

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, January 25, 2018**

Chairman Lewis called the meeting to order at 7:30 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 (7:00pm to 7:40pm), T. Braden, A. Adrignolo, R. Cook,  
L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis

**ABSENT EXCUSED** A. Maggio & R. Lipari

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

**PROFESSIONALS** Joseph Burgis (Board Planner), S. Omland (Board Engineer)  
& M. Carroll (Board Attorney)

**ANNOUNCEMENTS**

Chairman Lewis welcomed everyone to the meeting.

**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.

**COMMITTEE & LIAISON REPORTS**

Chairman Lewis asked the liaisons and committee members for reports:

Board of Adjustment – Mr. Adrignolo said they have not met.

Board of Health – Mr. Lipari was absent.

Environmental Commission – Dr. Kornreich said they had their first meeting of the year. There was a presentation for sustainable New Jersey, which will make us eligible for grants.

Water & Sewer – Mr. Maggio was absent.

Historic Preservation Review Commission – Mr. Visco reported that they met on January 22<sup>nd</sup>, where they welcomed new member Mr. Weaver, set meeting dates and times, along with the new Chairman & Vice Chairman. He said they will be sending a letter to the Planning Board to retain Connelly & Hickey as their professionals. They are also creating a subcommittee for street naming and had discussion on recognizing 100 year plus old homes in town.

Design Review Committee – Mr. Braden said they have not met yet, because they are unable to attain a quorum. He asked Mayor Conklin and Committeeman Cook to consider amending the ordinance to add alternates in order to meet the quorum.

Site Plan/Subdivision Committee – Mr. Visco had no report.

Economic Development Committee – Mr. Lewis said the meeting was canceled.

Open Space Committee – Mr. Agnoli had no report.

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Master Plan – Mayor Conklin said the Township Committee is planning on updating the Master Plan this year. They are still waiting on a dollar amount.

Highlands Legislation Review Committee – Mr. Lewis had no report.

Fire Districts – Committeeman Conklin (Towaco) had no report, Mr. Maggio (Montville) was absent, and Mr. Braden (Pine Brook) had no report.

Township Committee Mayor’s Report – Mayor Conklin had no report. Committeeman Cook said the Old Lane sewer project was discussed and will be doing a survey on costs.

Invoice Review Committee – To be discussed during invoice approvals if necessary.

### **SECRETARY’S REPORT**

Secretary J. Mowles-Rodriguez Board reported that starting February 1<sup>st</sup> all Planning and Zoning Board members will have a montvillenj.org email account. If there is a delay she will let the committees know. She explained that this account is to be used for all board business. She will forward instructions on how to access accounts prior to launch. Chairman Lewis said this should help with OPRA requests.

Committeeman Cook suggested having the attorney draft a policy on use.

### **BOARD DISCUSSION**

There was no discussion to come before the board.

### **PUBLIC DISCUSSION**

Chairman Lewis opened the session to public comment for items not listed on the agenda related to land use matters. There was no public discussion, the meeting was closed for public comment for items not listed on the agenda related to land use matters by Mr. Visco, seconded by Committeeman Cook. All present were in favor. None opposed.

### **PLANNING BUSINESS**

Mr. Burgis reported that they are still awaiting the Mercer County decision relative to fair share housing.

### **WAIVERS**

**PMISC18-02 Music & Arts** – 45 Rt. 46 Unit 603 – B: 183, L: 6 - 1,532 s.f. office/7,751 s.f. warehouse and repair of musical instruments – hours of operation 8am-5pm M-F – 12 employees – (1) 24’ truck parked overnight - signage in compliance with First Industrial theme

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

**PMISC18-03 II-VI** – 30 Chapin Rd Unit 1202 – B: 183, L: 7.1 - 2,178 s.f. office/4,792 s.f. warehouse existing tenant taking additional space research/development of crystals for semiconductor industry- no additional employees – hours of operation 6am-6pm M-F – no overnight parking of vehicles - signage in compliance with First Industrial theme

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

**PMISC18-04 Metro Pro LLC** – 20 Chapin Rd Unit 1002 – B: 183, L: 7.2 - 1,458 s.f. office/5,485 s.f. warehouse sales, design, develop, printing & assembly of graphic design art, record awards, and printed/stretched canvas - hours of operation 7:30 am-5:30 pm M-F – 10 employees - small box truck parked overnight - signage in compliance with First Industrial theme

