

MONTVILLE TOWNSHIP PLANNING BOARD

Held Virtually Through WebEx
Minutes of Thursday, August 27, 2020

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, A. Adrignolo, A. Maggio, L. Kornreich, J. Visco, N. Agnoli,
P. Repic & G. Lewis

ABSENT EXCUSED F. Cooney & R. Lipari

ABSENT T. Braden

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

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

ANNOUNCEMENTS

Chairman Lewis had no announcements.

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 met on 8/12/20, where the Wine Outlet on Changebridge Road application was carried and a residential application on Rathbun Road was approved. Ms. Mowles summarized about a special meeting to be held on 9/13/20.

Board of Health – Mr. Lipari was absent.

Environmental Commission – Dr. Kornreich said that they met last night. He reported that there is another Recycling/Shredding Event scheduled for 9/12/20 and that one of their members had an article published in Tap Into and was also picked up by the state association.

Water & Sewer – Vice Chairman Maggio had no report.

Historic Preservation Review Commission – Mr. Visco said they did not meet.

Design Review Committee – Committeeman Conklin had no report.

Site Plan/Subdivision Committee – Mr. Visco said they did not meet.

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

Open Space Committee – Mr. Agnoli had no report

Master Plan – Chairman Lewis said they met earlier tonight to discuss the service stations, which will be discussed at the 9/24/20 meeting.

Highlands Legislation Review Committee – Chairman Lewis had no report.

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

Township Committee Mayor’s Report – Committeeman Conklin reported that Montville Day had been canceled for 2020.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in Board Professionals.

SECRETARY’S REPORT

Secretary J. Mowles had no report.

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 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. Agnoli, seconded by Mr. Adrignolo. All present were in favor. None opposed.

WAIVERS

PMISC20-27 - Mundi Westport Generator - 331 Changebridge Road – request to install a Generac 22kw standby liquid-cooled gas engine generator on an elevated (due to floodway) steel constructed base measuring 28.6”H x 75”L x 45”W on the northeastern side of the building - buffer consists of 10 Green Giant arborvitaes, 7 feet tall, surrounding the unit – to be exercised on the last Friday of the month at 11am for 1 hour

A motion to approve the waiver was made by Mr. Visco, seconded by Dr. Kornreich. Roll Call. All in Favor by Voice Vote. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, L. Kornreich, J. Visco, N. Agnoli, P. Repic & G. Lewis)

PMISC20-28 – Total Health Physical Medicine & Rehab – 137 Main Road, Suite 100 – BL: 51, L: 23 – 350 sf space; current tenant of previously approved business (Premier Sculpting Center of New Jersey LLC/PMISC18-58) becoming sole owner and seeking business name; continuing business operations providing Cool Sculpting services along with cosmetic laser and injectable treatments - 3 employees – hours of operation: 10am-8pm, M-S, closed Sunday – no overnight parking of vehicles – signage per graphics provided

A motion to approve the waiver was made by Committeeman Conklin, seconded by Mr. Visco. Roll Call. All in Favor by Voice Vote. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, L. Kornreich, J. Visco, N. Agnoli, P. Repic & G. Lewis)

PMISC20-29 - The Craig High School – 24 Changebridge Road – BL: 82, L:10.01 – 20,800 sf space for non-profit independent school for students with learning disabilities grades 9 through 12 – 14 employees – hours of operation: 7:00 am -5:15 pm M-F, closed Sat & Sun – no overnight parking of vehicles – SIGNAGE: Per 230-214F, the only signage permitted is the addition of sign to the existing monument sign along Changebridge Road and the façade sign on the school. NO OTHER SIGNS PERMITTED WITHOUT A VARIANCE

A motion to approve the waiver was made by Mr. Visco, seconded by Mr. Agnoli. Roll Call. All in Favor by Voice Vote. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, L. Kornreich,

J. Visco, N. Agnoli, P. Repic & G. Lewis)

INVOICES

Burgis – Trust for: \$525.00 (Alpine); \$75.00 (Cook); \$937.50 (Diversified); \$187.50 (Montville Precision Alignment); \$37.50 (Papertec);

Dorsey & Semrau – Trust for: \$229.50 (AKR); \$1,346.40 (Montville 340 Changebridge –Millcreek); \$596.70 (29-46 East LLC)

MP Carroll - Trust for: \$750.00 (Alpine); \$37.50 (Cook); \$75.00 (D'Agosto); \$37.50 (Papertec); \$75.00 (Saddleback Realty); \$75.00 (Towaco Station)

Omland Associates – Trust for: \$465.00 (Alpine); \$620.00 (Montville 340 Changebridge –Millcreek); \$697.50 (Saddleback Realty); \$271.25 (Towaco Station); \$232.50 (29-46 East LLC)

A motion to approve the invoices was made by Mr. Visco, seconded by Committeeman Conklin. Roll Call. All in Favor by Voice Vote. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, L. Kornreich, J. Visco, N. Agnoli, P. Repic & G. Lewis)

RESOLUTIONS

PMN/C/PSOIL19-16– Alpine Development – Alpine Rd – B: 111, L: 1 & 3 - minor subdivision with variances – Denial – Eligible: Conklin, Adrignolo, Maggio, Kornreich, Visco, Lewis

One edit by Chairman Lewis. Ms. Mowles to take care of.

