

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, September 8, 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, L. Kornreich, J. Visco, P. Mudd, L. Tobias & G. Lewis

**ABSENT EXCUSED** A. Maggio

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

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

**ANNOUNCEMENTS**

Mayor Sandham informed the board and members of the audience about the San Gennaro Festival scheduled for Thursday through Sunday this weekend along with the 9-11 Memorial Service scheduled for Sunday at 1:30pm at the VFW House.

**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 last night, where they discussed the billboards on Rt. 46 converting to LED. The subject was carried to the November meeting.

Board of Health – Mr. Tobias had no report.

Environmental Commission – Dr. Kornreich had no report.

Water & Sewer – Mr. Maggio was absent.

Historic Preservation Review Commission – Mr. Visco said they met on August 22<sup>nd</sup>.

Design Review Committee – Mr. Braden had no report.

Site Plan/Subdivision Committee – Deputy Mayor Conklin said they met and 3 waivers were approved.

Economic Development Committee – Mayor Sandham 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.

Fire Districts – Mr. Braden (Pine Brook) had no report, Mr. Maggio (Montville) was absent, and Deputy Mayor Conklin (Towaco) reported that there is a fundraiser scheduled for Sept. 30th.

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 no report.

**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 Dr. Kornreich, seconded by Mayor Sandham. All present were in favor. None opposed.

**WAIVERS**

**PMISC16-36 Fusion Film House** – 43 Stiles Ln Unit 1– B: 160.2, L: 2 – film studio (1,925 s.f.) – 2 employees – hours of operation 8am-6pm M-Fri – signage limited to vinyl decal on door (Landmark Fire)

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

**PMISC16-46 El Rancho de Beny** – 6 Rt. 46W– B: 162, L: 2 – Mexican restaurant (900 s.f.) – 3 employees – hours of operation 10am-10pm M-Sun – signage in compliance with approved theme (Pine Brook Plaza Azarian)

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

**INVOICES**

Michael Carroll, Esq – Trust for: \$33.75 (Avalone); \$202.50 (PBNJ); \$33.75 (Marotta 2016); \$573.75 (K&K Windsor); \$33.75 (Pinto); \$978.75 (Woodland Properties); \$776.25 (Addie Grey); \$1,046.25 (Chabad); \$33.75 (44 Hillcrest); \$33.75 (CH Properties)

Ferriero Engineering – Trust for: \$67.50 (Kiddie Academy)

Bowman Engineering – O/E for: \$77.50 – Trust for: \$465 (Daughtry); \$77.50 (Addie Grey); \$390 (Blank); \$271.75 (Chabad); \$90 (Ernstrom); \$521.25 (44 Hillcrest); \$270 (Montville Residency Garrubbo); \$337.50 (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, R. Cook, L. Kornreich, J. Visco, L. Tobias & G. Lewis)

**RESOLUTIONS**

PB minutes  
9/8/16

**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 motion to approve the resolution was made by Mr. Mudd, seconded by Mr. Braden. Roll Call of Eligibles. All in Favor. None Opposed.

**PMSP/F15-09 – Woodland Properties** –Horseneck & Woodland Rd – B: 139, L: 5 – Approved 7/28/16 – Eligible: Mr. Tobias, Dr. Kornreich. R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook & P. Mudd

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

**PEXT16-17 Croatian Cultural Club** – 124 Boonton Ave – B: 1, L:6 – request for extension of approvals until 10/23/17 Eligible: R. Conklin , T. Braden, A. Adrignolo, J. Sandham , L. Kornreich, L. Tobias & G. Lewis

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

#### MINUTES

**Planning Board meeting of June 22, 2016** - R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, Mr. Mudd, L. Tobias & G. Lewis

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

**Planning Board meeting of July 14, 2016** - R. Conklin (7:33pm-8:25pm), T. Braden (7:33pm-8:25pm), A. Adrignolo, J. Sandham (7:33pm-8:25pm), L. Kornreich, L. Tobias & G. Lewis

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

**Planning Board meeting of July 28, 2016** - R. Conklin, T. Braden, A. Adrignolo, J. Sandham (7:37pm-9:07pm), R. Cook, L. Kornreich, P. Mudd & L. Tobias

A motion to approve the minutes was made by Mr. Mudd, seconded by Mr. Braden. All in Favor by Voice Vote - None Opposed.

**Planning Board meeting of August 11, 2016** - R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook, J. Visco, P. Mudd, L. Tobias (7:37pm-12:06am) & G. Lewis

A motion to approve the minutes was made by Mr. Braden, seconded by Mayor Sandham. All in Favor by Voice Vote - None Opposed.

**Planning Board Subcommittee meeting of August 28, 2016** - R. Conklin & L. Tobias

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

**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 September 8<sup>th</sup>

Mr. Christopher Massaro, Esq. of Cole Scholz, on behalf of the applicant indicated that he had set up a meeting with presumably the Township Administrator, but he was not sure. Mayor Sandham stated that the members of the town were not elected officials. Chairman Lewis inquired if an agreement was reached during this meeting in which the house would not be demolished. It was not. There was no additional deliberation among the board members. Chairman Lewis shared brief comments about the enforcement of the ordinance, that fact that it does not meet the seven HRPC components for demolition, the board’s role, its significant value to Montville Township, not constrained by zoning regulations, and estimated costs. Overall he feels they have not satisfied the seven components for demolition.

