

MONTVILLE TOWNSHIP PLANNING BOARD
Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Wednesday, July 14, 2016

Chairman Lewis called the meeting to order at 7:33p.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 (7:33pm-8:25pm), T. Braden (7:33pm-8:25pm), A. Adrignolo, A. Maggio (7:33pm-8:25pm), J. Sandham (7:33pm-8:25pm), L. Kornreich, L. Tobias & G. Lewis

ALSO PRESENT R. Moore via Zoning Board (8:34pm-12:43am)

ABSENT EXCUSED J. Visco

ABSENT R. Cook & Mr. Mudd

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 announced that the following notice was carried until the August 11th meeting:

****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"**

The application for a Certificate of Appropriateness was formally denied by the HPRC at the June 27th, 2016 meeting.

Extension granted through August 11st scheduled for the August 11th 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 reported that they met on July 6th. They discussed the Shops on Main in Towaco, which has been continued to the August 3rd meeting.

Board of Health – Mr. Tobias said they met on June 13th and there was nothing new to report.
Environmental Commission – Dr. Kornreich said they have not met, therefore there is no report.
Water & Sewer – Mr. Maggio was absent for this part of the meeting.
Historic Preservation Review Commission – Mr. Cook and Mr. Visco were absent.
Design Review Committee – Mr. Braden said they met on July 12th. There was no Planning Business on the agenda.
Site Plan/Subdivision Committee – Mr. Braden reported they met the end of June and 2 waivers were discussed.
Economic Development Committee – Mayor Sandham said they had not met. They are planning to have a joint meeting with the EDC and the Chamber of Commerce, and also a business outreach meeting.
Open Space Committee – Mr. Mudd was absent.
Master Plan – Mr. Lewis had no report.
Highlands Legislation Review Committee – Mr. Lewis had no report.
Fire Districts – Mr. Braden (Pine Brook) had no report, Mr. Maggio (Montville) was absent during this portion of the meeting, and Deputy Mayor Conklin (Towaco) reported that a former Ex Chief had passed away.
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 reported that he emailed his monthly report and asked board members to review at their own leisure.

BOARD DISCUSSION

Mayor Sandham warned the public of recent break-ins in the area and advised residents to lock their doors.

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

CORRESPONDENCE / EXTENSIONS / DISMISSALS

PEXT16-17 Croatian Cultural Club – 124 Boonton Ave – B: 1, L:6 – request for extension of approvals until 10/23/17

Chairman Lewis explained that they are looking for a one year extension until 10/23/16. There was no board discussion.

A motion to approve the extension was made by Mr. Tobias, seconded by Mr. Maggio. All in Favor by Voice Vote - None Opposed.

PLANNING BUSINESS

Public Hearing: Route 46 West Redevelopment Plan

Chairman Lewis summarized the process for the public and thanked the task force members for their time and work. Mr. Burgis gave a brief overview of the plan and explained the LHRL (Local Redevelopment

and Housing Law). He discussed the following: background of the redevelopment process including samples, what the statute establishes, LRHL powers and process, study area of Block 162, Lots 4, 5 & 6, surrounding land uses, redevelopment plan goals, and redevelopment plan criteria. The criteria included the relationship of the plan to local planning objectives, proposed land uses and building requirements, & two concept plans. Plan 2B included a mixed retail use with a specialty food store as an anchor and Plan 3A included retail and hotel uses with a restaurant and conference area. The end result is to create an attractive asset for the community. Chairman Lewis opened the meeting to the public.

Mr. Jones of 20 Maple Ave in Pine Brook shared his concern of having a transient type of housing in that area. He doesn't feel a hotel would service the town and would not be a benefit to Montville residents.

George Pertesis of 11 Jesse Court asked if the lots were able to be developed as 3 separate parcels or as a whole. Chairman Lewis said that all lots would be developed as one. He explained that it would be up to the developer to handle that.

The meeting was closed for public comment on the public hearing by Mr. Tobias, seconded by Mr. Braden. All present were in favor. None opposed.

Board members asked questions regarding the hotel options. Mr. Burgis explained that the plan does not permit residential development. It does encourage businesses that generate money and that the design criteria in the plan would be for a higher end hotel. Chairman Lewis said that a retail business could be riskier based on the size of the property. He explained that by extending the zoning criteria to the west of the subject property border towards Parsippany, than the options for retail grows and compliments the plan itself. Other comments including how a hotel would serve the community, support of redevelopment, having a broad spectrum of uses for developers with viable options, and the expansion of zoning criteria.