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

MINUTES

There were no Minutes to come before the board.

PLANNING BUSINESS

PC20-06 Towaco Station request for change in condition of resolution as it relates to condition (m) additional plantings – Notice Acceptable

Committeeman Conklin recused himself for this application.

Mr. Schepis, Esq. summed up the history of application, condition agreed to, site inspection at end of construction, photos with view from Brook Lane to Towaco Station, 20 evergreen trees to be planted as a condition, no practical location to plant, screening adequacies, photo of rear of townhouses, DEP conservation restriction area, photos of Jade Mountain Townhouses as seen from Rathbun Road, distances from Brook Lane to Townhouses, and no practical way to accommodate condition.

Mr. Daniel Furia, Builder, was sworn in. He reviewed the following items: landscape work performed on property, Brook Lane congestion, need to remove trees to be able to plant, current trees much taller causing new ones not receive enough light not allowing them to live, located on conservation easement, agreed to plant if needed, but not practical, and easement encroachment.

Mr. Omland shared the context of inspection of site, winter time vs. 300 foot of buffering in summer, cash bond for condition to be certified and could go back and ask for relief from condition (m) if board felt appropriate, other alternatives, could be planted in right-of-way, perpetual maintenance obligation, and discretionary decision by board. Mr. Burgis commented on Mr. Snieckus' landscape architectural investigation with an unlikely survival rate and screening.

Chairman Lewis opened the meeting to the public for questions on Mr. Furia's testimony.

Ms. Michele Caron of 2 Brook Lane, who is closest to townhomes, said townhomes are extremely intrusive to her property and the noise is a problem. Chairman Lewis explained that this was for questions only of Mr. Furia's testimony. She asked why not plant on property to buffer. Mr. Furia explained that there was no room on property to plant anymore. She asked for a reason why a view from her house was not submitted. Mr. Furia explained the existing buffer of trees, design from engineer and architect, and distances.

Ms. Katie Kemaani of 14 Indian Hill Road, asked for him to expand on why there is no chance to plant on his own property. Mr. Furia explained that the conservation area goes to retaining wall, concern for rock, the planting of trees into rock, and being prohibited from planting trees in conservation area. She asked why he cannot plant in interior of property. Mr. Furia explained about the concrete, decking, and distances to retaining wall.

Ms. Sarah Stalker of 5 Indian Hill Road asked about the agreement of the landscaping part of the original plan and alternate locations for planting of the shrubs. Mr. Schepis commented on the definition of condition (m) and history of, not being on plans, added on at approval, and he read into record that no plantings along Indian hill Road were ever required.

The meeting was closed for public questions of Mr. Furia.

Mr. Schepis summed up the following: no public dedication was accepted from Township, conservation restriction details, DEP requirements and restrictions, he read into record prohibited items and actions, leaving in natural state, and buffer limitations. Mr. Omland commented on planting native trees in the conservation area, no removal or cutting down of, and being carefully placed. He said if the board feels it is insufficient than it can be done, and if they feel it is adequate then can relax the condition.

Chairman Lewis opened the meeting to the public for overall comment.

Ms. Michele Caron of 2 Brook Lane commented on the following items: why they can't plant on their own property and not conservation easement, problems with people crossing easement, why not raised bed, public road, not a private driveway or roadway, berm, fencing, asked for some privacy and noise control, people trespassing, being closest to the property, the noise, and light overflow to her property in Winter.

Mr. Rich Conklin who owns properties at 5, 7 and 9 and lives at 9 Indian Hill Road, read a brief statement into record. He commented on the following items: 2nd relief request, noise issues, light pollution, quality of life effect on Brook Lane and Indian Hill Road, effects on visual view, and asked that it be completed as designed and required.

Ms. Sarah Stalker of 5 Indian Hill Road was sworn in. She shared a photo of her backyard view from March to the structure. She asked the board to have the plans completed as designed for light, sound, and travel affects.

Ms. Jeanneen Moustakis of 6 Brook Lane, stated she was in agreement with her neighbor and hoped the board rules in her favor.

Ms. Kate Kemaani of 14 Indian Hill Road echoed her neighbors' comments and wants to see trees planted. She talked about light pollution, how the neighborhood has changed, 12 month a year effect on neighbors, and asked the board to have Mr. Furia plant the trees.

