

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, July 25, 2019**

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** T. Braden, A. Adrignolo, A. Maggio, F. Cooney, J. Visco, R. Lipari,  
J. Sandham & G. Lewis

**ABSENT EXCUSED** R. Conklin, L. Kornreich & N. Agnoli

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

**PROFESSIONALS** J. Burgis (Board Planner), S. Omland (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 had no report.

Board of Health – Mr. Lipari had no report.

Environmental Commission – Dr. Kornreich was absent.

Water & Sewer – Mr. Maggio reported that Mr. Perry was no longer with the Department.

Historic Preservation Review Commission – Mr. Visco said the meeting was canceled.

Design Review Committee – Mr. Braden said the meeting was canceled.

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

Economic Development Committee – Chairman Lewis said they did not meet.

Open Space Committee – Mr. Agnoli was absent and Mr. Sandham had no report.

Master Plan – Chairman Lewis had no report.

Highlands Legislation Review Committee – Chairman Lewis had no report.

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

Township Committee Mayor's Report – Deputy Mayor Cooney reported on the Concert Series taking place on Tuesday evenings throughout July and August.

**SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in board professionals.

### **SECRETARY'S REPORT**

Secretary J. Mowles reported that the board members packets for the August 8<sup>th</sup> meeting were in front of the members tonight.

### **BOARD DISCUSSION**

Deputy Mayor Cooney reported on the new microphones for the recording system to eliminate background noise.

### **PUBLIC DISCUSSION**

Chairman Lewis opened the session to public comment for items not listed on the agenda related to land use matters. There being no 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. Visco. All present were in favor. None opposed.

### **PLANNING BUSINESS**

Housing Element & Fair Share Plan Adoption

Ms. Mowles reported that the Adoption was noticed to the public. Mr. Burgis explained that the settlement agreement was signed and that we were here for the public hearing. He prepared a PowerPoint presentation and reviewed the following information: what the municipal affordable requirements are, 3 components, major NJ court decisions, what is considered affordable, components of obligation, gap period explanation, court special master and FSHC, obligation pursuant to settlement, vacant land adjustment, unmet need, plan to address obligation, and mechanisms to address: rehab, prior round, third round and unmet need. Also included was the Plan Components Map with the Stiles Lane and Rt. 202 overlay. He explained the next steps going forward. There were no board questions.

Chairman Lewis opened the session to public comment and/or questions. There being no public discussion, the meeting was closed for public comment by Deputy Mayor Cooney, seconded by Mr. Visco. All present were in favor. None opposed.

Mr. Burgis informed the board of the scheduling explaining that the Township Committee will endorse the adoption at the 8-13-19 meeting, then it will be in front of the judge on 9-13-19, and at the 8-8-19 Planning Board meeting the ordinances will be approved and then move onto the Township Committee.

A motion to adopt the Housing Element and Fair Share Plan was made by Mr. Sandham, seconded by Deputy Mayor Cooney. Roll Call. All in Favor. None Opposed (T. Braden, A. Adrignolo, A. Maggio, F. Cooney, J. Visco, R. Lipari, J. Sandham & G. Lewis)

A motion to affirm the Resolution was made by Mr. Visco, seconded by Mr. Lipari. Roll Call. All in Favor. None Opposed (T. Braden, A. Adrignolo, A. Maggio, F. Cooney, J. Visco, R. Lipari, J. Sandham & G. Lewis)

Land Use Plan Amendment Related to Housing Plan Changes

Ms. Mowles said notice was provided. Mr. Burgis explained why needed: designed to amend changes in the Housing Plan, to identify the five sites in the Land Use Plan, new inclusionary overlay districts, and the goals and objectives. Board members asked questions regarding the timing before the board, Master Plan vision, planning and housing elements, envisioning, and COAH obligations. Mr. Burgis commented on the area in need of study, redevelopment, obligatory item, and the HE and FSP carrying the most weight. He will do a presentation on these sites at a future Planning Board meeting.

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A motion to table the amendment to the second meeting in September was made by Vice Chairman Maggio, seconded by Mr. Adrignolo. All in Favor by Voice Vote. None Opposed.

Mr. Burgis introduced Ms. Elizabeth Mc Manus, the Court Appointed Special Master for Montville to Planning Board members. She explained that her job is to be a resource for the municipality and to assist the judge.

### **WAIVERS**

There were no Waivers to come before the board.

### **INVOICES**

Burgis – Trust for: \$262.50 (AKR); \$937.50 (Roome Road)

Dorsey & Semrau: \$270.00 (Millcreek); \$285.00 (Parklane)

MP Carroll – Trust for: \$75.00 (AKR); \$900.00 (AKR); \$75.00 (Hook Mountain); \$1,087.50 (PBNJ); \$675.00 (Roome Road); \$75.00 (Woodland Properties)

A motion to approve the invoices was made by Mr. Braden, seconded by Mr. Adrignolo. Roll Call. All in Favor. None Opposed. (T. Braden, A. Adrignolo, A. Maggio, F. Cooney, J. Visco, R. Lipari, J. Sandham & G. Lewis)

### **RESOLUTIONS**

There were no Resolutions to come before the board.

