

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, February 8, 2018**

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 (7:32pm), A. Adrignolo, R. Cook, L. Kornreich, J. Visco, R. Lipari, J. Sandham (recused 7:50pm to 8:55pm) & G. Lewis

**ABSENT EXCUSED** A. Maggio & N. Agnoli

**ALSO PRESENT** J. Mowles-Rodriguez (Secretary) & K. Kehoe (Recording Secretary)

**PROFESSIONALS** Joseph Burgis (Board Planner), J. Giurantano (Board Engineer) & M. Carroll (Board Attorney)

**ANNOUNCEMENTS**

Chairman Lewis welcomed everyone to the 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 said they did not meet.

Board of Health – Mr. Lipari had no report.

Environmental Commission – Dr. Kornreich had no report.

Water & Sewer – Mr. Maggio was absent.

Historic Preservation Review Commission – Mr. Visco had no report.

Design Review Committee – Mr. Braden said they met and it will be discussed further during tonight's meeting.

Site Plan/Subdivision Committee – Mr. Visco said they did not meet.

Economic Development Committee – Mr. Lewis said they did not meet.

Open Space Committee – Mr. Agnoli had no report.

Master Plan – Chairman Lewis said once the contract is received from Mr. Burgis' office (expected Feb 12<sup>th</sup>) they will reconvene the Master Plan sub-committee and meet with Mr. Burgis to figure a plan to move forward. The group will most likely meet prior to Planning Board meeting.

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

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

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Township Committee Mayor's Report – Mayor Conklin reported that they are near completion on the demo by neglect policy, closing in on budget approval, and final goals for 2018.

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

### **SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in board professionals.

### **SECRETARY'S REPORT**

Secretary J. Mowles-Rodriguez Board reported that the Township attorney has reviewed the email policy as it relates to the emails for Board members and it will be on for adoption at the Township Committee next week. She received a concept today that will be reviewed for 2 buildings on the Milan site located 15 Hook Mountain Road. One will be general office/retail space and the other for a coffee shop with a drive through.

### **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 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. Lipari, seconded by Mr. Visco. All present were in favor. None opposed.

### **PLANNING BUSINESS**

By-Laws discussion was carried.

Resolution Professional Services Agreement Connelly & Hickey for the HPRC

A motion to award based on finding and budget was made by Mayor Conklin, seconded by Committeeman Cook. Roll call. All in Favor - None Opposed. (R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

### **WAIVERS**

**PMISC18-05 Scales Industrial Technologies LLC** – 19 Chapin Road, Building D – B: 184; L: 7.02 - 6,655 s.f. office/16,446 s.f. warehouse -- warehousing, distribution & servicing of compressed air equipment – Monday to Friday, 6:30 am to 6:30 pm – 35 employees – 1 flatbed (25k GVWR) & 10 vans (2-3 vans parked overnight) – No signage requested, just tenant name on existing monument sign

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

**PMISC18-06 Vivint Solar** – 10 New Maple Ave, Unit 307 - B: 171; L: 14 - 500 s.f. office/22,570 s.f. warehouse - warehousing, sale & installation of solar equipment – Monday to Saturday, 6:00 am – 8:00 pm – 20 employees – 3 box trucks (18') & 10 cargo vans (10') parked overnight – Window decal signage – no deliveries before 8am or after 5pm

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

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**PMISC18-07 United Healthcare Services, Inc.** - 19 Chapin Road, Building D – B: 184; L: 7.02 - 4,355 s.f office, 7,272 s.f. lab, 20,032 warehouse – warehousing, distribution, and packaging of pharmaceutical drugs – Monday to Friday, 8:00 am -5:00 pm – employees: 64-68 onsite, 12-16 off site (80 total) – no company trucks, UPS twice daily - No signage requested, just tenant name on existing monument sign

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

### **INVOICES**

**Bowman Consultants** – Trust for: \$33.75(Addie Grey); \$337.50 (Avallone); \$67.50 (JLJ&J); \$202.50 (Jo-El); \$323.75 (Living Water); \$396.25 (McDonald’s); \$487.50 (Newark-Jersey); \$77.50 (RD America); \$270.00 (SDDV); \$503.75 (Towaco Station); \$620.00 (Towaco Station); \$77.50 (Van Schaik)

**MP Carroll** – Trust for: \$33.75 (Addie Grey); \$101.25 (Avallone); \$67.50 (Jo-El); \$67.50 (Living Water); \$67.50 (McDonald’s); \$67.50 (Newark-Jersey); \$573.75 (Rails); \$33.75 (350 Main); \$810.00 (Towaco Station)

The invoices were approved on a motion made by Mr. Braden, seconded by Mr. Adrignolo. Roll call. All in Favor. None Opposed.

### **RESOLUTIONS**

There were no Resolutions to come before the board.

### **MINUTES**

Planning Board minutes of 1/11/18– Eligible: T. Braden, A. Adrignolo, L. Kornreich, J. Visco, R. Cook, R. Lipari, R. Conklin, J. Sandham & G. Lewis

A motion to approve the minutes was made by Mr. Braden, seconded by Mr. Visco. Roll call of Eligibles. All in Favor. None Opposed. J. Sandham abstained.

