

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, June 9, 2016**

Chairman Lewis called the meeting to order at 7:31p.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, T. Braden (7:31pm-9:05pm), A. Adrignolo,  
A. Maggio (7:37pm-9:05pm), J. Sandham, R. Cook (7:36pm-9:05pm),  
L. Kornreich, Mr. Mudd, L. Tobias & G. Lewis

**ALSO PRESENT** R. Moore via Zoning Board (9:15pm-11:25pm)

**ABSENT EXCUSED** J. Visco

**ALSO PRESENT** R. Conklin (Secretary) & K. Kehoe (Recording Secretary)

**PROFESSIONAL PRESENT** J. Burgis (Board Planner), S. Omland (Board Engineer)  
& M. Carroll (Board Attorney)

**ANNOUNCEMENTS**

Chairman Lewis reported that New Business will be heard prior to Old Business on the agenda this evening.

**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 June 1<sup>st</sup>. They discussed the Towaco Station Shops on Main, which has been continued until the July 9<sup>th</sup> meeting.

Board of Health – Mr. Tobias said they have only met a few times this year. He will provide an update to the Planning Board.

Environmental Commission – Dr. Kornreich had no report.

Water & Sewer – Mr. Maggio emailed his report prior to the meeting.

Historic Preservation Review Commission – Mr. Mudd had no report.

Design Review Committee – Mr. Braden said they have not met.

Site Plan/Subdivision Committee – Mr. Braden said they have not met.

Economic Development Committee – Mr. Sandham said the next meeting is scheduled for June 15<sup>th</sup>. He also reported that Changebridge Road at Rt. 202 is due to be repaved next week and should be avoided.

Open Space Committee – Mr. Mudd had no report.

Master Plan – Mr. Lewis had no report.

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

Fire Districts – Mr. Braden (Pine Brook) had no update, Mr. Maggio (Montville) had no update, and Deputy Mayor Conklin (Towaco) had no update.

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

### **SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in the board professionals.

### **SECRETARY'S REPORT**

Secretary Conklin provided copies to the board members. He summarized his report touching on the paving of Tuscany Village, several anticipated applications for future meetings, submitted site plans, zoning permits and violations, Redevelopment Task meeting, Housing status, and internal projects.

### **BOARD DISCUSSION**

There was no Board 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. Mudd, seconded by Mr. Tobias. All present were in favor. None opposed.

### **PLANNING BUSINESS**

Chairman Lewis reported that the Redevelopment Task Group concluded their business this evening. They are expecting a presentation on June 22<sup>nd</sup>. He asked Mr. Burgis to provide the board members with a copy. He said the public hearing is tentatively scheduled for July 14<sup>th</sup>. Mr. Burgis clarified that the Housing Fairness hearing will be before the judge on June 27<sup>th</sup>.

### **WAIVERS**

**PMISC16-29 Consumer Products Testing** – 2 Como Ct – B: 41, L: 1.04 – 3,000 s.f. warehouse for paper archive storage – 24 hour access but no employees on site – lettering on door only

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

**PMISC16-30 Snap Fitness** – 702 Route 202 – B: 40, L: 30.3 – 4,565 s.f. fitness center retail/personal service – 24 hr operation (employee hours 12pm-8pm M-Fri; 9am-1pm Sat & Sun) 2 employees – no signage requested at this time

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

**PMISC16-31 United Plastic Industries** – 5 Mars Ct – B: 3, L: 38.5 – 500 s.f. office/7,500 s.f. warehouse light manufacturing for stretch film – 4 employees – hours of operation 7am-7pm M-F – tenant names on existing monument sign

A motion to approve the waiver was made by Deputy Mayor Conklin, seconded by Vice Chairman Maggio. All in Favor by Voice Vote - None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, J. Sandham, R. Cook, L. Kornreich, P. Mudd, L. Tobias & G. Lewis)

**PMISC16-32 Montville Financial Group** – 652 Main Rd- B: 40, L: 49 – 1,200 s.f. financial consulting office – 7 employees – hour of operation 8:30am-5pm M-Sat – signage in compliance with Shops on Main Site Plan approval

