

MONTVILLE TOWNSHIP PLANNING BOARD
Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Thursday, August 11, 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, J. Sandham, R. Cook, J. Visco, P. Mudd, L. Tobias (7:37pm-12:06am) & G. Lewis

ABSENT EXCUSED A. Maggio, L. Kornreich & P. Mudd

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

PROFESSIONAL PRESENT T. Connolly & M. Hickey (Historical Architects)
& M. Carroll (Board Attorney)

PROFESSIONAL EXCUSED ABSENT J. Burgis (Board Planner), S. Omland (Board Engineer)

ANNOUNCEMENTS

Chairman Lewis welcomed back Planning Board member John Visco back from an extended absence.

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 they met on August 3rd, where they discussed the Shops on Main in Towaco. Time is needed to review. They will be on the October 5th agenda.

Board of Health – Mr. Tobias was absent during this portion of the meeting.

Environmental Commission – Dr. Kornreich was absent.

Water & Sewer – Mr. Maggio was absent.

Historic Preservation Review Commission – Mr. Cook said they have not met.

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

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

Economic Development Committee – Mayor Sandham said they had not met, but will be meeting next week.

Open Space Committee – Mr. Mudd was absent.

Master Plan – Mr. Lewis had no report.

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

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Fire Districts – Mr. Braden (Pine Brook) had no report, Mr. Maggio (Montville) was absent, and Deputy Mayor Conklin (Towaco) had no report.
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 had previously emailed his report for review.

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

PLANNING BUSINESS

There was no Planning Business to come before the board.

WAIVERS

PMISC16-37 Pine Brook Cleaners – 321 Changebridge Rd – B: 160.2, L: 18 – dry cleaner (2,400 s.f.) – 2 employees – hours of operation M-F 7am-6:30pm; Sat8am-4pm – requesting 2 signs (corner unit) in compliance with approved theme (black channel letters)

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

PMISC16-35 Lincoln 1st – 223 Changebridge Rd – B: 138, L: 10.03 – bank (3,000 s.f.) – 10 employees – hours of operation 9am-5pm M-Fri; 9am-1pm Sat – signage in compliance with approved plans for Tuscany Village

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

INVOICES

Burgis Associates – Trust for: \$168.75 (Christine Valmy); \$506.25 (Addie Grey); \$67.50 (Blank); \$840 (Chabad); \$793.75 (CH Properties); \$168.75 (Croatian Cultural Club); \$472.50 (Daughtry); \$202.50 (Marotta 2016); \$656.25 (Tre Femme); \$236.25 (Tre Femme)

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, R. Cook, J. Visco, L. Tobias & G. Lewis)

RESOLUTIONS

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. Denied 7/14/16 Eligible: A. Adrignolo, L. Tobias, L. Kornreich, & G. Lewis

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

PSPP/FC16-14/PSOIL16-15– Chabad of Northwest NJ– 325 Changebridge Rd – B: 160.02, L: 20 - Approved 7/28/16 Eligible: R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, P. Mudd, L. Tobias & A. Maggio

A motion to TABLE the resolution was made by Mr. Braden, seconded by Deputy Mayor Conklin. Carried to the next meeting.

MINUTES

There were no Minutes to come before the board.

LOI/DEP NOTIFICATIONS

Mr. Omland reviewed the LOI/DEP Notifications.

LEGAL/LEGISLATIVE UPDATES

There were no Legal/Legislative Updates to come before the board.

OLD BUSINESS

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 11th scheduled for the August 11th meeting.

Chairman Lewis summarized the history of the application, and that this was not a formal land development public hearing.

Mr. Christopher Massaro, Esq. of Cole Schotz, on behalf of the applicant, introduced the applicant’s intention. He summarized what had been submitted, the timeline of events, and land use ordinances. He asked the board to rule on the HPRC time of decision issue and the ensuing default approval resulting from the failure to act and authorize the Zoning Officer Ryan Conklin to issue a certificate of appropriateness for demolition.

Mr. Carroll explained the board’s role. He recommended that the Board not pass on these procedures as it is not sitting in the capacity of a board of review. He opined that the hearing should be proceed on its merits. Chairman Lewis feels the applicant should be heard.

Mr. Petry responded affirmatively when asked by Chairman Lewis if he (Petry) believed that the state Uniform Construction Code required that the entire house be brought into compliance with the current code. Based on the valuation of repair exceeding 50% of the structure value, he (Petry) believed that to be

the case. He further testified that, on that basis, the contractor was requested to prepare the estimate submitted in the report.

A motion to go forward with the hearing was made by Mayor Sandham, seconded by Mr. Adrignolo. Roll call. All in Favor by Voice Vote. Mayor Sandham shared his thoughts and feels the board is not in default.

1st Witness, Alexander Sweetwood, Applicant, gave his statements. He discussed his personal history, investigation prior to the house closing regarding the interior renovation, the monies tied up in house including the expenses to refurbish and monies invested so far, and walls crumbling once opened up. Board discussion included the goals of preserving this landmark. The applicant discussed the costs of making the house structurally sound. Chairman Lewis asked him to keep an open mind about rehabilitation, because no one wants to see it demolished. Board members commented on the house inspection, architectural drawings, previous occupants, the house being structurally sound prior to this owner, why interior was removed, and high cost estimates for renovation.