### **LOI/DEP NOTIFICATIONS**

There were no LOI/DEP Notifications to come before the board.

### **LEGAL/LEGISLATIVE UPDATES**

Mr. Carroll reported that they are back in session. He said one bill has come up where government agencies may have to have a spot on their website for letters of complaints and someone at the office would have to answer said complaints. He is not sure if it will affect all government agencies.

### **NEW BUSINESS**

**PMS/C17-12 McDonald’s** - 52 Rt. 46 - B: 176 L:15.2- minor site plan with variances - notice  
Acceptable ACT BY: 4/16/18

Mr. Sandham recused himself from this application. (7:50pm to 8:55pm)

A court reporter was in attendance for McDonald’s.

Present on behalf of the applicant was Mr. Tombalakian, Esq., Mr. Tiego Duarte, PE, and Mr. John Mc Donough, PP.

Mr. Tombalakian summarized the location, store rehab, minor site plan, ADA and building improvements, and the façade sign.

Mr. Duarte, PE was sworn in and his credentials accepted. He reviewed the following items: aerial map, existing site conditions, lot, street address, 30 years as Mc. Donald's at this site, zoning, surrounding streets and businesses, square footage, drive through lane, parking spaces, and entrances/exits. He said there are no changes to the number of seats or footprint, and no expansion. He discussed what was being proposed including the restriping of parking lot, adding ADA spaces, curbing, improved access for ADA purposes, and a small increase in impervious coverage.

Exhibit A-1 (Colorized Version of 4 Facades) was submitted.

Mr. Duarte continued his testimony on the following items: building renovation, replicating consistent brand design, front elevation, cleaner more modern look, signage location and reduction of what exists today, new lights, canopy along building, screening for rooftop, redesigning interior including bathrooms, no changes to kitchen, drive through lane changes, and new mini-board replacements. He discussed Mr. Omland's memo including the streetscape design, sidewalks, parking requirements, and impervious coverage. Mr. Burgis inquired about how many parking spaces would be eliminated. Chairman Lewis said a conceptual plan would need to be submitted. Discussion followed on the redevelopment plan for Bloomfield Ave and the possibility of providing an outside seating area. Mr. Duarte continued discussing the elevations, DRC recommendations, and storm water reduction. Mr. Giurantano asked questions on Mr. Omland's memo dated 1/9/18 regarding the bump out, cross slope, being open during construction, landscaping, screening, existing fencing, designated parking spaces for mobile pick-up, etc. There were no board questions.

Chairman Lewis opened the meeting to the public on Mr. Duarte's testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Visco, seconded by Mr. Braden - All in Favor by Voice Vote. None opposed.

Mr. Mc Donough, PP, was sworn in and his credentials accepted. He testified the following: variances they are seeking, which are primarily for signage, C2 balancing test, modernization, improving landscaping, retail needing to stay fresh with a softer more café type style, B3 district, conforming use, lot coverage relief, eliminating variance, his agreement to follow up with Mr. Burgis regarding an outside seating area, parking setback, existing conditions, additional relief, drive-thru experience, sign changes, sign height and visual impacts, commercial neighbors, wall signs, overall improvements and planning, area of sign and square footage, LU law purpose, and no substantial detriments. Mr. Burgis shared his observations regarding the rationale for relief, reduction of sign, welcome sign above doorway, and directional signage. Board members asked questions regarding the menu signs, lettering sizes, sign and streetscape lighting, awning dimensions, and new branding.

Chairman Lewis opened the meeting to the public on Mr. Mc Donough's testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Lipari, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

Chairman Lewis opened the meeting to the public on the overall testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Visco, seconded by Mayor Conklin - All in Favor by Voice Vote. None opposed.

Mr. Tombalakian summed up the testimony. They agreed to meet with the board professionals and TRC to finalize details on streetscape, reduction of parking spaces, and outdoors seating. Board deliberation

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followed with discussion and comments on the following items: benefits of the elimination of parking spaces, in favor of an outdoor seating area, zoning relief for signage, and variances requested.

A motion to approve the application with a successful meeting with Mr. Burgis' office to reduce the impervious coverage, provide streetscape lighting, and outdoor seating area was made by Mr. Braden, seconded by Committeeman Cook. Roll call. All present were in Favor. No opposed. (R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, J. Visco, R. Lipari & G. Lewis)

Break from 8:49pm to 8:55pm.

### **OLD BUSINESS**

**PSPP/FC/PMN/PSOIL17-13 DRA 350 Main Rd** – 350 Main Rd – B: 57.01, L: 6 – pre/final site plan; c variances; minor subdivision; soil movement carried with notice from 1/11/18

ACT BY: 3/3/18

Mr. Sandham rejoined the meeting.

Present on behalf of the applicant was Mr. Steven Schepis, Esq., Mr. Mark Gimigliano, PE, Mr. John Mc Donough, PP, Mr. Frank Relf, Architect, Mr. Nick Minoia, Applicant, and Mr. Gary Dean, Traffic Engineer.