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

### **INVOICES**

Michael Carroll, Esq – Trust: \$67.50 (Woodland Properties); \$945 (Daughtry); \$945 (Pinto); \$742.50 (Ernstrom); \$135 (Marotta); \$135 (Kiddie Academy); \$101.25 (Ciliotta); \$67.50 (Blank); \$675 (Evangelical); \$67.50 (Chabad); \$67.50 (K&K Windsor)

A motion to approve the invoices was made by Mr. Braden, seconded by Vice Chairman Maggio. Roll Call. All in Favor. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, J. Sandham, L. Kornreich, P. Mudd, L. Tobias & G. Lewis)

### **RESOLUTIONS**

**PSPP/FC13-07-16-11 – Pinto 2016** - 151 River Rd – B: 131, L: 17 & 18 – amended preliminary/final site plan with variances –Approved 4/28/16 Eligible: R. Conklin, T. Braden, A. Maggio, J. Sandham, R. Cook, L. Kornreich, P. Mudd & G. Lewis

A motion to approve the resolution was made by Mayor Sandham, seconded by Vice Chairman Maggio. Roll Call of Eligibles. All in Favor. None Opposed.

**PMN16-13 Blank, Jeffrey** – 30 & 32 Abbott Rd – B: 39.07; L: 86.04 & 86.05 – lot line change no variances – Approved 5/26/16 Eligible: : R. Conklin, A. Adrignolo, A. Maggio, J. Sandham, L. Kornreich, P. Mudd, L. Tobias & G. Lewis

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

**HPRC 01-16 107 Changebridge Road** – B: 123 L:2- Certificate of Appropriateness application for demolition of existing historically significant structure - aka “Cornelius T. Doremus House” aka “Old Parsonage of the Montville Reformed Dutch Church”- Affirmation of HPRC Denial 5/26/16 Eligible: R. Conklin, A. Adrignolo, A. Maggio, L. Kornreich, P. Mudd, L. Tobias & G. Lewis

A motion to approve the resolution was made by Mr. Tobias, seconded by Deputy Mayor Conklin. Roll Call of Eligibles. All in Favor. None Opposed.

### **MINUTES**

**Planning Board meeting of April 28, 2016** - R. Conklin, T. Braden, A. Maggio (7:58-10:16pm), J. Sandham, R. Cook (7:58pm-10:16pm), L. Kornreich, Mr. Mudd & G. Lewis

A motion to approve the minutes was made by Vice Chairman Maggio, seconded by Dr. Kornreich. Roll Call of Eligibles: 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.

### NEW BUSINESS

**HPRC 02-16**– 64 Waughaw Road – Block 39 – Lot 7.3- Certificate of Appropriateness application for a roof replacement

The application for a Certificate of Appropriateness was formally approved by the HPRC at the April 26<sup>th</sup>, 2016 with no conditions.

A motion to approve the application was made by Deputy Mayor Conklin, seconded by Mayor Sandham. Roll Call. All in Favor. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, J. Sandham, L. Kornreich, P. Mudd, L. Tobias & G. Lewis)

A formal report will be issued to the Zoning Board by the board secretary.

**PSPP/FC15-05 – Tre Femme Realty (Stuffed Olive)** –100 Bloomfield Ave – B: 180, L: 4 – preliminary/final site plan with variances – Notice Acceptable                      ACT BY: 7/5/16

Mr. Joseph O’Neill, Esq. Summarized the application.

1<sup>st</sup> Witness, Mr. Anthony Gulla, operator of the business, was sworn in. He discussed the DOT construction on the street in front of the business along with the storage of construction vehicles on his property, proposed improvements to the parking lot and patio. He reported that there are approximately 5 tables on the patio along with 20 chairs, and a ping pong table. He explained that it has expanded over the years. He said the business serves about 20 to 30 people per day, and that St. Patrick’s Day and Thanksgiving Eve are their busiest days. Chairman Lewis explained to the board that the patio was put in without approval. Dr. Kornreich was concerned with the dumpster area and not having a water tight garbage container. There were no professional questions for this witness.

Chairman Lewis opened the meeting to the public for questions on the most recent testimony given by Mr. Gulla. There was none. The meeting was closed for public discussion on this part of the testimony on a motion made by Dr. Kornreich, seconded by Deputy Mayor Conklin - All in Favor by Voice Vote. None opposed.

