

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Wednesday, June 22, 2016**

Chairman Lewis called the meeting to order at 7:30p.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, A. Adrignolo, R. Cook, L. Kornreich, Mr. Mudd,  
L. Tobias & G. Lewis

**ABSENT EXCUSED** J. Sandham & J. Visco

**ABSENT** A. Maggio

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

**PROFESSIONAL PRESENT** J. Burgis (Board Planner), S. Omland (Board Engineer)

**PROFESSIONAL ABSENT** M. Carroll (Board Attorney)

**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. Tobias had no report.

Environmental Commission – Dr. Kornreich reported that they held a shredding & recycling event on June 18<sup>th</sup>. They collected \$160 to put towards their scholarship fund. There will be 2 additional events scheduled for September and October. They approved a modification to the tree ordinance.

Water & Sewer – Mr. Maggio was absent

Historic Preservation Review Commission – Mr. Cook said the last meeting was canceled and they will be meeting next Monday.

Design Review Committee – Mr. Braden had no report.

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

Economic Development Committee – Mr. Lewis had no report.

Open Space Committee – Mr. Mudd had no report.

Master Plan – Mr. Lewis had no report.

Highlands Legislation Review Committee – Mr. Lewis had no report, but said there is potential for a change with the septic requirements.

PB minutes  
6/22/16

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

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

### **SECRETARY'S REPORT**

Secretary Conklin reported that the Township will be doing a soft launch of the new website next Friday.

Chairman Lewis said that prior to the meeting Mr. Burgis gave a presentation on the Rt. 46 Redevelopment Plan. The public hearing will be heard at the next meeting in July. He asked the Board members to review prior to the next meeting.

### **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**

Mr. Burgis reported that hearing regarding Housing would be before the judge on Monday.

### **WAIVERS**

There were no Waivers to come before the board.

### **INVOICES**

Michael Caroll, Esq. Trust for: \$135 (Daughtry); \$270 (Pinto); \$135 (Ernstrom); \$33.75 (K&K Windsor); \$33.75 (Evangelical Rec Center); \$33.75 (Woodland); \$33.75 (Addiegray); \$135 (Chabad)

Anderson & Denzler – Trust for: \$1,076.90 (Pinto)

Ferriero Engineering – Trust for: \$202.50 (Kiddie Academy)

---

Burgis Associates – Trust for: \$270 (Blank); \$270 (Daughtry); \$236.25 (Daughtry); \$101.25 (Ernstrom); \$67.50 (Kiddie Academy); \$945 (Marotta 2016); \$573.75 (Woodland Properties)

Bowman Engineering – Trust for: \$155 (Blank); \$791.25 (Chabad) \$168.76 (Daughtry); \$251.25 (Evangelical Rec Center); \$482.50 (K&K Windsor); \$135 (Tre Femme); \$193.75 (Woodland Properties)

A motion to approve the invoices excluding Anderson & Denzler and Ferriero Engineering was made by Mr. Braden, seconded by Mr. Adrignolo. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, P. Mudd, L. Tobias & G. Lewis)

### **RESOLUTIONS**

**PSPP/FC15-05 – Tre Femme Realty (Stuffed Olive)** –100 Bloomfield Ave – B: 180, L: 4 – preliminary/final site plan with variances – Approved 6/9/16 Eligible: R. Conklin, A. Adrignolo, , T. Braden, L. Kornreich, R. Cook, P. Mudd, L. Tobias & G. Lewis

PB minutes  
6/22/16

A motion to approve the resolution was made by Deputy Mayor Conklin, seconded by Dr. Kornreich. Roll Call of Eligible. All in Favor. None Opposed.

#### **MINUTES**

There were no Minutes to come before the board.

#### **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**

There was no Old Business to come before the board.

#### **SWEARING IN OF PROFESSIONALS**

Chairman Lewis swore in the board professionals.

#### **NEW BUSINESS**

**PSOIL16- 16 K&K (Windsor) - 10 Woodmont Rd– B: 159, L: 6 – soil movement – Notice Acceptable**

Mr. Mudd recused himself for this hearing (7:45pm to 8:10pm).