A motion to recommend approval of the Route 46 West Redevelopment Plan with the recommendation of the extension of the zoning criteria to the west of the subject area was made by Mr. Tobias, seconded by Dr. Kornreich. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, J. Sandham, L. Kornreich, L. Tobias & G. Lewis)

Mr. Burgis reported that the Housing Declaratory Judgment regarding the Housing Element and Fair Share Plan appeared before Judge Hansberry. He said they continued the town immunity and the process will continue over the next few months.

WAIVERS

There were no Waivers to come before the board.

INVOICES

Anderson & Denzler – Trust for: \$227.40 (K&K)
Anderson & Denzler – Trust for: \$1,076.90 (Pinto)

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

RESOLUTIONS

There were no Resolutions to come before the board.

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Planning Board meeting of May 26, 2016 - R. Conklin, A. Adrignolo, J. Sandham, L. Kornreich, L. Tobias & G. Lewis

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

Planning Board Closed Session Minutes of May 26, 2016 - R. Conklin, A. Adrignolo, A. Maggio, J. Sandham, L. Kornreich, L. Tobias & G. Lewis

A motion to approve the minutes was made by Deputy Mayor Conklin, seconded by Dr. Kornreich. Eligibles All in Favor by Voice Vote - None Opposed.

Planning Board meeting of June 9, 2016 - R. Conklin, T. Braden (7:31pm-9:05pm), A. Adrignolo, J. Sandham, L. Kornreich, L. Tobias & G. Lewis

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

Planning Board Subcommittee meeting of June 29, 2016 - T. Braden A. Maggio, L. Tobias & G. Lewis

A motion to approve the minutes was made by Mr. Braden, seconded by Mr. Tobias. 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.

8:25pm - Recusal of Mayor Sandham and Mr. Braden for the Daughtry application.

Break from 8:25pm to 8:34pm.

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; 6/9/16 extension granted by applicant. ACT BY: 7/31/16

Mr. Agnoli, Project Engineer for the applicant addressed items from Mr. Omland's memo dated 6/27/16. He referred to Sheets 1 & 2 of the plan regarding the common drive, gravel area, underground detention system, and line difficulties due to setbacks requirements. He discussed the following including: driveway modifications to slope, cross access parking, utility agreements, limits of disturbance, proposed grading, retaining wall height reduction, maintenance easement, drainage in ditch, storm water management, maintenance of underground system, watertight pipes, Belgium block curbing, guide rails and extended posts, operation and maintenance manual, storm water system layout, sewer modifications, test pit locations and results, design waivers as it relates to common driveway, soil erosion, sequence of construction details, system inspection and cleanout schedule, letter of interpretation of LOI by Dykstra, no longer in need of waiver for turn around requirement, deviation exceptions as it relates to the common area of driveway, and layout compliance as it relates to slope disturbance.

Exhibit A-5 (Slope Analysis) dated 7/14/16 was submitted. He discussed the disturbance and impacts of the building envelope. Mr. Omland said his concerns were addressed except for the stormwater management. He will work with the client for minor changes. He said any changes that would involve a variance or waiver relief would need to come back before the board. He felt it was compliant and would not cause a problem for future residents. Board members asked questions regarding the following: guard rail and post heights, driveway extensions, existing lot, and gravel driveway. Mr. Omland clarified that NJDEP does not require a letter from LOI and he would be comfortable with a letter from DEP or a consultant.

The meeting was opened for public questions on the most recent testimony for residents not represented by Ms. Durkin.

Mr. Kevin Wong of 16 Bogert Road in Pine Brook was concerned with redirecting the water away from Lee Court to Horseneck. He asked if a geotechnical report was done, which it was.

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

Ms. Elizabeth Durkin, Esq., Objector on behalf of concerned residents commented that she did not receive the revised plans and she was not in agreement with the most recent testimony.

Her 1st witness, Mr. Anthony Marucci, Engineer and Planner on behalf of the residents, was sworn in and his credentials were accepted. He said he was present at all hearings, had reviewed all previous plans submitted, professional reports, and had visited the subject and surrounding properties several times.

Exhibit O-5 (Overhead View of Subject Property) was submitted.