A motion to deny the certificate of appropriateness based on the fact that the subject property is not beyond repair, the board is not in agreement with the cost estimates, and its historic significance to Montville Township was made by Deputy Mayor Conklin, seconded by Mr. Visco. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook, L. Kornreich, J. Visco, L. Tobias & G. Lewis)

Chairman Lewis explained that the Township can reserve property for one year from demolition. Mr. Braden requested from the governing body the opinion of the attorney. The resolution will be on the September 22<sup>nd</sup> meeting agenda.

**PLANNING BUSINESS**

**CONSISTENCY REVIEW: ORDINANCE NO. 2016-17**

**AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTVILLE TO ESTABLISH A NEW PINE BROOK REDEVELOPMENT (PBR) ZONE**

Mayor Sandham asked Mr. Carroll whether the letter from Mr. Schepis was correct. He explained the law and whether it was consistent with the Master Plan. Mr. Burgis explained the redevelopment area decisions, recommendations, and the rezoned adjacent properties. Mr. Burgis explained the minimum lot requirements. Mayor Sandham talked about the 3 lots vs. the combination with adjacent lots. He said the intent was to add, not take away. Mr. Burgis said the current property is currently a pre-existing non-conforming use, but if any changes were needed it would need to come before the board. Chairman Lewis said the goals are that the ordinances are consistent with the Master Plan as it was presented today. Board deliberation was heard along with professional comments.

A motion to issue a letter deeming it consistent with the Master Plan was made by Mr. Braden, seconded by Mr. Visco. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook, L. Kornreich, J. Visco, L. Tobias & G. Lewis)

Mr. Burgis addressed a correction in his letter to the Planning Board dated September 8, 2016. He said he will update and forwarded out. He gave a brief zoning overlay explanation.

A motion to include an overlay to the rezoning of the adjacent property was made by Mr. Braden, seconded by Mayor Sandham. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook, L. Kornreich, J. Visco, L. Tobias & G. Lewis)

Mr. Burgis to draft a resolution.

#### **LOI/DEP NOTIFICATIONS**

Mr. Omland reviewed five LOI/DEP Notifications.

#### **LEGAL/LEGISLATIVE UPDATES**

Mr. Carroll had no update.

#### **NEW BUSINESS**

**PSOIL16-20 Montville Residency (Garrubbo)** - 17 Hook Mountain Rd – B: 160, L: 4 – soil movement – Notice Acceptable

Mr. Schepis, Esq. and Mr. Walker, Engineer, were present on behalf of the applicant.

Mr. Schepis summarized the history of the application and prior approvals. He said they are here for a soil movement approval.

Mr. Walker was sworn in and his credentials accepted.

Exhibit A-1 (Colorized Site Plan dates 8-13-16) was submitted. He explained that in order to meet the conditions required they will need to remove 7,487 cubic yards of soil from the property. He discussed the two possible truck routes and how they will not impact school traffic. Mr. Omland asked questions regarding the following: no significant footprint changes, minor building changes, building modifications, specific changes, top soil retention, blasting anticipation, maximum cut at entrance, number of trucks and duration, providing the township with top soil if needed, and avoiding school traffic. They agreed to adhere to Mr. Omland's requests. Mr. Schepis clarified that they would like to add Rt. 46 East to Bloomfield Ave (east of town) to the route.

A motion to approve the soil movement with the agreed upon conditions was made by Mr. Braden, seconded by Mayor Sandham. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook, L. Kornreich, J. Visco, L. Tobias & G. Lewis)

**PC16-25 Christine Valmy** – 285 Changebridge Rd – B: 160.2, L: 11– Rezoning request to permit vocational schools in I-2 zone. Notice not required

Chairman Lewis summarized the application request.

Mr. Schepis, Esq. and Ms. Ruchika Agarwal, Compliance Manager of Christine Valmy, Inc. were present on behalf of the applicant. She has been with the company for 10 years.

Mr. Schepis gave a brief summary. They are here to petition for the consideration of rezoning. He discussed Mr. Burgis' report and the MLUL. He feels it represents a potential for expanded use for enhancing a local business along with other clients. He says it opens up other job opportunities for job training and feels there is no downside. It is consistent with the 2010 Master Plan. Chairman Lewis asked if Mr. Burgis had any parking concerns in industrial warehouses. He explained that the businesses would need to seek relief if needed. Board members inquired about the potential outdoor activities with vocational schools, repurposing, hours of operation, adding restrictions, B Zones, and permitted uses. Mr. Schepis addressed parking standards. He feels it is sufficient for Christine Valmy's use.

A motion to recommend to the Township Committee the changes to rezone was made by Dr. Kornreich, seconded by Mr. Mudd. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, J. Sandham, R. Cook, L. Kornreich, J. Visco, L. Tobias & 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.

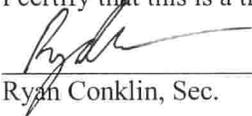
**ADJOURNMENT**

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. In a motion made by Mr. Visco, seconded by Mr. Adrignolo, the meeting was unanimously adjourned at 8:59pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of 10-27-16.

  
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Ryan Conklin, Sec.