

MONTVILLE TOWNSHIP PLANNING BOARD
Held Virtually Through WebEx
Minutes of Thursday, January 28, 2021

Chairman Lewis called the meeting to order at 7:30 p.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, A. Maggio, F. Cooney,
L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis

ALSO PRESENT J. Mowles (Secretary) & K. Kehoe (Recording Secretary) @ 7:49pm

PROFESSIONALS M. Carroll (Board Attorney), S. Omland (Engineer)
& J. Burgis (Board Planner)

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.

ANNOUNCEMENTS

Chairman Lewis welcomed everyone to the meeting.

COMMITTEE & LIAISON REPORTS

Chairman Lewis reviewed the changes to the Committees and Liaisons members and asked for reports:

Board of Adjustment – Chairman Lewis reported that one application was heard on the Monarch Communities and the hearing was continued.

Board of Health – Mr. Lipari said the meeting was canceled.

Environmental Commission – Dr. Kornreich said that the reorganization was held and there is a new Chairman, Bansari Shah. He reported that a virtual poster contest will be held.

Water & Sewer – Vice Chairman Maggio had no report.

Historic Preservation Review Commission – Mr. Adrignolo reported that the reorganization was held tonight and they discussed the 107 Changebridge Road property being up for sale.

Design Review Committee – Mr. Braden had no report.

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

Economic Development Committee – Mayor Cooney had no report.

Open Space Committee – Mr. Agnoli had no report.

Master Plan – Chairman Lewis reported that the Zoning Ordinance was introduced by the Township Committee and a consistency hearing is on tonight’s agenda.

Fire Districts – Committeeman Conklin (Towaco) had no report, Vice Chairman Maggio (Montville) had no report, and Mr. Braden (Pine Brook) had no report.

Township Committee Mayor’s Report – Mayor Cooney reported that an area in need of redevelopment had been requested for the Kevah Konner property.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in Board Professionals.

SECRETARY’S REPORT

Secretary J. Mowles had no report.

BOARD DISCUSSION

There was no 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 being 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. Agnoli. All present were in favor. None opposed.

PLANNING BUSINESS

By Laws Adoption

A motion to adopt the By Laws was made by Mr. Lipari, seconded by Dr. Kornreich. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

2020 Annual Report

The Annual Report was deemed acceptable with no comments.

Master Plan Consistency Review - Ordinance 2021-03 Land Use Ordinance Amendments.

Mr. Burgis indicated that there was one modification to the Land Use Ordinance Amendments by the Township Committee. He said the density was proposed previously at 12 units per acre, which would allow for 300 units. The change was for 11 units per acre or 275 units. He said rest of the ordinance is the same as the Reexamination Report and Land Use Plan amendment, and that the proposed ordinance is not inconsistent with the Land Use Plan.

A motion finding the Ordinances consistent with the Land Use Plan was made by Mr. Lipari, seconded by Mr. Braden. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

Resolution – Professional Services Agreement Burgis Associates Area in Need of Redevelopment – 65 Rt. 46 – B: 184, L: 2.01

A motion to adopt the Professional Services Agreement amendment was made by Dr. Kornreich, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

WAIVERS

PMISC21-02 Changing with Choices – 68 Bloomfield Avenue – BL: 171, L: 9 – 350 sf office space for counseling center offering individual psychotherapy – 2 employees, 1 shift - no deliveries or overnight parking of vehicles – signage per graphics provided

A motion to approve the waiver was made by Committeeman Conklin, seconded by Mr. Lipari. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

PMISC21-03 Rails – 8-10 Whitehall Road – BL: 96, L: 3 & 4 – 1,842 sf space to expand dining area to accommodate 6 (4 seat) tables and 1 (6 seat) table in accordance with social distance guidelines – 96 employees, 2 shift - no overnight parking of vehicles – no signage additional requested – waiver from applicant requested for staying open past 7pm

Mr. Michael Mulligan, applicant, explained that this is a temporary request to be open past 7pm. No plumbing or bathroom use, just seating. He said this configuration will exist only as long as the Governor emergency order is in effect and then it will cease immediately. Chairman Lewis said there will be a condition upon this being only during COVID-19 and in order for this to continue the applicant would have to come back before the Board for site plan and variances.