Exhibit O-6 (Cross Section of Driveway) – portion of Mr. Agnoli's site plan regarding guide rail was submitted.

Exhibit O-7 (Portion of Plan of Driveway) as prepared by Mr. Agnoli was submitted.

Exhibit O-8 (Portion of Slope) as prepared by Mr. Agnoli was submitted.

Exhibit O-9 (Photo of Fire Hydrant) was submitted.

Exhibit O-10 (Tax Map Lot) was submitted.

Exhibit O-11 (Photo of 46 Horseneck Rd) prepared by Mr. Marucci was submitted.

Exhibit O-12 (Photo of 44 Horseneck Rd) prepared by Mr. Marucci was submitted.

Exhibit O-13 (Photo of 38A Horseneck Rd) prepared by Mr. Marucci was submitted.

Mr. Marucci gave his engineering testimony referring back to Exhibits O-5, O-6, O-7 & O-8. He discussed the current state of property including the size, shape, location, existing house, steep slopes, & the typical houses and driveways in neighborhood. He described the changes he made to the exhibits including highlighting the retaining walls and guard rails, cross section, grade changes, critical slopes, slopes and grades of the driveway. He discussed the elevations, steep narrow s curve, guide rails, retaining walls, heights, vehicle operations, disturbance of steep slope, emergency personal access, fire hydrant locations, safety concerns, and fire tactics.

Exhibit O-14 (Copy of 4/14/16 transcript, page 133) - Ms. Durkin read from the transcript, which included Vice Chairman Maggio's comments on Mr. Moronski's testimony. She placed her objection on record for the need of fire official testimony.

Mr. Marucci continued his testimony referring to Exhibits O-9, O-10, O-11, O-12 & O-13. He discussed

the lack of similar steep slopes and retaining walls in neighborhood. He compared the size of flag lots in the area along with lot frontages. He discussed RSIS standards, drainage system design and effects on neighbors. Mr. Marucci had reviewed the Montville Master Plan and professional comments. He discussed flag lots, variances requested, goals and objectives of Master Plan, and creation of two flag lots. He feels this is not feasible and is an overutilization of property. He feels they should design a road and seek other alternatives. He said it does not conform to the character of the surrounding neighborhood including other flag lots nor have they met a burden of proof of positive and negative criteria. He feels there are other practical alternatives.

Break from 10:28pm to 10:37pm.

Mr. Marucci feels it doesn't create a desirable look and the benefits only apply to the applicant and not the neighbors. He discussed the zoning and how the Master Plan discourages flag lots. He feels it does not meet the positive or negative criteria. Mr. Durkin commented on it being a minor vs. major subdivision. Mr. Marucci feels it should not have 3 lots. Ms. Durkin questioned Mr. Burgis regarding the variances. Mr. Burgis felt she was misreading the ordinance in regards to the steep slopes and that issue was already addressed and resolved. He said is a waiver not a variance. She again asked about the 2 variances being sought. Mr. Burgis clarified his interpretation of the intent of the Master Plan. Ms. Durkin felt Mr. Mileto did not adequately address the flag lots in his testimony. She asked him about flag lot developments, driveway widths, and emergency access. Mr. Burgis explained the history and rationale of the previous testimony.

Mr. Schepis cross examined Mr. Marucci. He asked him about the RSIS in regards to the roadway and for his clarification of his roadway proposal. He asked more questions regarding the following items: slope disturbance, cul-de-sac development feasibility, practical alternatives, safety, utilities, design exceptions if public road, pavement coverage, Master Plan element as it relates to cul-de-sac streets, lack of other cul-de-sac on Horseneck, rule of thumb as it relates to fire hydrants, rules and regulations for fire hydrants, driveway width regulations, and issues not addressed. He feels it is more cost effective than a public road alternative.

The meeting was opened for public questions on the most recent testimony for residents not represented by Ms. Durkin.

Mr. Tom Allegra of 7 Valley View Drive in Pine Brook asked about an ambulance.

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

2nd witness, Mr. David Derr of 2 Valley View Drive in Montville was sworn in. He is one of the objectors being represented by Ms. Durkin. He has lived in Montville for 18 years and knew the previous owner. He said the previous owner had offered to sell the property to the neighbors, but was concerned they couldn't do much with it because it was land locked. He shared his concerns of fire spreading if there was ever a house fire.