Mr. Schepis, Esq. on behalf of the applicant summarized the following: the company, prior approvals, the nature of the application, application remains the same with no changes, no blasting, simply here for a soil movement. Mr. Omland summarized a minor field/technical change. He is comfortable with the change regarding the road profile.

1<sup>st</sup> witness, Andrew Cangiano, Professional Engineer, for the applicant was sworn in and his credentials accepted. He said he had prepared the plans for the original project. He discussed the minor modifications to the road profile and the soil movement. He explained the dynamics including the positive results with less earth work on site, reduction of cut, and fill. They will be reusing the soil on site. He said the geometry and grades on the perimeter will remain the same with no impact to the adjoining neighbor. They will be using clean, residential certified fill. They have reviewed and will comply with the requirements of the town ordinance. The road utilized for the soil movement will be south on Woodmont to Changebridge Road to Bloomfield to Hook Mountain to either Rt. 80 or Rt. 46 to Rt. 80. They will not use Windsor Drive. He reviewed Mr. Omland's comments and will satisfy all conditions. Chairman Lewis asked him to explain to the public that soil will be tested prior to delivery. Mr. Omland clarified the following: that the soil was only being imported to site and not exported, that the lots have not changed, only the profile was adjusted for right-of-way on two lots to provide traffic flow, no change in limited disturbance, and that they will provide exact sq. footage. Mr. Omland was satisfied. Mr. Cangiano said that the goal was to have no blasting as a public benefit.

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

Mr. Syed Khandri of 11 Windsor Drive asked about the soil testing and blasting. The applicant will adhere to the town policies. He was satisfied with the testimony. He asked about the cold-de-sac condition.

The meeting was closed for public discussion on the testimony on a motion made by Mr. Braden, seconded by Mr. Tobias - All in Favor by Voice Vote. None opposed.

A motion to approve the applicant with the minor changes approved by the Board engineer was made by Mr. Braden, seconded by Mr. Tobias. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, L. Tobias & G. Lewis)

**PMN/C16-07/PSOIL16-08 Addie Grey** – 116 Jacksonville Rd– B: 28, L: 12 -minor subdivision with variances and soil movement - Notice Acceptable for Subdivision; Notice required for Soil Movement-carried without notice from 5/26/16– New Notice Acceptable

ACT BY: 7/26/16

Mr. Schepis, Esq. on behalf of the applicant said that an updated lot-line subdivision was sent today to Secretary Conklin via email. He summarized the application and said that Mr. Tim Holmes was present on behalf of the LLC group. He discussed the property as it exists today. There is no historic data of the county right-of-way as to the center line. They were asked and came to an agreement to dedicate 2 feet from the edge of the pavement. He explained that one lot is compliant, while the other is 1,200 sq. ft. shy and they will be requesting slope waivers.

1<sup>st</sup> witness, Joseph Mianecki, Professional Engineer, on behalf of the applicant was sworn in and his credentials accepted.

Exhibit A-1 (Letter from former Mayor J. Rosellini regarding the Proposed Zoning Ordinance from 2003) was submitted.

Exhibit A-2 (Revised Minor Sub-Division Plan dated 6/22/16) was submitted.