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

### **INVOICES**

Burgis Associates – Trust for: \$168.75 (Addie Gray); \$371.25 (Avallone); \$573.75 (Commorata); \$67.50 (525 Realty); \$168.75 (iStar); \$303.75 (JLJ&J); \$1,080.00 (JLJ&J); \$135.00 (Living Water); \$101.25 (Newark Jersey Co.); \$168.75 (McDonald's); \$776.25 (Rails Wine Cave); \$67.50 (Restaurant Depot); \$405.00 (DRA 350); \$1,282.50 (Towaco Station);

Ferriero Engineering - Trust for: \$135.47 (iStar); \$202.50 (iStar); \$135.00 (DRA 350); \$472.50 (DRA 350)

MP Carroll – Trust for: \$101.25 (Avallone); \$33.75 (Addie Gray); \$168.75 (525 Realty); \$33.75 (iStar); \$573.75 (JLJ&J); \$33.75 (Jo-El); \$33.75 (McDonalds); \$135.00 (Living Water); \$742.50 (Rails Cave); \$33.75 (DRA 350); \$101.25 (Towaco Station)

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

### **RESOLUTIONS**

#### **Resolution Authorizing the Award of Contracts for Professionals Services**

A motion to approve the resolution authorizing the award of contracts for professional services was made by Mr. Sandham, seconded by Committeeman Cook. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis)

**PEXT17-17 Avallone, Ralph** – 5 & 7 Glen Terr – B: 8, L: 1 & 1.03 – request for extension of approvals to: December 8, 2018 – Granted – Eligible: T. Braden, N. Agnoli, L. Kornreich, J. Visco, J. Sandham & G. Lewis

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

### **MINUTES**

There were no Minutes to come before the board.

### **LOI/DEP NOTIFICATIONS**

Mr. Omland updated to board on the Pennick property.

### **LEGAL/LEGISLATIVE UPDATES**

Mr. Carroll had no Legal/Legislative updates for the board.

### **SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in board professionals.

### **OLD BUSINESS**

**PSPP/FC/PMSP/F/PSOIL17-11** Towaco Station -652 & 662 Main Rd - B. 40 L. 48 & 49 – Preliminary & Final Site Plan; Preliminary & Final Subdivision; C variances; Soil Movement – carried

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with notice from 12/14/17 – Eligible: T. Braden, A. Adrignolo, N. Agnoli, L. Kornreich, J. Visco, R. Cook, J. Sandham & G. Lewis ACT BY 2/24/18

Committeeman Cook was not present at the original 12-12-17 hearing date, but has listened to the recording and is now eligible and certified.

Mayor Conklin recused himself at 7:40pm.

Chairman Lewis explained to the public the hearing process and that this application was at mid-hearing.

Present on behalf of the applicant was Mr. Steven Schepis, Esq., Mr. Marc Walker, PE, Mr. Frank Mileto, Architect and Planner, Mr. Daniel Furia, Applicant, Mr. Vincent Uhl, Hydrogeologist, and Mr. John Desch, Traffic Engineer.

Mr. Schepis summarized the application to date.

1<sup>st</sup> witness, Mr. Uhl, Hydrogeologist, was sworn in and his credentials accepted. He testified on the following items: previous memos, understanding the town aquifer, his relation to this project, well analysis of property, testing and protection of ground water, storm water, recharge to aquifer, no negative impacts, increase of recharge, HSS requirements, subsurface conditions of prime aquifer, and silts and clays of bedrock. Chairman Lewis asked about the water supply. Mr. Omland said Mr. Uhl supplied a letter indicating that that the project will comply with the ordinance with water quality and recharge. Mr. Sandham asked if it was related to water usage or just quality and recharge. Mr. Uhl explained that it was just recharge and water quality, not water usage.

Chairman Lewis opened the meeting to the public on Mr. Uhl's most recent testimony.

Ms. June Witty of 11 Longview Drive in Towaco, asked how he predicts the recharge? Mr. Uhl explained that the DEP has developed a methodology that is pretty refined.

Ms. Kim Bott of 22 Hewlett Road in Towaco was concerned with the fill and how it affects the aquifer. Mr. Uhl explained clean fill would be brought to the site. She was also inquired if there would be blasting and the affect the aquifer. Mr. Uhl did not see an impact.

There being no further discussion, the meeting was closed for public discussion on a motion made by Dr. Kornreich, seconded by Mr. Adrignolo - All in Favor by Voice Vote. None opposed.