Exhibit O-15 (Screenshot of Montville Houses for Sale) created by Zillow dated 6/8/16 was submitted. He said there 217 houses for sale or in distress as of today.

Exhibit O-16 (Screenshot Zoom Up of Walking Distance of Houses for Sale within ½ mile) was submitted. He said there were close to 40 houses for sale.

Mr. Derr felt there were over 12 guidelines being questioned, had fire concerns, and felt the neighbors were being affected.

Mr. Schepis brought Mr. Agnoli up for a brief rebuttal. He asked a series of questions regarding Mr. Marucci's testimony regarding the geometry, shape, and driveway as it relates to the proposed homes as it relates to emergency access. He had spoken with Towaco Fire official and he explained that the fire trucks carry 1000 feet of hoses along with 600 additional feet. Ms. Durkin put on the record that this was hearsay. He said that the driveways are compliant and meet slope requirements. He referenced fire codes and feels the proposed driveways are safe and that he would never put his clients nor the neighbors at risk. Mr. Schepis said that the applicant would agree to put sprinklers in the rear houses, which would make the structures safer for the homeowners and neighbors. He will accept this as a condition.

The meeting was opened for public questions on the most recent testimony for residents not represented by Ms. Durkin.

Mr. Chen of 68 Horseneck Road in Montville discussed risk management and preserving the value of the neighborhood.

Mr. Kevin Wong of 16 Bogert Road in Pine Brook asked engineering questions regarding a cul-de-sac and storm water management. Mr. Omland explained the drainage management.

Mr. John Allegra of 7 Valley View Drive in Montville was concerned about fire access and for the neighbors below. He asked why there was no fire testimony.

Ms. Tara Monaco of 64 Horseneck Road was concerned with the trenches and where the water will go.

Mr. Jim Costanza of 3 Lee Court lives on the down slope and was concerned with the water flow.

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

Ms. Durkin summarized. She represents 8 tax payers who reside in the neighborhood. She feels Mr. Daughtry has connections and the fire official should have been present.

Exhibit O-17 (Section of Testimony from 4/14/16 hearing regarding Subpoena) was submitted. He read Chairman Lewis' comments. She said Mr. Mileto relied on Mr. Eggers' report and felt he should have been present for more testimony. She feels the applicant failed to meet the burden of proof and she should have received a revised application prior to tonight's meeting.

Mr. Schepis summarized. He said there are two aspects to the application including engineering and planning. He said as it relates to the engineering the board engineer was satisfied. The applicant agreed to conditions as it relates to slopes and widths. There were competing opinions, variances and design waivers requested. He said the traffic safety officer and fire officials felt it was safe. He discussed the circulation element and the impacts of alternatives. He touched on the minor deviations as it relates to the entire application. He asked that the relief be granted, which would have substantially less disturbance with the unique shape of the properties. He feels what they presented tonight provides a better design, the driveways are safe, and with the addition of sprinkler systems should be granted.

Board member comments included being satisfied with the engineering testimony, but not planning. They were troubled by the steep slopes, flag lots, runoff, shared responsibilities, storm water management,

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topography difficulties. They discussed positives vs. negatives.

A motion to grant the applicant approval was made by Mr. Moore. That motion failed due to lack of a second.

A motion was made by Vice Chairman Maggio, seconded by Dr. Kornreich, to deny the application. Roll Call. Five in Favor. One Opposed. (A. Adrignolo (Yes), L. Kornreich (Yes), L. Tobias (Yes), A. Maggio (Yes), R. Moore (No) & G. Lewis (Yes))

NEW BUSINESS

****PMSP/F15-09 – Woodland Properties –Horseneck & Woodland Rd – B: 139, L: 5 preliminary/final major subdivision- 4 lots – Notice Acceptable; Carries with notice to July 28, 2016 ACT BY: 7/9/16 extended through August 31st 2016 ****

CONCEPTS

There were no Concepts to come before the board.

CLOSED SESSION

There was no need for Closed Session.

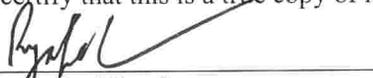
ADJOURNMENT

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. In a motion made by Mr. Tobias, seconded by Vice Chairman Maggio, the meeting was unanimously adjourned at 12:43am.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of 9/18/16.



Ryan Conklin, Sec.