

MONTVILLE TOWNSHIP PLANNING BOARD
Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Thursday, April 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 R. Conklin (7:30-7:50pm), A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, R. Lipari (7:30-7:50pm), N. Agnoli, J. Sandham (7:30-7:50pm) & G. Lewis (7:30-7:50pm)

ABSENT EXCUSED T. Braden

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 said they have not met.

Board of Health – Mr. Lipari had no report.

Environmental Commission – Dr. Kornreich reported on the Arbor Day celebration scheduled on 4/26/19. They will be honoring Township Employee, Fred Ackerman along with presenting the poster contest winners.

Water & Sewer – Mr. Maggio had previously emailed his report.

Historic Preservation Review Commission – Mr. Visco reported that they met on 4/22/19. They discussed the Demo by Neglect ordinance, which was sent back to the Township Committee, the nomination for the Hierwater property, which has been passed onto Secretary Mowles, and are currently seeking for new nominations.

Design Review Committee – Mr. Braden was absent.

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

Economic Development Committee – Mr. Lewis said they met 4/24/19 and discussed the business initiative scheduled for June.

Open Space Committee – Mr. Agnoli had no report.

Master Plan – Chairman Lewis said they met tonight and the consensus was to recommend the Re-Examination report back to the board with minor amendments needed. He said they are looking to present on 5/23/19 with a hearing in June. Once finalized the draft will be placed on the town website.

PB minutes
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Highlands Legislation Review Committee – Chairman Lewis had no report.
Fire Districts – Mr. Conklin (Towaco) had no report, Mr. Maggio (Montville) had no report, and Mr. Braden (Pine Brook) was absent.
Township Committee Mayor’s Report – Mayor Conklin reported on the following events scheduled for this weekend including Arbor Day (4/26), MBSA Opening Day (4/27), Community Park Playground Reopening (4/27), and the Earth Day Clean Up (4/28).

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in board professionals.

SECRETARY’S REPORT

Secretary J. Mowles had no report.

BOARD DISCUSSION

Chairman Lewis said that the Change Bridge Plaza project is looking terrific and hopes others will follow suit.

PUBLIC DISCUSSION

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

Ms. Kerry Laurito of 29 Dogwood Circle, thanked the board for their time and effort for working towards the good of Montville. We are all neighbors working together.

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

There was no Planning Business to come before the board.

WAIVERS

PMISC19-13 – Evolve Health & Fitness dba S3R – 8 Whitehall Road, Unit 500&600 – BL: 96, L: 3.1 – 2100 sf space for fitness studio providing personal and small group training utilizing a variety of techniques – Hours of operation: 5am-7:30pm M-T-W; 5am-7pm Th; 5am-6pm F; 7am-1pm Sat; 8am-1pm Sun - 10 employees total, 15 shifts, 3 employees per shift - no overnight parking of vehicles - signage in compliance with Towaco Crossing LLC theme

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

INVOICES

There were no Invoices to come before the board.

RESOLUTIONS

There were no Resolutions to come before the board.

MINUTES

Planning Board Minutes of 3/14/19 – Eligible: Adrignolo, Maggio, Kornreich, Visco, Agnoli,

PB minutes
4/25/19

A motion to approve the minutes was made by Dr. Kornreich, seconded by Mr. Agnoli. All in Favor by Voice Vote. None Opposed.

Planning Board Minutes of 3/28/19 – Eligible: Conklin, Adrignolo, Maggio, Cooney, Kornreich, Visco, Lipari, Agnoli, Sandham, Lewis

A motion to approve the minutes was made by Dr. Kornreich, seconded by Mr. Visco. All in Favor by Voice Vote. None Opposed. Mr. Sandham abstained.

Masterplan Subcommittee 3/14/19 – Visco, Lipari, Lewis

A motion to approve the minutes was made by Mr. Lipari, seconded by Mr. Visco. All in Favor by Voice Vote. None Opposed.

LOI/DEP NOTIFICATIONS

There were no LOI/DEP Notifications to come before the board.

LEGAL/LEGISLATIVE UPDATES

There were no Legal/Legislative Updates to come before the board.

OLD BUSINESS

PSPP/FC16-23/PSOIL16-24 – PBNJ (Wawa) - 16 Rt. 46 – B: 162, L: 7 – remand hearing – carried with notice from 3/14/19 hearing

Chairman Lewis explained the remand process for the public.

Planning Board members Conklin, Lipari & Lewis departed at this time, 7:50pm. Dr. Kornreich put on record that he had listened to the recording from the April 11, 2019 hearing.

Present on behalf of the applicant: Mr. Steven Schepis, Esq., Mr. Mr. Bersch, Site Engineer, and Mr. Peter Steck, Principal Planner.

Dr. Kornreich put on record that he had listened to the recording from the April 11, 2019 hearing.

Art Maggio explained the meeting process for the public including the testimony from the planner, professional comments, opening the meeting to the public for questions on the planner testimony, closing the testimony, and then opening for overall comment.

Mr. Schepis, Esq. reported on his housekeeping items including the submission to Secretary Mowles today of his final report for requests and his investigation of motor vehicle service station ordinances.

Exhibit A-15 (Motor Vehicle Service Station Ordinance Investigation) was submitted. Copies were provided to the board. He summarized from 1953 to 2011 how over time it became a conditional use to permitted use.

Exhibit A-16 (6 Different Resolutions as it Relates to this Application) was submitted. Included were the following Planning Board and Board of Adjustment Resolutions regarding the free standing sign at Trax Carwash, the free standing sign at Allbrite Carwash, LED lighting at the Shell gas station located at 287 Changebridge Road, the bikeway elimination at the Towaco Station project, and the disturbance of manmade slopes on the Restaurant Depot property.

Exhibit A-17 (Short Letter Brief on the Statue of Motor Vehicle Service Stations regarding Bulk Standards and Separations) was submitted.

Mr. Adrignolo discussed the late notice with legal ramifications. Ms. Mowles received the items at 5:47pm tonight allowing no time to research and/or for professional and board review and/or comment. Mr. Burgis said the report was a total of 176 pages and that he was at a disadvantage and not prepared. Mr. Conklin concurred. Mr. Carroll found Mr. Schepis' submission troublesome. He discussed the ordinance being reviewed as a whole not in pieces. Mr. Schepis gave his reasoning for and his level of interpretation. He feels the ordinance is self-conflicting. Mr. Burgis felt hearing the testimony tonight from the applicant's Planner would be at a significant disadvantage and would not do justice to the board or public. He said if Mr. Schepis feels interpretation is needed, then it falls before the Board of Adjustment, not the Planning Board, and that this is not a minor matter. Mr. Carroll explained that it is by definition, which board has jurisdiction. He said it was before the Planning Board because of C variances and that selling gasoline at a retail use is not allowed. Board members commented further on the historic interpretation, previous testimony, jurisdiction, professional guidance, and public interest. It was decided to carry to a future meeting.

****CARRIED WITH NOTICE PRESERVED TO 6/13/19.**

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 Vice Chairman Maggio asked for a motion to adjourn. On a motion made by Mr. Visco, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 8:28pm.

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