

**MONTVILLE TOWNSHIP PLANNING BOARD
MEETING**

Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Thursday, April 27, 2023

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, M. Kayne (7:58-9:20pm),
L. Kornreich, N. Agnoli, P. Repic, L. Hines & G. Lewis

EXCUSED ABSENT R. Conklin & R. Lipari

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

PROFESSIONALS P. King (Board Attorney) & J. Giurintano (Engineer)
& J. Burgis (Board Planner)

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.

SWEARING IN OF PROFESSIONALS

Mr. King swore in professionals.

ANNOUNCEMENTS

Chairman Lewis reminded professions and members to speak into the microphones.

SECRETARY'S REPORT

Ms. Mowles had no report.

BOARD DISCUSSION

Chairman Lewis commented that the daffodils look terrific in Towaco Center and that the Annual Fishing Derby is to be held on Saturday, May 5th from 8 to 10am.

PUBLIC DISCUSSION

Chairman Lewis opened the session to public comment for items not listed on the agenda related to land use matters. There being none, the meeting was closed for public comment for items not listed on the agenda related to land use matters by Dr. Kornreich, seconded by Mr. Agnoli. Voice

Vote. All present were in favor. None opposed.

PLANNING BUSINESS

There was no Planning Business to come before the board.

WAIVERS

PMISC23-13 – Peerless Coatings, LLC – 2 Como Ct. – B: 41, L: 1.04 - 41,036 sf space for metal coating and metal fabrication – 23 employees – hours of operation: 7am-5:30pm M-F, 7am-12pm Sat, closed Sun – applicant proposes parking of one 25,997lb box truck overnight – no signage requested.

Mr. Michael Pasquale, Esq., on behalf of the applicant was present. Chairman Lewis explained there was an appeal before the Zoning Board. Mr. Joseph Hyer, applicant and owner of business, explained the operation, coating vs. plating differences, coating not being hazardous, equipment, compliance, self-containment, electronically charged booths, process of coating, and being safe for the environment. Planning Board members asked about the off-site discharge, checks and balances at facilities, number of employees including how many operational, metal parts and types, type of truck and where parking, condition of parking truck in loading bay, and some businesses using trucks as a billboard. Mr. Hyer said there was no off-site discharge, explained overflow, tank design, process of stages, being hardly any water waste, no chemical discharge, testing of, types of employees, size and height of box truck and where parking, and willingness to accept condition of parking.

A motion to approve the waiver with the condition to park the box truck by the loading dock was made by Mr. Braden, seconded by Mr. Agnoli. Voice Vote. All in Favor. None Opposed. (T. Braden, A. Adrignolo, A. Maggio, M. Kayne, L. Kornreich, N. Agnoli, P. Repic, L. Hines & 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 3/9/23 – Eligible: Agnoli, Lipari, Adrignolo, Braden, Kornreich, Repic, Hines, Lewis

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

Planning Board Minutes of 4/13/23 – Eligible: Maggio, Kornreich, Repic, Hines, Lewis

A motion to approve the minutes was made by Vice Chairman Maggio, seconded by Mr. Repic. 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.

A motion to go into recess was made by Mr. Agnoli, seconded by Mr. Repic.

Break was from 7:54pm to 7:59pm.

OLD BUSINESS

PSPP/FC/PMN/PSOIL 19-06 – Hook Mountain Montville – 15 Hook Mountain Rd – B: 175, L: 4 – pre/final site plan/minor subdivision/soil movement and c variances for 2 commercial buildings – carried with notice from 11/21/22 – Eligible: Conklin, Maggio¹, Kayne², Kornreich³, Braden, Adrignolo, Lipari⁴, Agnoli⁵, Repic⁶, Hines, Lewis ACT BY: 4/30/23

Mayor Kayne arrived at 7:58pm.

Ms. Mowles put on record that Vice Chairman Maggio and Mayor Kayne were certified for the hearing.

Present on behalf of the applicant were Mr. Steven Schepis, Esq., Mr. Peter Chandler, Civil Engineer, and Ms. Carolyn Young, Architect. Mr. Schepis summed up the retaining wall solution.

1st witness, Ms. Carolyn Young, Architect, still under oath, testified on the following items: wall product, aesthetic appeal, gravity block wall, work with recon company, face of wall, wall system fill, containment, DRC meeting yesterday and approval, example of wall and finishes, coloring, texture, photos taken, and variations.

Exhibit A-4 (Retaining Wall Photo Exhibit) was submitted. The photos were taken by Ms. Young last week and reflected the wall. Mr. Schepis said it was reviewed and approved by the DRC yesterday and shared Ms. Mowles memo of wall approval. There were no board or professional questions.

The meeting was opened to the public for questions on Ms. Young's architectural testimony. There being none the meeting was closed for questions on Ms. Young's testimony on a motion made by Mr. Agnoli, seconded by Mr. Hines. All in Favor by Voice Vote. None Opposed.

