

MONTVILLE TOWNSHIP PLANNING BOARD

Held Virtually Through WebEx

Minutes of Thursday, February 25, 2021

Vice Chairman Maggio 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 (7:30pm-8:10pm), A. Adrignolo, A. Maggio, F. Cooney (7:30pm-8:10pm), L. Kornreich, N. Agnoli & P. Repic

ABSENT EXCUSED T. Braden, R. Lipari, & G. Lewis

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

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

Vice Chairman Maggio welcomed everyone to the meeting.

COMMITTEE & LIAISON REPORTS

Vice Chairman Maggio asked for Committee and Liaison member reports:

Board of Adjustment – Chairman Lewis was absent.

Board of Health – Mr. Lipari was absent.

Environmental Commission – Dr. Kornreich reported that programs are in development and talked about state ban on plastic bags.

Water & Sewer – Vice Chairman Maggio had no report.

Historic Preservation Review Commission – Mr. Adrignolo reported on the Doremus property, watching price reduction of 107 Changebridge Road property, next meeting date of 3/27, and waiting to discuss Hierwarter property until they can meet in person again.

Design Review Committee – Mr. Braden was absent.

Site Plan/Subdivision Committee – Vice Chairman Maggio had no report

Economic Development Committee – Mayor Cooney had no report.

Open Space Committee – Mr. Agnoli had no report.

Master Plan – Mr. Agnoli had no report.

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

Township Committee Mayor’s Report – Mayor Cooney had no report.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in Board Professionals.

SECRETARY’S REPORT

Secretary J. Mowles reported that the Millcreek project is in the demo stage and the Avalon Bay project is still in the closeout process.

BOARD DISCUSSION

There was no discussion to come before the board.

PUBLIC DISCUSSION

Vice Chairman Maggio 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. Agnoli, seconded by Mr. Adrignolo. All present were in favor. None opposed.

PLANNING BUSINESS

**Public Hearing - HPRC request for designation of the Hierwarter Property – 19 Boonton Ave – B: 23, L: 33 – to be recognized with a Historic Designation – Property owner was notified – carried from 3/12/20 hearing

**** RESCHEDULED TO APRIL 22, 2021**

Discussion of Redevelopment Subcommittee

Carried to a future meeting.

WAIVERS

PMISC21-07 Montville Medical LLC - 115 Horseneck Road, Unit 4 - BL: 139.3, L: 7.3 - current tenant expanding 850 additional sf to their existing 900 sf medical office - 4 employees - hours of operation: 11 am- 7 pm, Mon., 9 am-5 pm T-F, by appointment only Sat, closed Sun - no overnight parking of vehicles – no additional signage requested

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

PMISC21-08 Diane’s Dairy - 446 Main Road, Route 202, Unit 5 - BL: 3911, L: 78.2 - 1,250 s.f. space for homemade ice cream business offering specialty homemade ice cream cakes - 4 employees - hours of operation: 11am – 9pm, 7 days a week - no overnight parking of

vehicles – applicant requesting deviation from existing sign theme of white background with burgundy letters

Ms. Mowles explained the applicant was requesting a change from the previously approved sign theme on the façade sign. Discussion followed on theme deviation for façade sign and multi-color sign request. The owner of the property was in favor of the sign theme deviation.

A motion to approve the waiver but not the deviation from the sign theme change made by Committeeman Conklin, seconded by Mayor Cooney. All in Favor by Voice Vote. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, N. Agnoli & P. Repic)

INVOICES

Burgis Associates - Trust for: \$375.00 (Ahmadi); \$225.00 (D'Agosto), \$562.50 (D'Agosto); \$37.50 (Diversified); \$112.50 (KeKon); \$2,512.50 (Avalon); \$900.00 (Millcreek), \$375.00 (Millcreek); \$300.00 (Paul Miller); \$1,687.50 (Seabreeze)