### **MINUTES**

Planning Board Minutes of 6/27/19 – Eligible: Maggio, Cooney, Braden, Visco, Sandham, Lewis

A motion to approve the minutes was made by Mr. Braden, seconded by Vice Chairman Maggio. All in Favor by Voice Vote. None Opposed.

### **LOI/DEP NOTIFICATIONS**

Mr. Omland reported on 2 notifications for the Anton Company and 83 Boonton Ave in Montville.

### **LEGAL/LEGISLATIVE UPDATES**

Mr. Carroll said he will be bringing a copy of an opinion from a case to be discussed during the August 8<sup>th</sup> closed session portion of the meeting regarding conflict of interest.

### **OLD BUSINESS**

**PMSP/F/PSOIL18-19 – AKR Development** – 34 Abbott Rd – B: 39.06, L: 99.03 – 6 lots and 1 open space lot – no Variances – Carried with Notice from 6/27/19 – Eligible: Maggio, Lipari, Cooney, Braden, Adrignolo<sup>i</sup>, Visco, Sandham, Lewis      ACT BY: 7/31/19

Continuance form from 6-27-19 meeting with notice preserved. Mr. Adrignolo put on record that he reviewed the recording.

Mr. Steve Schepis, Esq. summarized the project location, property size, cluster option, six compliant lots, slope regulations, and design standards. Chairman Lewis asked for an explanation as to whether or not the cluster option complies or is permitted. Mr. Schepis asked for consideration. He had previously provided information to the professionals. He said there is a need for design exception only based on slopes and there are no variances needed.

Mr. Carrol said it could be treated as a C-2 or cluster. Discussion of six cluster lots vs. six conventional lots because of manmade slopes followed. A straw poll of board members was conducted.

A decision to proceed with the application as a Cluster Option with Chapter 240 as an option to approve or deny was made. Roll Call. All in Favor. None Opposed.

Board members asked questions. Mr. Walker, Engineer, still sworn in, reviewed the history, previous approvals, zoning changes, current ordinances, and less disturbance with this option. He summed up what he testified to at the last meeting including the location, zoning, benefits, distance from Rt. 287, green buffer, and underground basin. He testified further on the following items: correspondence from Mr. Burgis' and Mr. Omland's offices and responses, the numbers put into the chart comparing conventional vs. cluster options, slope disturbance, roadway construction, soil movement permit and compliance with, amount of cubic yards brought onto site, surrounding zoning, Abbott Road consistency, open space offer, conservation deed restriction, exclusion to run underground sewer line if needed in future, steep slope benefits and less disturbance, and reduction of steep slopes of previously approved five lots vs. conventional six lots vs. six lot cluster design. Mr. Omland asked Mr. Walker questions on the following items: cluster vs. conventional roadway configurations, steep slope comparisons, home locations from front yard setbacks, tree removal reduction, vegetative state of site today, logic to relocate detention basin, open space area options, and complying with Board of Health comments regarding septic systems.

Mr. Andrew Rusin, applicant, was sworn in. His relationship is the R in AKR Development. He said the test pits were done by IDC Environmental and there were no concerns found. Mr. Omland asked for future home owner protection. Mr. Schepis read the results into record and said copy of the report should be on file.

Break from 9:07pm to 9:12pm.

Exhibit A-4 (PS1 Report from 12-31-17) dated 7-25-19 was submitted regarding the historic fill. Mr. Omland asked about open space land ownership. Board members and professionals commented on the following: road and property line maintenance, tax revenue for the town, conservation easement with detention basin, right-a-way, granting relief needed for minimum lot acreage, obligation of maintenance, shade trees and locations of, lot lines, pool allowance, property frontages, and board approval being subject to Mr. Omland's approval of amended site plan. Mr. Schepis asked to have relief of accessory structures/pools/sheds on front yard vs. rear yard of properties and for an underground utility easement subject to review and approval of township engineer.

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

Mr. Schepis said his client is requesting to have the road designated as a new street and named Luke Court. Chairman Lewis explained that the town has a naming policy and it is outside of the Planning board realm. Mr. Schepis said he liked what Planning Board came up with while working with the applicant. Chairman Lewis said that this board does come up with creative and practical decisions. Board deliberation followed. Members commented on the shade trees, creating through lot lines, structural relief, slope disturbance relief, hybrid cluster with minimum space division, sidewalks, conservation easement, property maintenance responsibility to Lot # 11, speeding vehicles, line of site, and road widths.

Chairman Lewis reviewed the check list including the following: relief of sidewalk requirement, allowing township engineer to waive where trees are placed, slope disturbance being acceptable, modified cluster

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with lot line extension, through lot line condition, relief of minimum lot size, conservation easement with exception of future underground utilities, notice of maintenance for Lot # 11 to maintain lot frontage as a deed notice, revised map to board engineer for approval, and conforming soil movement.

A motion to approve the application being subject to the above listed items was made by Mr. Braden, seconded by Mr. Sandham. Roll Call. All present were in Favor. No opposed. (T. Braden, A. Adrignolo, A. Maggio, F. Cooney, J. Visco, R. Lipari, 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. On a motion made by Deputy Mayor Cooney, seconded by Mr. Visco, the meeting was unanimously adjourned at 10:03pm.

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

<sup>i</sup> Must certify to 6/27/19 hearing