2<sup>nd</sup> witness, Mr. Desch, Traffic Engineer, was sworn in and his credentials accepted. Mr. Schepis explained that he was here to discuss the traffic safety and flow, entrance/exit, and site distances. He said his report was previously submitted. Mr. Desch discussed what his investigation consisted of and his findings. He testified on the following items: acceptable limits, Morris County satisfaction and approval, site distances, reduction in number of units, standards in the industry, investigation of queuing and stacking of vehicles at existing driveway, and suggestion of some directional signs. Chairman Lewis asked Mr. Omland his opinion about directional signage. He had mixed feelings, says it can become cluttered. Mr. Uhl said that Morris County may increase traffic light timings after the construction is complete. Discussion of the timing of traffic lights followed.

Chairman Lewis opened the meeting to the public on Mr. Desch's most recent testimony.

Ms. Daria Senaldi of 109 Jacksonville Road in Towaco shared concern with school bus access to the site and left/right turns out of the complex.

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Ms. June Witty of 11 Longview Drive in Towaco asked if an exit to the rear was considered.

Mr. Angelino of 9 Kristin Court in Towaco asked about the construction timing and means of egress.

Mr. John Rosellini of 5 Matilda Terrace in Towaco asked about exiting onto the side road, which he felt was the safest option.

There being no further discussion, the meeting was closed for public discussion on a motion made by Dr. Kornreich, seconded by Committeeman Cook - All in Favor by Voice Vote. None opposed.

Break from 8:46pm to 8:56pm.

3<sup>rd</sup> witness, Mr. Mileto, Architect, was sworn in and his credentials accepted.

Exhibit A-5 (Modifications from Exhibit A-3 of list of Variances and Design Exceptions) was submitted. Exhibit A-6 (Colorized Architectural Rendering) was submitted.

Mr. Mileto testified on the following items: proposed uses including a mixed use structure and townhouses to the rear, materials to buildings including roofing, siding, stone base, design, and colors, DRC submittal and approval, elevations, grade changes, basements, decks, heights, windows, optional elevator service, basements, interior living areas, being built to codes, and commercial and apartment uses. Mr. Burgis asked questions regarding the bonus rooms, egress windows, bedroom counts, individual square footage of units, the mixed use building occupancies, and COAH requirements. Board members asked about the overall footprints of townhomes and shared concern of egress windows on 3<sup>rd</sup> floor. Mr. Burgis talked about code and parking issues. Mr. Schepis said the townhomes are marketed for a commuter development and limited to two bedrooms.

Chairman Lewis opened the meeting to the public on Mr. Mileto's most recent architectural testimony.

Ms. Bott on 22 Hewlett Road in Towaco felt the building was not in-line with the decorative element of the Towaco Master Plan and was concerned with grade levels.

Mr. John Rosellini of 5 Matilda Terrace in Towaco was concerned with the street view of the rear of the townhomes from Rt. 202.

There being no further discussion, the meeting was closed for public discussion on a motion made by Mr. Visco, seconded by Dr. Kornreich - All in Favor by Voice Vote. None opposed.

4<sup>th</sup> witness, Mr. Walker, PE, who was previously sworn in testified on the following items: gazebo changes with less structure and more open space areas, benches, picnic tables, landscaping, fencing, parking areas, building height calculations, rear view fencing and landscaping, and creating screening for the residents and public.

5<sup>th</sup> witness, Mr. Mileto, testifying as a Planner, was sworn in and his credentials accepted. He testified on the C variance and design exceptions from Exhibit A-5. He discussed the following: whether C1 or C2 variances, permitted uses, public benefits outweighing the detriments, topography and wetland difficulties, review of Master Plan for Montville, Towaco Center and the Land Use amendment, impervious coverage, lot line adjustments, dedicated loading spaces, and shared parking/access.

Exhibit A-7 (2008 Towaco Master Plan Exhibit) was submitted. This original plan showed the proposed layout portion of T1 Zone showing shared parking and mixed uses. He continued his testimony on the

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following items: hardships, benefits, no detriments, relief as it relates to a C-2 variance, front yard setbacks, justification for C-1 variance, walls signs for commercial tenants for visibility and identification, no parking allowance in front, proposed public service sign, design exceptions for slopes, bike lanes, and decorative lighting. Mr. Burgis shared his observations on statutory burdens, municipal requirements, proposed signage, physical features, public benefit tests, impervious coverage, open space, conservation easements, and right-a-way dedications, and grade levels along Rt. 202. There were no board questions.