Dorsey & Semrau – Trust for: \$93.00 (Avalon); \$434.00 (Millcreek); \$315.00 (Paul Miller)

MP Carroll – Trust for: \$1,237.50 (Ahmadi); \$112.50 (Catbridge); \$600.00 (D'Agosto), \$112.50 (Four-Eight Main); \$75.00 (Juve); \$37.50 (Avalon); \$75.00 (Wawa); \$37.50 (RWB); \$37.50 (Saddleback)

Omland Associates - Trust for: \$310.00 (Ahmadi); \$581.25 (Catbridge); \$77.50 (D'Agosto); \$930.00 (Four-Eight Main); \$1,976.25 (Juve); \$1,588.75 (Avalon); \$426.25 (Parklane); \$348.75 (RWB); \$232.50 (Saddleback)

A motion to approve the invoices made by Mr. Agnoli, seconded by Mr. Adrignolo. Voice Vote. All in Favor. None Opposed. (R. Conklin, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, N. Agnoli & P. Repic)

RESOLUTIONS

PSOIL20-14 – Ahmadi – 10 Old Ln – B: 21.01, L: 35.04 – soil movement application – Approved – Eligible: Conklin, Braden, Adrignolo, Maggio, Cooney, Kornreich, Repic, Lewis

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

MINUTES

Planning Board minutes of January 28, 2021 – Eligible: Conklin, Braden, Adrignolo, Maggio, Cooney, Kornreich, Lipari, Agnoli, Repic, Lewis

Planning Board Subcommittee minutes of February 11, 2021 – Eligible: Maggio, Lipari, Braden

The minutes were carried to a future meeting.

LOI/DEP NOTIFICATIONS

There were no LOI/DEP Notifications.

LEGAL/LEGISLATIVE UPDATES

There were no Legal/Legislative Updates.

OLD BUSINESS

There was no Old Business to come before the board.

NEW BUSINESS

PSPP/FC16-23/PSOIL16-24 – PBNJ (Wawa) 16 Rt. 46 – B: 162, L: 7 – reconsideration hearing – Notice Acceptable - Eligible: Adrignolo, Agnoli, Kornreich, Repic, Maggio

Mayor Cooney and Committeeman Conklin recused themselves at 8:10pm on the recommendation of the town attorney. Mr. Adrignolo disclosed that his wife is on the Montville Republican Committee and Mr. Repic reported that his wife was on the County Committee. Mr. Schepis was fine with both participating in the meeting.

Mr. Schepis gave an overview of the project, shared who was present on behalf of the applicant, reviewed housekeeping items, and letters submitted.

Exhibit A-26 (Letter from Steven Schepis dated 7/3/19 regarding Proposed Wawa Market and Fueling Station Morris County Board Commentary Memo) was submitted.

Exhibit A-27 (Letter from Steven Schepis dated 2/12/21 regarding Revised Development Exhibit Application for PBNJ Capital, LLC.) was submitted.

Exhibit A-28 (Development Plan dated 2-12-21) was submitted.

Exhibit A-29 (Letter from Steven Schepis dated 2/12/21 regarding LED signs) was submitted.

Exhibit A-30 (Letter from Steven Schepis dated 2/15/21 containing exhibits A-F) was submitted.

Exhibit A-31 (Letter of response to professional comments dated 2/25/21 from Mr. Bersch) was submitted.

Mr. Repic certified that he listened to the tapes and read the transcripts from the previous hearings.

1st witness, Mr. Bersch, Site Engineer, was sworn in and his credentials accepted. He testified on the following items: overall site, what was proposed, square footage of building, enclosed trash enclosure size and pick up schedule, frame canopy with 16 fueling stations, three frontages on property, 49 proposed parking spaces, loading zone location, heights and locations of retaining walls, proposed Towaco themed street lights throughout property, underground storm water management system, pedestrian amenities of sidewalk, bench, and trash enclosure, providing operations and maintenance manual, impervious coverage compliance with ordinances, variance requested for loading zone in front yard, location of trash enclosure on east side of building to make less visible and more aesthetically pleasing, reasoning for design waiver needed for bike lane on Bloomfield Ave, will grant easement incase roadway is ever widened to create room for bike lane, discrepancy on landscape plan and chart to be updated accordingly, engineering plan, previously testified testimony, previously submitted Exhibit A-4 dated 4-2-19 of the building

elevation with all four sides of the building, tower element, decorative goose neck lighting, and trash enclosure location.

