and placed on file at the Township Clerk's office. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act.

**REORGANIZATION**

***Appointment of Officers***

- Appointment of Temporary Chairman – Mr. Visco was nominated for Temporary Chairman by Mr. Lewis, seconded by Mr. Lipari. All present were in favor. There were no other nominations and no objections. Closed to nominations.
- Appointment of Chairman – Mr. Visco requested nominations for Chairman for 2019. Mr. Lewis was nominated as Chairman by Mayor Conklin, seconded by Dr. Kornreich. There were no other nominations and no objections. Closed to nominations. All present were in favor.
- Appointment of Vice Chairman – Mr. Maggio was nominated by Mr. Sandham, seconded by Mr. Adrignolo. There were no other nominations and no objections. Closed to nominations. All present were in favor.

- Appointment of Planning Board Secretary - Ms. Mowles was nominated by Dr. Kornreich, seconded by Mr. Agnoli. There were no other nominations and no objections. Closed to nominations. All present were in favor.
- Appointment of Recording Secretary – Ms. Kehoe was nominated by Mr. Sandham, seconded by Mr. Visco. There were no other nominations and no objections. Closed to nominations. All present were in favor.

***Planning & Zoning Division Annual Report***

Chairman Lewis tabled the report to a later hearing date.

***By-laws Discussion***

Chairman Lewis reported that the by-laws are continuing to be reviewed by Ms. Mowles and Mr. Carroll for recommended changes and additions. Discussion was tabled to a future hearing date.

***2019 Hearing Dates***

The meetings will be held at 195 Changebridge Road, Montville, NJ in the Chambers. The designation of meeting time was 7:30PM. The dates are as follows:

January 10, 2019	July 11, 2019
January 24, 2019	July 25, 2019
February 14, 2019	August 8, 2019
February 28, 2019	August 22, 2019
March 14, 2019	September 12, 2019
March 28, 2019	September 26, 2019
April 11, 2019	October 10, 2019
April 25, 2019	October 24, 2019
May 9, 2019	November 14, 2019
May 23, 2019	November 25, 2019* (Monday)
June 13, 2019	December 12, 2019
June 27, 2019	January 9, 2020

\*Changed due to holiday

Chairman Lewis indicated that the hearing dates and times were previously discussed at a meeting and there were no objections. He asked for a motion to approve as presented. A motion to approve the hearing dates, times, and location for 2019 was made by Mr. Lipari, seconded by Mr. Visco. All in Favor by Voice Vote. None Opposed.

***Designation of Official Newspaper for Legal Ads***

On a motion made by Mr. Lipari, seconded by Mayor Conklin, The Daily Record, The Citizen, and the Star Ledger (for publication purposes) were adopted for legal ads. All in Favor by Voice Vote. None Opposed.

***2019 Professional Appointments***

- Appointment: Board Attorney/Execution of Professional Services Agreement – On a motion made by Dr. Kornreich, seconded by Mr. Lipari, Mr. Michael Carroll, Esq., Law Offices was appointed Board Attorney. All present were in favor.

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- Appointment of Board Planner & Execution of Professional Services Agreement – On a motion made by Mr. Lipari, seconded by Mr. Visco, Mr. Joseph Burgis, AICP, PP, Burgis Associates was appointed Board Planner. All present were in favor.
- Appointment of Board Engineer & Execution of Professional Services Agreement - Stan Omland, PE – Omland Engineering – On a motion made by Mr. Sandham, seconded by Dr. Kornreich, was appointed Board Engineer. All present were in favor.
- Appointment of Board Conflict Engineer & Execution of Professional Services Agreement - Paul W. Ferriero, PE, PP, CME, CFM, LEED AP - Ferriero Engineering, Inc. - On a motion made by Mr. Lipari, seconded by Mr. Visco was appointed Board Conflict Engineer. All present were in favor.

Chairman Lewis commented the professionals' status was discussed during a closed session meeting in December. He is to meet individually with the professionals to discuss further.

### **COMMITTEE & LIAISON REPORTS**

Chairman Lewis reported that there will be no changes to the Committees and Liaisons with the exception of Committeemen Cook. He will discuss further with Deputy Mayor Cooney.

### **SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in board professionals.

### **SECRETARY'S REPORT**

Secretary J. Mowles had no report.

### **BOARD DISCUSSION**

Mayor Conklin said would like to see a conversation started about design standards, which other towns have. He asked members to think about it and have it placed on the agenda at a later date. Mr. Burgis felt it could be tied into the Master Plan Re-Examination. Mr. Braden asked for samples from other municipalities, so that Planning Board members can review.

### **PUBLIC DISCUSSION**

Chairman Lewis opened the session to public comment for items not listed on the agenda related to land use matters.

Steven Wu of 62 Horseneck Road in Montville wanted his objection placed on record regarding the adoption of the resolution for the Daughtry property. He was unable to obtain a recording of the meeting via an OPRA request, since the recording was not complete. He said since there was not a full verbal recording of the meeting that the application needs to be heard again.