A motion to approve the waiver subject to immediate cessation of the “open past 7pm” requirement once the Governor lifts the State of Emergency COVID-19 Executive orders based on the significant effect to parking on site was made by Mr. Lipari, seconded by Mayor Cooney. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

Planted Eats Montville, LLC – Request to Amend Waiver of Site Plan

Mr. Michael Cuellar, Esq. was present on behalf of the applicant. He said they are requesting a change in a condition of a previous Waiver of Site Plan approval and the applicant wishes to be able to cook food products on site.

The following is all the equipment in the cafe will be used to prepare food:

- Convection Oven: Fish, vegetables, breads, baked goods
- Pressure Cookers: Chicken, fish, vegetables, quinoa, rice, beans
- Panini Presses: Vegetables, beans, sandwiches
- Blenders: Smoothies, juices, coffees, teas
- Juicers: Fruits, vegetables

- Hot Tables: (Holding temperature of) Soups, fruits, vegetables, quinoa, rice, beans
- Salad Bar: Vegetables
- Coffee Machine: Coffee
- Hot Water Machine: Tea, coffee

Chairman Lewis indicated that the condition was self-imposed by the applicant and the Planning Board does not usually restrict such things. Committeeman Conklin requested review/report from Construction and Board of Health in order for this change in condition be granted.

A motion to approve the amendment to the previously approved waiver subject to submission of reports by the Board of Health and the Construction Official was made by Committeeman Conklin, seconded by Mr. Agnoli. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

INVOICES

Burgis Associates - Trust for: \$412.50 (Ahmadi); \$112.50 (Cook); \$1,162.50 (D'Agosto); \$337.50 (Montville Urban Renewal Avalon); \$1,837.50 (Millcreek); \$300.00 (Paul Miller Redevelopment); \$37.50 (RWB)

MP Carroll – Trust for: \$112.50 (Ahmadi); \$75.00 (Catbridge); \$75.00 (Cook); \$1,275.00 (D'Agosto); \$75.00 (Four-Eight Main); \$75.00 (JUVE); \$37.50 (Montville Urban Renewal Avalon); \$1,087.50 (Montville 340 Millcreek); \$75.00 (Sea Breeze)

Omland Associates - O/E: \$155.00 (Board Business Dec 2020); Trust for: \$736.25 (Ahmadi); \$38.75 (Cook); \$348.75 (D'Agosto); \$2,053.75 (Montville 340 Millcreek); \$968.75 (Sea Breeze)

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, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

RESOLUTIONS

There were no Resolutions to come before the board.

MINUTES

Minutes of 12/10/20 – Eligible: R. Conklin, T. Braden, A. Adrignolo, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis

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

Minutes of 1/14/21 – Eligible: R. Conklin, T. Braden, A. Adrignolo, A. Maggio, R. Lipari, P. Repic & G. Lewis

A motion to approve the minutes was made by Vice Chairman Maggio, seconded by Mr. Repic. All in Favor by Voice Vote of Eligibles. None Opposed.

LOI/DEP NOTIFICATIONS

Mr. Omland reported on the LOI/DEP Notifications to come before the board including Changebridge Plaza Cleaners test wells, Cook Lane wetlands, Affordable Housing Flood Hazard, and Chapin Road.

LEGAL/LEGISLATIVE UPDATES

There were no Legal/Legislative Updates.

OLD BUSINESS

There was no Old Business to come before the board.

NEW BUSINESS

PSOIL20-14 – Ahmadi – 10 Old Ln – B: 21.01, L: 35.04 – soil movement application - Highlands Received – Notice acceptable

On behalf of the applicant was: Mr. Ali Ahmadi, Applicant, Mr. Lawrence Kalish, Esq., Mr. Fred Stewart, PE, and Mr. Kenneth Fox, Architect.