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

Mr. Furia clarified that he only asked for one relief on the center circle and that the complex was 100 % occupied not 50%. Mr. Schepis addressed Mr. Omland's plating option comments. Mr. Furia asked where the specific planting locations were.

Mr. Schepis shared his closing comments. He said at the last time they were before the board, they thought the town would take Brook Lane as a public road and they did not. He said the area will be preserved as is. He talked about the disturbance of the conservation easement, trees not surviving, not being able to guarantee, and for these reasons they asked to take into consideration.

Board Deliberation. Members commented on the following: agreement at time of approval, setting a precedent, concern of survival of trees, alternative locations and species, feasibility of planting in buffer area and DEP approval, relying on experts, resident concerns, native species approvals, providing adequate shade, shade tolerant trees, allowance of not replacing if no survival rate, professionals advice, screening for residents, sympathies to neighbors, practical standpoint, unnecessary costs to builder, photo depiction from resident, additional buffering, content of condition, not typical screening effort, 20 trees only supplemental, and not going to eliminate all noise or lights off Brook Lane or Indian Hill Road.

A motion to plant trees as originally conditioned, and to be maintained by developer as a condition (m) of resolution for tree maintenance was made by Mr. Agnoli, seconded by Mr. Visco. Roll Call. 5 in Favor, 2 Opposed (Y - A. Adrignolo, Y - A. Maggio, N - L. Kornreich, Y - J. Visco, Y - N. Agnoli, Y - P. Repic & N - G. Lewis)

Request Denied.

LOI/DEP NOTIFICATIONS

Mr. Omland had no LOI/DEP Notifications to come before the board.

LEGAL/LEGISLATIVE UPDATES

Mr. Carroll had no Legal/Legislative Updates.

OLD BUSINESS

There was no Old Business to come before the board.

NEW BUSINESS

PMS/C20-05– Saddleback Realty II 25 Riverside Dr – B: 182, L: 7 – minor site plan with variances –
Notice Acceptable ACT BY:
11/14/20

Mr. Mike Selvaggi, Esq. commented on the following items: minor site plan, commercial building, lot and block location, Mr. Omland's and Mr. Burgis' reports, improvements to parking

area, making more acceptable for handicap parking and use of building, C-2 analysis, and impervious coverage increase.

1st witness, Mr. Joseph Marra, Architect and Planner, was sworn in and his credentials accepted. He testified on the following architectural items: plan prepared by him, what the application was hoping to accomplish, installation of handicap ramp to a tenant in the building, requirements to have new tenant, enhancement of overall parking lot, restriping, review process from Mr. Omland's office, number of minimum of spaces for handicap as close as practical to individual tenants, relocating to existing spaces, installation of handicap entrance, handicap space locations, traffic stops across drive aisles, signage, bollards, scope of application, previous parking job and what proposing, prior approvals, consistency with ADA requirements, accessible entrances, curbing, elevations, locations, access, codes, addressed Mr. Omland's report, accommodations made, parking calculations, bollard installment agreement, new signage, and plan revisions for standalone enclosed dumpsters.

He testified further on planning items including: Mr. Burgis' report, bulk variance nature, pre-existing conditions, building allowances, existing today as fully non-conforming, acreage, floodway and conservation easement on property, what proposing to add for ramp and entrance, lot coverage and percentages of, administrative code requirement, rehabilitation subsidies, ADA compliance, public benefits test, deviation, de minimis increase for C-2 analysis, making fully accessible at cost of building owner, public benefit, building enhancement, variance relief, as it relates to positive and negative criteria, no substantial detriments, no environmental impacts, not contrary to Master Plan, and complying with zoning requirements.

Mr. Selvaggi summed up. Mr. Omland asked or commented on the following items: parking spaces in Northeast corner, need for plan to show revised parking spaces, doing what they were asked of, asked for confirmation of no open dumpsters, flood fringe area, handicap ramp, permit by rules proof, and working within flood hazard area. Mr. Burgis comment on the de minimis nature of and percentages. Board members had no questions.

Chairman Lewis opened the meeting to the public for questions on Mr. Marra's architectural and planning testimony. There being none the meeting was closed for questions on a motion made by Mr. Agnoli, seconded by Mr. Adrignolo - All in Favor by Voice Vote. None opposed.

Chairman Lewis opened the meeting to the public for comment on the overall testimony. There being none the meeting was closed for comments on a motion made by Committeeman Conklin, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

A motion to approve the application was made by Mr. Adrignolo, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, L. Kornreich, J. Visco, N. Agnoli, P. Repic & G. Lewis)

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. Adrignolo, seconded by Mr. Agnoli, the meeting was unanimously adjourned at 9:57pm.

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