2<sup>nd</sup> Witness, Mr. Peter Korzen, Professional Engineer, was sworn in and his credentials were accepted. He described the existing conditions including the acreage, location, access/exit, existing tavern, patio, parking lot, gravel area, utilities, shed, seating at bar, and pole curbing. He also discussed what they are proposing including: layout dimension and plan, making ADA compliant, 2 entrances, ramp proposal, 3 ADA parking spaces and the signs associated with, proposed parking layout, loading space, 20 unstriped parking spaces in the gravel area, and 18 overflow spaces. He discussed the variances requested regarding parking, pavement markings, and no curbing, and the requested design waiver for the driveway widths. Mr. Sullivan explained that the parking lot is in rough shape, but they will be repaving. Mr. Korzen reviewed Mr. Omland’s report including leaving the sign off the application, planting proposals, and the lighting plan. He addressed Mr. Burgis’ report dated June 8<sup>th</sup> regarding the following items: parking

demands and materials, configuration, non-conforming set backs, pedestrian circulation, landscaping, and parking requirements. Planning Board members commented on the current ownership, the need for sufficient lighting in gravel parking area and vegetative cleanup. Professionals commented. Mr. Omland discussed his desire for wheel stops in the gravel lot, dumpster upgrade, and the need for lighting modifications for safety reasons. The applicant if approved will submit a new lighting plan, which is acceptable to Mr. Omland. Mr. Burgis shared his landscaping concerns.

Chairman Lewis opened the meeting to the public for questions on the most recent testimony given by Mr. Korzen. There was none. The meeting was closed for public discussion on this part of the testimony on a motion made by Mr. Braden, seconded by Mr. Adrignolo - All in Favor by Voice Vote. None opposed.

3<sup>rd</sup> Witness, Mr. David Karleach, Professional Planner, was sworn in and his credentials were accepted. He spoke on Mr. Korzen's description of the site and surrounding areas. He discussed the variance relations and summarized the following: C-1 criteria, setbacks, parking, deficient widths, curbed isles, existing non-conforming conditions, C-2 variances, zoning, no detriment, public benefits, ADA parking, landscaping, increased sidewalk widths, added loading space, promotion of free flow parking, no hazards, and no ill effects on adjacent properties. He feels the unpaved parking area along with the paved spaces is sufficient enough for the use. He would recommend a seating plan of 27 seats inside including 17 barstools with 20 outdoor seats, and 30 existing parking spaces with overflow. He feels this is a more efficient use of the land providing a more desirable visual environment. He said the seasonal outdoor patio area space is fully contained, fully fenced, and self contained. Again, he feels there are no ill effects on the surrounding neighbors, no music/entertainment on the outdoor patio, is not in a residential area, is well below the permitted use of the site, brings the site closer to conformability, and has an immediate impact on beautifying the site.

Mr. Omland suggested working with the applicant to come up with a seating plan in order for the Board of Health to be able to review. They will need to meet State requirements as well. Board members asked questions regarding the septic system design and parking lot lighting.

Chairman Lewis opened the meeting to the public for questions on the most recent testimony given by Mr. Karleach. There was none. The meeting was closed for public discussion on this part of the testimony on a motion made by Vice Chairman Maggio, seconded by Mr. Adrignolo - All in Favor by Voice Vote. None opposed.

Chairman Lewis opened the meeting to the public for questions on the overall testimony. There was none. The meeting was closed for public discussion on this part of the testimony on a motion made by Mr. Braden, seconded by Mr. Adrignolo - All in Favor by Voice Vote. None opposed.

Mr. O'Neill thanked the Planning Board for their time and asked them to grant the application.

The applicant agreed to revise the lighting plan with final approval by Mr. Omland, create a seating plan, file with the Board of Health, and have no music/entertainment on the outdoor patio.

A motion to approve the applicant with the above listed conditions was made by Vice Chairman Maggio, seconded by Mr. Adrignolo. Roll Call. All in Favor. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, J. Sandham, L. Kornreich, P. Mudd, L. Tobias & G. Lewis)

9:05pm - Recusal of Mayor Sandham, Mr. Cook and Mr. Braden for the Daughtry application.