2nd Witness, Mr. Michael Petry, Professional Engineer, was sworn in and his credentials accepted as an expert in the field of structural engineering not historical. Mr. Massaro asked Mr. Petry questions regarding the following: his involvement in the inspections and reports, site visits, findings, options, structural assessment of which he deemed unsafe and recommended getting an estimate to fix and demolition, photos of conditions of house, cause of mortar degradation, deterioration, purchase price and house value, warranted economics, and referenced Connolly & Hickey reports to Secretary Conklin. He said that they are in disagreement with Connolly & Hickey findings and acknowledged that they are not structural engineers. Board comments included the following: whether this was an easy solution vs. the only solution, whether or not it was structurally sound, options to restore, Connolly & Hickey reports, photos and conditions, wall removal, basement walls and conditions, cost estimates with lack of details, building codes, whether safe and habitable, roofing system, fireplaces, why such as drastic change in conditions, and cost of renovations.

Break from 9:30pm to 9:40pm.

3rd Witness, Mr. Martin Feitlowitz, was sworn in and his credentials were accepted as an expert in historical architecture. He discussed the following: his site visit in May, inspection and report, observations, building conditions outside vs. inside of walls, fireplaces, framing, over grown vegetation and deterioration, historical significance findings, national registry, Dutchstone house history, Montville ordinances, and his opinion of lack of historical significance. Mr. Massaro stated his applicant's respect of the historical value of the house. He read into record the Montville ordinance section stipulating the factors of consideration for a certificate of appropriateness for the demolition of a historic structure. Mr. Feitlowitz continued his testimony on the following items: zoning regulations, uninhabitable condition, residence also once used as a patronage, feels undue burden on applicant to rehabilitate, not in a historic district, in its present condition it is not structurally sound, commented on reports from Connolly & Hickey regarding availability of grant money and mortar, and the Morris Canal significance. Board members commented regarding the following: HRPC appearance, ordinance, interpretation, public use, additions, Montville significance, rapid deterioration, site visit and task from applicant, and house inspection prior to purchase.

Ms. Margaret Hickey and Mr. Thomas Connolly, of Connolly & Hickey Architects, were sworn in and credentials accepted. Their services were retained by the HRPC on the recommendation of the Planning Board and Township Committee. Ms. Hickey summarized. She said she was asked by the HRPC to review the certificate for demolition. She discussed her site visit, letters, HRPC testimony, historical

significance, and her disagreement with the applicant's professionals' testimony. She discussed the misunderstanding of the type of roof, the relationship of the house to the Morris Canal, and the significance of the structure to historical development of Montville. She explained how they become historical houses. She explained the Dutch and English influence on Montville, which is vested in the history and development of New Jersey. She discussed the following: condition of the building, structural problems, restoration and preservation, grant money, held at higher standard, mortar, foundation, rebuilding of walls seems excessive, level of deterioration in that amount of time and the conditions of the fireplaces. Chairman Lewis asked about how to go about developing a plan of action and estimated costs. Board members commented on the following: private property and grant money, compensation laws, contractor testimony, historical significance, and additional options. Mr. Massaro asked questions about how long Ms. Hickey inspected the property, use of structural engineer, and how often her public projects go over budget.

The meeting was opened to the public on the overall testimony.

1st, Mr. Timothy Saia, former resident of 107 Change Bridge Road shared his concerns. He shared pictures of the house and property prior to sale, which was previously shared at the HRPC meeting. He commented on what the house inspection found.

2nd, Mr. Sal Saia of 5 E. Wall St in Barnegat Light, N.J commented on the structure of the house, in which he lived in for 35 years and the quick house deterioration. He said they never had problems with cracks in foundation or fireplaces, that the white wash on the foundation was not a water seal, and shared photos of the fireplaces before the demolition of interior.

3rd, Rosemarie Sweetwood, of 589 Mountain Ave. in N. Caldwell, N.J. said she was the mother of the applicant. She stated that money was not an issue for the applicant prior to the sale. She shared his intentions and their exchange of comments prior to the sale.

5th, Ms. Pat Gamsby of 102 Hook Mountain Road in Montville said she lives in a current historic Dutchstone home in Montville. She is sorry that it's a hardship for the applicant, but asked that the board not allow for this house to be knocked down. She feels it has a historic significance to Montville.

6th, Ms. Mary Jane Saia, former resident of 107 Change Bridge Road in Montville said she was at the HRPC meeting. She referenced the wrecking crew that was present for the taking down of the walls.

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

Mr. Massaro gave his closing comments. He summed up the applicant's intent when the house was purchased, the process, structural engineer, estimate from professional, economic strains, and condemnation samples. He asked that the board not burden this young couple and asked them to grant the demolition permit.

Chairman Lewis explained the options to the Planning Board members and asked to rule as they feel appropriate. Mr. Carroll said that the board has a broad discretion and feels the house is significant to Montville. Board deliberation included the following: historical value and significance, facts, sympathy for applicant, the applicant's awareness of it being a historical property when purchased, middle ground, saving the house and visibility of the house.

Break from 11:55pm to 11:59pm.

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Mr. Massaro stated the applicant has a meeting scheduled with the Township Administrator on Tuesday and asked that the vote be held to the next meeting.

The applicant was granted an extension on the vote until the September 8th meeting.

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. In a motion made by Mr. Adrignolo, seconded by Mayor Sandham, the meeting was unanimously adjourned at 12:06am.

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.