Vice Chairman Maggio explained the process for the public.

Exhibit A-32 (Previously submitted Canopy Elevations) was submitted.

Exhibit A-33 (Previously submitted Existing Slope Disturbance Plan) dated 1-23-17 was submitted.

Mr. Bersch's testimony continued as he discussed the following: design exception request, percentages, grade changes, steep areas, slope locations, grading plan for existing site as it stands today, previously submitted Exhibit A-25 dated 7-11-19, Resolution of Final Site Plan dated 4-12-90, soil erosion and settlement control requirements, reintroduced site plan rendering dated 6-13-19, grades, SDC approval requirements, improvement of condition, reintroduced Signage Exhibit A-19 dated 6-13-19, variances related to building and free standing signs, 4 sign proposed locations throughout site including two building mounted, one pile-on and one monument, where located, what proposed for each, what they look like, how it relates to Montville zoning ordinance and interpretation of, calculations and requirements, LED lighting and town limitations, compliance, state statues for pricing of fuel, visibility of signs around property and reasoning for, fuel price point identifications, MPH on each of, the roadways and how sign sizes relate, why proposing two free standing signs, and grade variances on roadways as it related to heights.

Mr. Omland asked questions and/or commented on related items to his memo dated 2-28-21 including the following: revisions, outstanding engineering issues, addressed comments he was satisfied with so far, commented on steep slope testimony with development on site, would agree with internal disturbance of land, but feels westerly property line by motel is not fully developed to property line and is now vegetated as it stands today, talked about three access points and trip generations, county and state approvals, still awaiting DOT approvals, and remaining questions were deferred to traffic engineer. Mr. Schepis asked Mr. Omland about the property between subject site and motel regarding steep slope disturbance, concerns as it relates to erosion, storm water management, mitigation and destabilization of.

Break from 8:55pm to 9:04pm.

Exhibit of short form of redevelopment agreement with town for 12 Rt. 46, LLC was presented.

Mr. Burgis asked questions and/or commented on his 2-22-21 memo regarding plan modification needing to be consistent with requests, two different ways to measure the sign areas and what is historically done.

The meeting was opened to the public on Mr. Bersch's site engineering testimony.

Ms. Stephanie Sharratt of 11 Waxberg Lane in Pine Brook asked about the following items: type of use, fueling or no fueling station, presenting as a food market or fueling station, proposed run-off system, what is considered solid waste, and what is 50 % capture. Mr. Burgis explained

requirements, where discharged to and types of solids. She asked about variances regarding between homes, church and streets. Mr. Carrol explained the result of litigation and invalidation of separation issues. He said they no longer need to justify the separation ordinances, because of the court decision.

Mr. Leka Nazir of 346 Changebridge Road in Pine Brook, asked questions about the food market/fueling station, hours of operation being 24/7/365, zoning of new business not being past 10pm. Vice Chairman Maggio explained that it depends on the zoning and locations. Mr. Burgis said this was not a zoning regulation. He inquired about the two proposed signs vs. one. Mr. Schepis talked about the minimum lot area requirements, NJ statues for displaying pricing, mandatory price per gallon, and visibility from any adjacent roadways. Mr. Carroll interpretation, Mr. Nazir asked about the entryways of fueling stations and food stations, safety compromises and concerns, delivery truck pattern and navigation around property, and DOT approvals.