Mr. Mianecki gave a brief history of the property and surrounding area. He discussed the following including the setbacks, lot and location of subject property, proposed right-of-way dedication to the county and easement area, prior dwelling, steep slopes, wetlands, pond, transition and buffer area, discharge and drainage. He discussed the property as it exists today including: sq. footage, proposal to subdivide into two lots, lot lines, driveways, wetland impacts, right-of-way dedication, steep slope variances, disturbance if house locations moved, zone preservation, photo exhibit (part of application) as it relates to slopes, existing driveway, demolished house and former garage area, frontage of property, proposed house area, street view, ranges of slopes, wooded area, drainage, proposed layouts, grades, variances requested regarding slope ranges, set back requirements, requested design exceptions associated with slopes, slope analysis plan, slope ranges, area of disturbance, stabilization, vegetative area, public improvements of public services, utilities, surface materials, design exception of driveway as it relates to Kirsten Court, storm water management regarding discharge, soil investigation findings, impervious coverage, land disturbance, dry well and pond. He reviewed Mr. Omland's memo dated 3/25/16. Mr. Omland asked questions regarding the NJDEP LOI, conservation easement, maintenance of, test pits, ground water, types of homes, and location of driveways. Mr. Schepis asked for a design exception for shade trees in the right-of-way. He felt it was not consistent with Jacksonville Road. Mr. Mianecki described the pond outflow, possible tree removal for development, and driveway drainage. Mr. Schepis asked him questions in regards to the soil movement. He asked that 1000 cubic yards be granted to be exported from each site. They will meet town requirements. The route would be from Jacksonville Road to Changebridge to Route 80 and Route 46. He described how recharge is affected during pre/post development. Mr. Burgis asked questions regarding his memo dated 3/14/16. He questioned whether or not the -right-of-way (easements) would be dedicated to the county or municipality. He also asked that the applicant identify the mature tree locations and which would be removed. He believed the applicant could

add a few trees on the frontage. The applicant will work with Mr. Burgis regarding removal, the keeping of and planting of specific trees. He asked about the steep slopes, setbacks, house location choices, buildable areas, grades and criteria. Planning Board members asked about fertilizer regulations and tree removal. The applicant agreed to use only non-phosphorus fertilizer to maintain the lawn around the pond.

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

Ms. Kermit of 10 Fidelian Way expressed her concerns about the amount of tree removal in regards to privacy and noise control, the wetlands and slope disturbance.

Mr. Jirish Shah of 8 Fidelian Way was concerned with the line of disturbance of trees.

The Applicant offered to provide a conservation easement of 20 feet along the entire back perimeter of the property to preserve for future owners. This will be added to the map.

Mr. Lui of 58 Horseneck Road inquired about the amount of variances and design exceptions requested. Mr. Omland and Mr. Burgis explained applicant procedures. He asked about driveway slope and location, site visits, drainage and discharge.

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.

**\* Break from 9:48pm to 9:53pm**

**\* Chairman Lewis announced the following was carried without notice to the 7/28/16 meeting.  
Mr. O'Neill to provide extensions.**

**PMSP/F15-09 – Woodland Properties –Horseneck & Woodland Rd – B: 139, L: 5 preliminary/final major subdivision- 4 lots – Notice Acceptable ACT BY: 7/9/16**

2<sup>nd</sup> witness, Ms. Petrou, Professional Planner, on behalf of the applicant was sworn in and her credentials were accepted.

She had previously reviewed the documents including the proposed plans, site inspections, photos taken, board professional reports, and the Master Plan.

Exhibit A-3 (2 page Photo Exhibit) was submitted.

| Exhibit A-4 (Aerial Photo) was submitted.

Exhibit A-5 (Lot Area Analysis Chart) was submitted.

She gave the background of the property including the shape and steep slopes. She discussed the photo exhibit regarding existing conditions, different street views, existing residential developments, aerial view of subject properties and general surrounding areas including study area outline and subject property. She testified on the following: the R27 zoning, permitted use, minimum lot requirements, buildable area requirements, C type variances regarding hardships based on topography and benefits, square footage to create two conforming lots, hardships due to Morris County dedication, relation to neighborhood,

comparison of 32 properties, Master Plan review as it relates to the critical water resources, buildable variance requirements regarding grades and slopes, wetland areas, disturbance, impervious coverage, driveways, overall intent is reasonable, usable space, site constraints due to slopes, negative criteria, public benefit of subdivision, average home sizes, building footprints consistent with neighborhood, utilities, no negative impacts to steep slope, no scenic vistas impacted, reviewed topography in area, protection of water services, right-of-way dedication, benefit of more regular site line on Jacksonville, setbacks, and existing conditions in current state is overgrown. She feels new homes will create a desirable vision of the environment. Mr. Schepis asked her questions about the lot analysis of Lots 31 and 32. She discussed the compliance of the properties, design relief for slope, location due to setbacks from dedication, practical difficulties, and hardships. She feels the standards have been met and there are no visual detriments. Most development in that area was done prior to the 2003 ordinance. She said they could potentially have three lots, but feels two are more in keeping with the neighborhood. The lots are oversized as it relates to the development in the neighborhood and promotes the aesthetics of the area. The applicant agreed to maintain the lawn area around the pond. Mr. Burgis explained that the Township amended the ordinance in 2003 to protect the aquifer and recharge area. He asked questions regarding the zone density, steep slope intrusion, environment constraints, and building envelop variances regarding percentages of slopes, 20 ft. tree easement, amount of trees saved, benefit to neighbors, steep slope location hardships, and practical alternatives.