There being no further public discussion, the meeting was closed for public comment for items not listed on the agenda related to land use matters by Mr. Lipari, seconded by Mr. Agnoli. All present were in favor. None opposed.

### **PLANNING BUSINESS**

Chairman Lewis reported that there is a Master Plan meeting scheduled on January, 24, 2019 at 6:00pm.

### **WAIVERS**

**PMISC18-57 – Russo Family Chiropractic** – 112 Main Road – BL: 56, L:10 – 2,200 sf office for providing holistic chiropractic services – 1 employee – hours of operation: 9am-9pm M-F; 9am-5 pm Sat; 10am-4pm Sun – no overnight parking of vehicles – no new signage requested

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A motion to approve the waiver was made by Dr. Kornreich, seconded by Mr. Agnoli. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, J. Visco, R. Lipari, N. Agnoli, J. Sandham & G. Lewis)

**PMISC18-58 – Premier Sculpting of NJ** – 137 Main Road, Suite 100 – BL: 51, L:23 – current tenant seeking 170 sf additional space for two offices. One office will provide cosmetic laser and injectable treatments and the other office is for admins, files and storage – 1 employee plus owners – hours of operation: 10am-10pm, M-S – no overnight parking of vehicles – no signage requested at this time.

A motion to approve the waiver was made by Mr. Visco, seconded by Dr. Kornreich. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, J. Visco, R. Lipari, N. Agnoli, J. Sandham & G. Lewis)

### **INVOICES**

**MP Carroll:** Trust for: \$1,451.25 (Daughtry); \$101.25 (DLS); \$135.00 (Cottrell); \$33.75 (Lucin/Cocomello); \$33.75 (McDonald's); \$67.50 (Newark-Jersey); \$675.00 (Prince Sterilization); \$135.00 (Roome Road); \$33.75 (DRA 350 Main); \$33.75 (VanSchaik); \$33.75 (Wood Stack)

**Omland Associates** – Trust for: \$581.25 (Daughtry); \$542.50 (DLS); \$77.50 (McDonald's); \$77.50 (RD America); \$581.25 (Roome Road); \$77.50 (Towaco Station)

The invoices were approved on a motion made by Mr. Adrignolo, seconded by Dr. Kornreich. Roll Call. All in Favor. None Opposed.

### **RESOLUTIONS**

**Area In Need of Redevelopment Resolution** – Eligible: T. Braden, J. Sandham, A. Adrignolo, N. Agnoli, G. Lewis

A motion to approve the resolution was made by Mr. Braden, seconded by Mr. Adrignolo. Roll Call of Eligibles. All in Favor. None Opposed.

### **MINUTES**

Planning Board Minutes of 11/8/18 – Eligible: L. Kornreich, R. Lipari, J. Visco, R. Lipari & G. Lewis

A motion to approve the minutes was made by Mr. Lipari, seconded by Dr. Kornreich. Roll Call of Eligibles. All in Favor. None Opposed.

### **LOI/DEP NOTIFICATIONS**

Mr. Giurintano reported that the DEP published new storm water management rules, which will have a significant impact on new applicants. Ms. Mowles was asked to contact Mr. Omland to see if the board should relay comments. The comment period is scheduled to take place in February or March.

### **LEGAL/LEGISLATIVE UPDATES**

Mr. Carroll reported that they are currently in session. He said there is discussion to reconsider the Mount Laurel doctrine with possible movement.

### **NEW BUSINESS**

**PSPP/FC18-12 – DLS Contracting** –100 Bloomfield Ave – B: 180, L: 4 – prelim/final site plan with variances – Notice Acceptable ACT BY:

3/29/19

Mr. Joseph O'Neill, Esq. shared his preliminary comments including that they went before the DRC, which were underwhelmed with their design. They have come before the planning board with a new design and are changing their application regarding the front yard area set back and the parking. He feels the changes are modest.

Chairman Lewis explained the process for the public including that each witness will be sworn in, give testimony, answer professional questions, then public questions, repeat for each witness, and then the public will be given the opportunity to comment on the overall application at the end of testimony.

1<sup>st</sup> witness, Mr. Donato Salvatoriello, President of DSL Contracting, was sworn in. He discussed the milling and paving company, the proposed building to provide storage for the large number of vehicles, he described the trucks, equipment, and office, the construction equipment to be stored in the yard, number of employee and their hours, snow plowing at Kean University, and the seasonal layoffs of employees in Winter except for the snow plowers. Mr. Burgis asked about the employees both on site and off. Mr. Giurintano asked about the intent to rent space out to other companies and material storage. There were no board questions.

Chairman Lewis opened the meeting to the public on Mr. Salvatoriello's testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Lipari, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

2<sup>nd</sup> witness, Mr. Dantel Fortunato, Architect, was sworn in and his credentials accepted.