1st witness, Mr. Fred Stewart, Engineer was sworn in and his credentials accepted. He testified on the following items: what he reviewed, drainage report, overview, steep slopes, building envelopes, front yard, prior property clearance, what was proposed, driveway, side entry garage, turn around, utilities, slope waiver, percentages, regraded area, driveway length, grades, secondary driveway, parking area, total cubic yards of soil removal, regrading of property, proposed patio area, stone walls along driveway, house, and property locations and heights, house entrance way, stairways throughout property, soil movement times, design waiver for steep slope disturbance, keeping disturbance to a minimum, minimizing steep slope, environmental committee comments, within limits of Highlands preservation area, vegetation and revegetation, landscape area around home and driveway, lawn seeding, preservation of property as it relates to limit of disturbance, guide rails and fencing depiction, addressed Mr. Omland and Mr. Burgis' comments, design waiver, and why the Board should approve. Mr. Omland asked about the driveway length, location and direction of and disturbance of slope. Mr. Stewart further discussed the grading, catch basin on roadway, why the proposed location and drainage design. Mr. Burgis asked about his memo dated 1-12-21, the fencing height and reduction of, the driveway parking area and if it intrudes into the steep slope.

Chairman Lewis opened the meeting to the public on Mr. Stewart's engineering testimony. There being no questions, the meeting was closed for public comment on a motion made by Mr. Agnoli, seconded by Dr. Kornreich - All in Favor by Voice Vote. None opposed.

2nd witness, Mr. Kenneth Fox, Architect and Planner, was sworn in and his credentials accepted. He testified on the following items: what was taken into account regarding the steep slope in designing the home, work with engineer to minimize impacts, height adjustments to make conforming, and driveway design input.

Chairman Lewis opened the meeting to the public on the overall testimony. There being no questions or comments, the meeting was closed for public comment on a motion made by Mr. Lipari, seconded by Mr. Agnoli - All in Favor by Voice Vote. None opposed.

Mr. Kalish gave a brief closing and thanked the board for their time. He talked about the previously disturbed and unusual lot, and direction taken to minimize impacts. He asked to grant the application with the reduction in fencing height and redirecting of driveway contour from Mr. Omland's comments.

Committeeman Conklin asked if the homes to the right had similar lower parking areas.

Mr. Ahmadi, applicant, was sworn in. He testified that they did not.

Chairman Lewis opened the meeting to the public on Mr. Ahmadi's testimony. There being no questions, the meeting was closed for public comment on a motion made by Mr. Agnoli, seconded by Dr. Kornreich - All in Favor by Voice Vote. None opposed.

Board member discussion followed. Members commented and or asked questions on the following items: concern for unsightly lower parking area, consistency with ordinance, concern for flooding on Old Lane, capacity of catch basin, storm water jurisdiction of Planning Board, percentage of steep slopes caused by lower driveway, and disturbance totals.

A motion to approve with the conditions followed, with waiver design exception, and fence height reduction was made by Mr. Braden, seconded by Vice Chairman Maggio - Roll Call. Nine in Favor. One Opposed (R. Conklin - Y, T. Braden - Y, A. Adrignolo - Y, A. Maggio - Y, F. Cooney - Y, L. Kornreich - Y, R. Lipari - Y, N. Agnoli - N, P. Repic - Y & G. Lewis - Y)

CORRESPONDENCE / EXTENSIONS / DISMISSALS

There were no Correspondence/Extensions/Dismissals to come before the board.

Discussion on the idea of a Redevelopment Subcommittee took place. Mr. Braden & Mr. Lipari expressed interest. To be discussed further in February.

CONCEPTS

There were no Concepts to come before the board.

CLOSED SESSION

A motion to go into closed session at 7:51pm was made by Mr. Agnoli, seconded by Vice Chairman Maggio.

Discussion followed on pending litigation.

A motion to adjourn the closed session at 8:31pm was made by Mr. Braden, seconded by Mr. Adrignolo.

ADJOURNMENT

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. On a motion made by Mr. Repic, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 10:28pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of

Jane Mowles, Secretary