Ms. Mara Castles of 5 Waxberg Lane in Pine Brook asked about the necessity of the Bloomfield entrance and if not, then would the sign be necessary on corner. Deferred to traffic Engineer.

Mr. Kevin Wong of 16 Bogert Lane in Pine Brook asked about traffic patterns and lighting spill over.

Ms. Kerry Laurito of 29 Dogwood Circle in Pine Brook asked about delivery truck circulation onto and off property from Bloomfield Ave entrance regarding deliveries and traffic backups. Mr. Bersch said the preferred entrance is on Rt. 46 and would re-evaluate. Mr. Omland said the truck circulation is shown in the plans and was deferred to traffic engineer. Mr. Omland explained the traffic engineer testimony and how the site accommodates circulation and how it is a combination of two different professionals.

Ms. Linda Justnes of 1 Waxberg Lane, who also owns a business on Bloomfield Ave asked about truck idling problems, delivery schedules, compliance with state and town ordinances, deliveries throughout day and night, deliveries to south eastern side of property, signs and lighting, LED brightness levels, compliance with town light levels, direction of lighting on property, and illumination and types of.

Ms. Andrea Wong of 16 Bogert Road in Pine Brook asked about the width flanks on Rt. 46, redirecting deliveries from Bloomfield Ave, and elimination of Bloomfield Ave entrance. Deferred to traffic engineer.

Ms. Alysia Lew of 62A Windsor Drive in Pine Brook asked about the A-Frame canopy including dimensions of and number of, comparison of Parsippany and Fairfield Wawa locations regarding number of pumps, building sizes, and square footage, and two entrances and exits of building.

Ms. Rachel Fein of 11 Marguerite Drive in Pine Brook asked about tractor-trailer access for fueling options on site. Wawa would only have slow fuel nozzle and is standard in industry. She asked about the Bloomfield entrance right turn only and why changed. They explained it was the recommendation of town professionals and request from residents. She asked about 24/7

operating hours, trash/recycle pickup hours, peak and off hours, electric charging stations, which are not a part of the application.

There being no further questions on Mr. Bersch's testimony, the meeting was closed for public comment in a motion made by Mr. Agnoli, seconded by Adrignolo - All in Favor by Voice Vote. None opposed.

Board members commented and asked questions on the following items: tractor-trailer entrance off Bloomfield Ave, request for box truck turning radius template off Bloomfield Ave, fuel types, height limits, 14' clearance, access on Changebridge Road coming from South, circulating onto Rt. 46 if needed, elimination of Changebridge Road entrance, LED sign area, lighting effect on neighbors, need for sign size as it related to MPH on roadways, overall brightness of sign details needed, circulation and turning of truck traffic on site, water management system, water capture, flooding on Rt. 46, LED light being omitted day vs. night particularly onto Bloomfield Ave, how a gas spill or chemical spill is handled, and valve shutoff.

Applicant agreed to restrict tractor-trailer access for Bloomfield Ave access/exit. Mr. Bersch talked about the truck circulation, restriction of Bloomfield Ave, easiest way for trucks to enter is through Changebridge road entrance and exit through Rt. 46 as a manor of circulation because of dispensers being on passenger side of trucks in regards to tanks, safety operation of, and being blocked from personal vehicles. Mr. Omland spoke on the general operation and compliance of the storm water system and doing more than required to, the capture of, DOT review regarding circulation and run-off, and being comfortable with design. Mr. Bersch explained the types of tanks and overflow protections in place.

Mr. Burgis to verify the 24/7 zoning for the area.

The hearing was carried at this point. Mr. Schepis said he appreciated the input of board, professionals, and residents. **The meeting was carried with notice preserved to 4-22-21.**

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 were no need for Closed Session.

ADJOURNMENT

There being no further business to discuss Vice Chairman Maggio asked for a motion to adjourn. On a motion made by Mr. Agnoli, seconded by Mr. Adrignolo, the meeting was unanimously adjourned at 10:29pm.

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