Exhibit A-1 (Revised Rendering of Proposed Building) dated 1-10-19 was submitted. Mr. Fortunato testified on the following items: building design, structure size, masonry/prefab metal, steel framing, corrugated metal skin, canopy structure, roof structure, garage door, second floor for secretary and administrative offices, a softer design then what submitted to DRC, the floor plan including first floor, square footage, business area, fire separated spaces, and vehicle storage. Mr. Burgis asked questions regarding the light fixtures, front façade, and proposed signage. Mr. Giurintano asked questions about the building height and grade.

Chairman Lewis opened the meeting to the public on Mr. Fortunato's testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Adrignolo, seconded by Mr. Lipari - All in Favor by Voice Vote. None opposed.

3<sup>rd</sup> witness, Mr. Charles Stewart, Engineer and Planner, was sworn in and his credentials were accepted. He testified on the following items: application, project, lot number, current use, acreage, location, uses in area, existing entrance and exit, clear area in back of property, removal of existing building, new construction, the suggestions and modifications from TRC meeting, and the required 75 square foot setback.

Exhibit A-2 (Modified Colorized Rendering) dated 1-10-19 was submitted.

He further discussed the following: river location, Stuffed Olive building location closer to road with parking in back, existing paving in front and gravel in back, relocation of new building to about 75 feet back, right-of-way line, technical variance, main structure compliance, added canopy on top with setback changes, building next door not being in compliance, building now more in line with the printing shop, proposed parking area, existing curb area, providing plantings, easterly edge curb line relocation with plantings, plantings by odd appendage on westerly side, HVAC unit location with elevated platform including screening with evergreen trees, proposed fencing details, gate to section off front parking area,

striped parking in front of gate only, lighting fixture and pole choices from DRC comments including materials and locations, recycling details, 24 hour monitored security cameras, elevations and grading, flood plain, floodway, DEP package filing status, ordinance standards, no height relief needed, variance relief for number of parking spaces, and the use of banked parking since the public is not coming to the site. Mr. Burgis asked questions and/or commented on the following items: minor discrepancies regarding building coverage, numbers that need to be corrected, back parking sufficiency, possible parking stipulation, lighting plan, condition of approval for recycling plan requirement, enclosure height, variance for height of fence, sign compliance, limit of disturbance, and side yard setback. Mr. Stewart testified further on the best location, utilities, not a being a detriment, screening, visibility, benefits outweighing detriments, no negative impacts, septic tank removal, field location remaining, and new installed building use. Chairman Lewis commented on the needed site plan revisions. Mr. Giurintano inquired about the following items: DEP filing status, limit of disturbance, landscaping proposals, site visibility, storm water management design, soil testing, fill, and grading analysis. Board members inquired about the floodway mapping and limits, application being subject to DEP approvals, fuel storage, truck washing and servicing, light plan being subject to Mr. Omland's office review, plating areas, amount of disturbance, capturing roof runoff, seepage pit location, test holes and plan, gravel parking area, fence height, fence distance from roadway, fence materials, fence location choice, truck colorings, and screening from roadway. Mr. Stewart testified further on the safer enclosure for equipment, location, benefits outweighing the detriments, no negative criteria or impact. Mr. Giurintano explained that the application was contingent on the DEP approval.

Chairman Lewis opened the meeting to the public on Mr. Stewart's testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Dr. Kornreich, seconded by Mr. Lipari - All in Favor by Voice Vote. None opposed.

Mr. O'Neill reviewed the variances needed for the front yard setback, parking up against building, platform on side of building, and 8 ft. black vinyl fence.

Chairman Lewis opened the meeting to the public on the overall testimony. There being no discussion, the meeting was closed for public comment on a motion made by Mr. Sandham, seconded by Mr. Agnoli - All in Favor by Voice Vote. None opposed.

Mr. O'Neill summed up testimony and thanked the board for their time. He reviewed the permitted use including it not being intrusive, the building improvements, relocation, being more attractive, and in keeping with Montville and the surrounding area. He feels the variances are necessary. They will go back to the DRC, will agree to professional comments, and will revise the site and lighting plans. He asked the board to grant the application.

Board deliberation followed. They reviewed the conditions of approval. The applicant would be subject to revise the site, landscaping and lighting plans, include a condition of no subleasing, use bank parking if needed, provide recycling plan, DEP approval, no truck washing on site, and return to the DRC with material samples and colors. Mr. Braden thanked the applicant for their prompt response for the DRC concerns.

A motion to approve the application with the stipulations of the Chairman was made by Mr. Sandham, seconded by Mr. Agnoli. Roll Call. All present were in Favor. No opposed. (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, J. Visco, R. Lipari, N. Agnoli, J. Sandham & G. Lewis)

### **OLD BUSINESS**

There was no Old Business to come before the board.

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**CORRESPONDENCE / EXTENSIONS / DISMISSALS**

There were no Correspondence/Extensions/Dismissals to come before the board.

**CONCEPTS**

There were no Concepts to come before the board.

**CLOSED SESSION**

There was no need for Closed Session.

**ADJOURNMENT**

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. On a motion made by Mr. Agnoli, seconded by Mr. Sandham, the meeting was unanimously adjourned at 9:32pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of \_\_\_\_\_.

\_\_\_\_\_  
Jane Mowles, Secretary