Chairman Lewis opened the meeting to the public on Mr. Mileto's most recent planning testimony.

Ms. Daria Senaldi of 109 Jacksonville Road in Towaco asked about the Welcome to Towaco sign. She was concerned with too many signs in that area, the railing colors for in front of the proposed commercial buildings, and the bicycle lane exception.

Ms. June Witty of 11 Longview Drive in Towaco was concerned with the number of variances being requested and the impervious coverage.

Mr. John Rosellini of 5 Matilda Terrace in Towaco was confused with the purpose of the sign.

There being no further discussion, the meeting was closed for public discussion on a motion made by Committeeman Cook, seconded by Mr. Adrignolo - All in Favor by Voice Vote. None opposed.

Chairman Lewis opened the meeting to the public on the overall testimony.

Ms. Bott on 22 Hewlett Road in Towaco shared her overall feeling for the project. She talked about the petition for open space and the history. She feels there are too many townhouses, is concern with the water catch system and aquifer, the trees dying as a result, the soil being brought in, and is disappointed in the overall architecture.

Ms. Senaldi of 109 Jacksonville Road in Towaco said she was excited about the project. She would like to see increased public space, the proposed is not a gathering space, feels the bicycle lane is needed, and requested no overnight parking for street parking.

Ms. June Witty of 11 Longview Drive in Towaco was concerned that the public area will be utilized by residents only. She feels it a beautiful project, but too big.

Mr. John Rosellini of 5 Matilda Terrace in Towaco shared his final comments. He said there are 6 acres of open space being saved, feels a side exit would be better, but there is a wetlands issue, asked to consider grass pavers by the ice cream store for emergency access only, and feels the signs on both the front and back of commercial buildings are not necessary.

There being no further discussion, the meeting was closed for overall public discussion on a motion made by Dr. Kornreich, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

Mr. Schepis thanked the board for their time and consideration. He requested phasing of the project because of DEP regulations. He said Phase 1 would consist of cutting down trees and stabilizing and they would be agreeable to post a bond for that phase and is requesting not to have developer's agreement for Phase 1. They would like to get the project underway this year. He touched on the variances requested regarding: impervious coverage, vehicular access, Rt. 202 county approvals, the steps, number of wall signs, setbacks, front yard parking, leaving the sign to the board's discretion, slopes, design exceptions,

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bike lane, light intensity, shared parking, decorative lighting, benefits to public, frontage improvements, public open spaces, Towaco Center increased foot traffic, and the site as proposed vs. what is permitted. Chairman Lewis pointed out some things to discuss: tactile crosswalks interior to the site, bike lanes, whether or not sign is needed, Phase 1 request, and plantings along Brook Lane. Board deliberation included discussion on the following items: plantings as a buffer, screening along Brook Lane, overall lack of need for the welcome sign, Phase 1 with tree removal, erosion control, soil stabilization, goals of Planning Board to shape development, less intensive alternative use on the aquifer, appropriate balance with constraints and economically feasibility, six acres of open space with zero cost to taxpayers, zoning changes created to have least impact on aquifer, neighbors & traffic, slopes, bike lane, lighting spillover, traffic testimony, building design, 3<sup>rd</sup> floor window concern, driveways, railings, Morris County requirements and approvals.

Chairman Lewis opened the meeting to the public on the black railing.

Mr. Schepis said they were willing to paint the railings black.

There being no further discussion, the meeting was closed for overall public discussion on a motion made by Dr. Kornreich, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

Board members not in favor of painting the railings black.

A motion to approve the application conditioned upon conditions that reached consensus was made by Dr. Kornreich, seconded by Mr. Sandham. Roll Call. All present were in Favor. No opposed. (T. Braden, A. Adrignolo, R. Cook, L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis)

A motion to authorize Phase 1 prior to adoption of the resolution based on Mr. Omland's controls was made by Mr. Braden, seconded by Committeeman Cook. Roll Call. All present were in Favor. No opposed. (T. Braden, A. Adrignolo, R. Cook, L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis)

#### **NEW BUSINESS**

There was no New Business to come before the board.

#### **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. In a motion made by Mr. Visco, seconded by Mr. Adrignolo, the meeting was unanimously adjourned at 11:19pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

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

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Jane Mowles-Rodriguez, Acting Sec.