Mr. Schepis summarized. They last appeared before the board on 1/11/18. He said they are here to discuss the proposed color and stripe modified renderings, which were previously submitted, the conforming free standing monument sign, and the rendering drawing of view from Rt. 202.

1<sup>st</sup> witness, Mr. Relf, Architect, was sworn in and his credentials accepted. He summarized the original rendering vs. what the new revised one depicts.

Exhibit A-6 (Street View) prepared by Mr. Relf's office was submitted. He discussed the following items: distance to street edge to building wall, monument sign, colors, and scale of signs. Mr. Burgis inquired about the square footage of each floor. There were no board member questions.

Chairman Lewis opened the meeting to the public on Mr. Relf's most recent testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Adrignolo, seconded by Mr. Braden - All in Favor by Voice Vote. None opposed.

2<sup>nd</sup> witness, Mr. Gimigliano, PE, was sworn in and his credentials accepted. He reported that they added a monument sign to the entrance driveway, which is now a conforming location. They eliminated a design exception for the dumpster setback by removing an existing parking space.

Exhibit A-7 (Site Development Exhibit) was submitted. He discussed the following items: lighting plan update, conforming foot candles and transformer location, need for variance for internal lighting for monument sign, and height of number on sign. There were no professional or board member questions.

Chairman Lewis opened the meeting to the public on Mr. Gimigliano's most recent testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Visco, seconded by Dr. Kornreich - All in Favor by Voice Vote. None opposed.

3<sup>rd</sup> witness, Mr. Minoia, Applicant, who was previously sworn in reviewed the hours of signage lighting, timers, and hours of operation.

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Chairman Lewis opened the meeting to the public on Mr. Minoia's most recent testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Dr. Kornreich, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

4<sup>th</sup> witness, Mr. McDonough, PP, was sworn in and his credentials accepted. He shared his investigation in the project, the plans he reviewed, review of existing conditions, his many site visitations, and photos taken.

Exhibit A-8 (Planner's Photo Exhibit) prepared by Mr. McDonough's office was submitted. He reviewed the following items: surrounding uses, subject property, existing commercial property, physical plan, parking area, lot lines, technical variances, physical nature, ground levels, views from access, shared access, access points, surrounding land use context, review of Montville Twp. Master Plan and Land Use document, specific goals, variances requested, Mr. Burgis' comments, positive aspects/criteria, and Purpose A & H.

Exhibit A-9 (Comprehensive List of Variances and Design Exceptions) was submitted. He reviewed the following items: shared access, C2 balancing test, what relief relates to, shared access/parking, plan and justification, number of parking spaces, justification of use categories, efficient use of land, functioning safe and efficiently, ITE standards, setbacks impacts and practical planning rational, loading space elimination, minor subdivision relief and looking at it as a whole, functional interactive, impervious coverage, building coverage, lot width, desirable and practical solution, and justification for internally illuminated sign.

Exhibit A-10 (Photos of Internally Lit Signs along Main Road) taken by Mr. Minoia was submitted. The reasoning for sign, colors, and location was discussed. Chairman Lewis inquired about external lighting. Mr. Burgis questioned the public benefit of internal lighting. There were no board member questions.

Chairman Lewis opened the meeting to the public on Mr. Mc McDonough's testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Mr. Lipari, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

Board members commented and asked questions on the internal lighting, streetscape lighting, business hours, sidewalk requirement, impervious coverage, and design exceptions.

Chairman Lewis opened the meeting to the public on the overall testimony. There being no discussion, the meeting was closed for public discussion on a motion made by Committeeman Cook, seconded by Mr. Visco - All in Favor by Voice Vote. None opposed.

Mr. Schepis summed up testimony. He commented on the low impact effect of a self-storage building including the quiet use, the fact that is a ratable for town, the property is suited for this business, is an underutilized existing property; he justified the variances, and asked for approval.

Chairman Lewis confirmed the request for the low lying landscaping of which they agreed and Mr. Schepis said they received the Morris County approval.

Board deliberation followed. Members weighed in on the sign and the design waivers for sidewalks and decorative lighting. Chairman Lewis thanked the applicant for working with the board. A straw poll vote followed on the following items: sign illumination, decorative lighting, sidewalk requirement, and sign heights on building. The final outcome was no relief for internal lighting on signs, the sidewalks will not be required, sign heights on building, and decorative lighting will be required.

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A motion to approve the application was conditioned upon installation of streetscape lighting, no internally lit monument sign, and the above listed stipulations was made by Mr. Lipari, seconded by Mr. Cook. Roll call. All present were in Favor. No opposed. (R. Conklin, T. Braden, A. Adrignolo, R. Cook, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

**CORRESPONDENCE / EXTENSIONS / DISMISSALS**

**PEXT18-01 Addie Gray** – 116 Jacksonville Rd – B: 82, L: 12 – request for 6 month extension of approvals until 7/28/18

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

**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 Dr. Kornreich, seconded by Mr. Visco, the meeting was unanimously adjourned at 10:57pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

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

\_\_\_\_\_  
Jane Mowles-Rodriguez, Secretary