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

Mr. Shah of 8 Fidelian Way asked questions about the elevation to the scenic vista. He feels there are no steep slopes on Fidelian.

Mr. Liu of 58 Horseneck Road asked questions regarding variances, township policies, and steep slopes in the neighborhood. Ms. Petro explained the process of requesting variances. Mr. Burgis explained the policies regarding reliefs, exceptions, and practical difficulties.

Ms. Krendinski of 10 Fidelian Way asked questions about the disturbance of trees and the 20 ft. buffer being shown on the map. Mr. Schepis requested that a fence be allowed with no disturbance of trees.

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

---

Mr. Schepis gave his closing comments. He noted that there were no opposing residents from Jacksonville Road, which is where the properties are being developed. He feels the properties being proposed are a benefit to the neighborhood, ~~is~~ in greater conformance with the zoning ordinance, and will be attractive to the neighborhood. He discussed the practical difficulty related to the steep slopes and setbacks as it relates to the overall slopes on the property, the dedication to the County, and minimum lot area. He feels it represents improvement by the silence of the neighbors and creates a consistent pattern along Jacksonville Road.

Chairman Lewis opened the meeting to the public for questions on the overall testimony.

Ms. Krendenski of 10 Fidelian Way commented that in her opinion it is not a gentle slope and feels it is more appropriate to have one house there.

Mr. Shah of 8 Fidelian Way commented about whether there was a need for relief due to slope if only one house was built. He also asked for confirmation about the 20 ft. line of disturbance regarding the trees.

Mr. Liu of 58 Horseneck Road commented that it was his opinion that it does not benefit the neighbors behind, is not attractive, and it requires a lot of variances.

The meeting was closed for public discussion on the overall testimony on a motion made by Dr. Kornreich, seconded by Mr. Mudd - All in Favor by Voice Vote. None opposed.

Mr. Schepis commented on the county aerial photo as it relates to the surrounding properties. He feels it makes sense to subdivide the properties.

The board members deliberated. Discussion followed including: the density to the critical resource area, county right-of-way, new ordinance changes and requirements, steep slopes, character of neighborhood, issue with steep slope not lot area, environmental constraints, applicant only going for two lots vs. three, and recharge of water with development benefits. Overall the members were comfortable with the subdivision. The applicant is offering concessions to the neighbors including the non-phosphorus fertilizer, shade trees, a conservation easement along the back property line. The Engineer and Planner were also satisfied.

Conditions for approval included the following: maintaining a 20 ft conservation easement along rear property line, deed restricting use of fertilizers with phosphorus on maintain lawn area in wetlands and riparian buffer, addressing shade tree installation along Jacksonville Road with Board Planner, adjusting the limit of disturbance to the 75 ft rear yard setback line, re-grading the driveway for lot 12.02 to ensure all runoff is captured by dry wells and existing pond.

A motion to approve the application with the above listed conditions was made by Mr. Mudd, seconded by Mr. Tobias. Roll Call. Approval carried 7 to 1. (Yes- R. Conklin, Yes - T. Braden, Yes - A. Adrignolo, Yes - R. Cook, No - L. Kornreich, Yes - P. Mudd, Yes - L. Tobias & Yes - 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. In a motion made by Mr. Tobias, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 11:23pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of 9-8-16.

PB minutes  
6/22/16



---

Ryan Conklin, Sec.