PB minutes  
6/9/16

Recess from 9:05pm to 9:15pm.

Chairman Lewis welcomed Mr. Moore (via the Zoning Board) to join the Planning Board for the Daughtry hearing. Also, Mr. Tobias and Mr. Mudd attested that they have listened to the previous testimony and are eligible to hear the application.

**OLD BUSINESS**

**PMSP/FC15-10– Daughtry, Arthur** -60 Horseneck Rd– B: 125.07, L: 28 – preliminary/final subdivision with variances carried with notice from 2/11/16 & 2/25/16, 4/14/16, 5/12/16; extension granted by applicant. ACT BY: 6/30/16

Mr. Mileto, Professional Planner for the applicant continued his testimony. He was still under oath from the previous meeting.

Exhibit A-3 (Copy of a portion of the tax map in the vicinity of the property) was submitted. He pointed out the flag lots (18.02, 21, 22.1 & 28) in the area. He said the applicant's Lot 28 is much larger than the other lots.

Exhibit A-4 (Neighborhood Zoning Summary - 2 pages) prepared by the applicant was submitted. The information was reviewed by Mr. Mileto and was correct. He said that out of 27 lots, 16 lots are non-conforming within the 500 feet buffer. He feels their property is oddly shaped and the topography has steep slopes. He reviewed the 2016 Master Plan regarding lot deviations. They are requesting variances. He feels the proposal is not out of character for the neighborhood and is an appropriate use. He feels this would otherwise be a wasted use of land and poor planning. He feels it is an efficient use of the land and benefits the surrounding area and town. He said that the circulation section of the Master Plan discourages cul-de-sacs and that these lots would be serviced by their own shared driveway, which takes the burden off the municipality. He feels there is a hardship with the narrowness of the property. He referenced the Fire Bureau letters dated 4/18 and 2/9 regarding flag lots and emergency access, which approved the proposed subdivision. He said it was found safe enough with no objections. He addressed the issue of the Master Plan discouraging flag lots. He feels this is not an overuse of the property and the lots over exceed the requirements. He addressed Mr. Burgis' June 1<sup>st</sup> memo regarding the steep slope impacts, circulation element, and lot size analysis.

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Ms. Durkin, Esq. for opposing residents interjected saying that she did submit at a previous meeting deeds for other flag properties, Lots 22.1 and 21.

Mr. Mileto listed the board findings from the 2005 Alpine division of lots 18.02 and 18.01. He is hoping for board approval.

Chairman Lewis opened the meeting to the public for questions on the most recent testimony given by Mr. Mileto.

Ms. Durkin, Esq. for opposing residents opened with some housekeeping items from the last meeting.

Exhibits O-3 (1985 Deed for Creation of Lots 22 & 22.1) & O-4 (1994 Deed for Lot 21) were submitted. Ms. Durkin discussed the lot widths of the existing flag lots at street level and the proposed lots. She asked questions regarding the site visits, site plan, proposed driveways and widths, emergency access, and Mr. Burgis' report.

Chairman Lewis opened the meeting to the public for those not represented by Ms. Durkin.

Mr. Grossman of 5 Lee Court commented on the property regarding emergency access, odd lot shape, and steep slopes.

The meeting was closed for public discussion on this part of the testimony on a motion made by Mr. Adrignolo, seconded by Mr. Maggio - All in Favor by Voice Vote. None opposed.

Ms. Durkin said that she requested Mr. Eggers of the Montville Fire Prevention Bureau to come to the meeting. She sent several letters and eventually issued a subpoena dated 4/26. She received word tonight from the fire district's attorney, Mr. Bucco, stating that he was not in favor of him appearing before the board. Board discussion followed. The Planning Board felt it was not appropriate to start having fire officials come before the board. Board Attorney Carroll said that the agency reports, including the fire district, are just their opinion and that all applications have to prove their merit. That the board relies on the evidence and testimony of the experts. The Planning Board members were polled regarding issuing of the subpoena. The board members agreed unanimously not to require the fire official to appear before the board.

The application was carried without further notice to the July 14<sup>th</sup> meeting.

**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. Mudd, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 11:25pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of 7/14/16.

  
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Ryan Conklin, Sec.