2nd witness, Mr. Peter Chandler, Civil Engineer, still under oath, testified on the following items: revised plan submission, Mr. Burgis and Mr. Giurintano's memo comments, plan

¹ Must Certify to 11/21/22 and 3/9/23 hearings

² Must Certify to 3/9/23 hearing

³ Certified to 11/21/22 hearing

⁴ Certified to end of 3/9/23 hearing

⁵ Certified to 11/21/22 hearing

⁶ Certified to 11/21/22 hearing

modifications from last meeting, primary changes centered around wall system, oversized concrete blocks, technical comments regarding drainage, and willingness to comply with all comments from board professionals. Chairman Lewis asked Mr. Giurintano if he was Ok with 12' wall height. Mr. Giurintano talked about his research, examples of, how they operate, structural design, and needing more detail. He felt it was a more decorative wall and would prefer this design. Planning Board members asked questions about the wall including the height, drainage field, and the PCV pipe collection. Mr. Schepis asked Mr. Chandler about the following items: Pine Brook Fire Department Official Robert Schmidt report, site plan regarding garbage collection, and the design exception for sidewalk. Mr. Chandler reviewed the following items including: request for two fire hydrants and where located, requirements of one per lot, discussion with fire department and results of for connections and locations, garbage collection island being shortened, loading zone being painted but not raised, discussion with disposal company regarding width and depth, location, and multi-point approach, where providing sidewalk and where not including practical difficulties associated with because of significant elevation changes, previously submitted Exhibit A-1, obstacles associated with, and there being no other changes to what was previously submitted. Mr. Burgis commented on their commitment to meeting all recommendations. Mr. Giurintano asked for more testimony for the record on the site triangle visibility and retaining wall detail. Mr. Chandler addressed the speed limits being increased by 5 mph, now aluminum picket fencing, and outstanding engineering comments. Planning Board members asked about the stormwater, sheet flow, runoff, design details, chimney drainage, water passageway, pressure relief, adding secondary, if necessary, chimney design type and receding area. Mr. Schepis asked for an extra 6' of wall height if necessary. The board members felt it was unnecessary.

The meeting was opened to the public for questions on Mr. Chandler's civil engineering testimony. There being none the meeting was closed for questions on Mr. Chandler's testimony on a motion made by Mr. Agnoli, seconded by Mr. Hines. All in Favor by Voice Vote. None Opposed.

3rd witness, Ms. Jessica Dykstra, Planner, was sworn in and her credentials accepted.

Exhibit A-5 (Series of 4 Maps) created by her office was submitted. Included was a) an aerial map of site and what depicted, where located, addresses, and irregular shapes, b) the zoning map showing types, c) the land use/cover map and surrounding properties, and d) the zoning analysis from 2-16-23. She testified on the following items: summarization of findings, B-3 zoning, surrounding properties, average lot sizes, conclusions of study, looking at lot sizes, decision to sub-divide properties, study areas, purpose of study, in keeping of average lot sizes, zoning and ordinance requirements, topography difficulties, slope on lot, retaining wall height proposal and justifications for variances, and C-1 and C-2 criteria.

Exhibit A-6 (Photo of Retaining Wall Photo of Adjacent Property) was submitted. The commercial building depicted in the picture is located to the south of subject property and has a similar cut in property and similar type of problem. She testified on the following items: lot area variance and why relief needed, C-2 criteria, subdivision, design exception due to slopes, Master Plan consistency, appropriate location, development of odd shaped property, Purposes A, G & M, cost, more efficient use of land, using two elevations, two independent uses, negative criteria,

no negative impacts to adjacent properties, Master Plan goals, improvement to a currently dilapidated site, no substantial determinants, and asked to grant requested.

Mr. Burgis asked if she felt this was a better zoning alternative, about three categories of slope violations, and appropriate cost comment. She discussed the better zoning alternative including why, how so, utilizing site property, allowing for best use of property as to how it sits, more efficient use, addressed design standard waiver, difficult lots, slope disturbance being impossible to avoid, efficient use of land, and physical property comparisons. Chairman Lewis commented on the retail building to south helping adjacent businesses. Mr. Giurintano had no questions.

The meeting was opened to the public for questions on Ms. Dykstra's planning testimony. There being none the meeting was closed for questions on Ms. Dykstra's testimony on a motion made by Mr. Agnoli, seconded by Mr. Hines. All in Favor by Voice Vote. None Opposed.

Mr. Schepis reviewed some housekeeping items including design exception for right-of-way, township engineer did not request additional expansion, settlement, design regulation, excepting all professional recommendations, and previously discussed sidewalk and benches.

The meeting was opened to the public for overall comment on the application. There being none the meeting was closed for comment on a motion made by Mr. Hines seconded by Mr. Agnoli. All in Favor by Voice Vote. None Opposed.

Mr. Schepis closed thanking the board and professionals for their time. He summed up the current site condition, point of entrance into town needing to be fixed, best alternative to this property, variances driven by steep slopes, building coverages of lots, impervious coverage compliance, intensity of use, Ms. Caldwell and Mr. Chandler's investigations, lot difficulties, vast overall improvements, servicing the public, and asked for approval.

Planning Board member deliberation followed on the subdivision, site plan, soil movement, variances, and design exceptions. Members commented on the following items: having a problem with project being better than what is currently there, issues of egress from fast food restaurant, traffic testimony and courtesy gap, walking up the incline, agreement with concept subdivision due to slopes, zoning for this type of use and obligation, best traffic outcome within confine of site and use of property, self-regulations, no objections to design exceptions and variances, drive thru, needing to come back before board if footprint changes for an amended site plan, no drive-thru being perfect, conformance, three parking spaces on the north of property being for employees only, difficult slopes, good concept under circumstances, favorable for approval, looking at totality, difficult nature of site, grading, and designating employee parking on final site plan.

A motion to approve the entire application as submitted because of improvement and benefit to the community was made by Dr. Kornreich, seconded by Mr. Agnoli. Roll Call. Approved 8 to 1. (T. Braden - N, A. Adrignolo - Y, A. Maggio - Y, M. Kayne - Y, L. Kornreich - Y, N. Agnoli - Y, P. Repic - Y, L. Hines - Y & G. Lewis - Y)

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 Mr. Agnoli, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 9:20pm.

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