

MONTVILLE TOWNSHIP PLANNING BOARD
Held Virtually Through WebEx
Minutes of Thursday, April 22, 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 A. Adrignolo, A. Maggio, L. Kornreich, N. Agnoli & P. Repic

ABSENT EXCUSED R. Conklin, T. Braden, F. Cooney, R. Lipari, C. Fano & G. Lewis

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

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

ANNOUNCEMENTS

Vice Chairman Maggio 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.

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

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. Repic. 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 6/24/21 hearing***

WAIVERS

PMISC21-14 – Empire Environmental Ltd. - 150 River Road, Unit F4 - BL: 123.01, L: 6.4 - 1901 s.f. space for an environmental consulting firm - 5 employees - hours of operation: 8:30am – 5:00pm, M-F, closed weekends - no overnight parking of vehicles – signage in accordance with complex theme

A motion to approve the waiver was made by Mr. Agnoli, seconded by Mr. Repic. Roll Call. All in Favor by. None Opposed (A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic & A. Maggio)

INVOICES

Burgis Associates - O/E: \$150.00 (PBNJ Lit Jan 2021); \$187.50 (Land Use Ord Changes Jan 2021) **Trust for:** \$75.00 (Ahmadi); \$1,537.50 (Hook Mtn); \$187.50 (MUR Avalon); \$487.50 (O’Dowd Quik Chek) \$1,425.00 (Paul Miller); \$1,237.50 (PBNJ Wawa); \$2,235.00 (PBNJ Wawa); \$825.00 (Seabreeze)

Dorsey & Semrau – Trust for: \$62.00 (Juve), \$15.50 (Juve); \$186.00 (MUR Avalon); \$511.50 (Millcreek); \$405.00 (Paul Miller); \$62.00 (Parklane), \$217.00 (Parklane)

Klein Traffic Consulting LLC – Trust for: \$1,200.00 (PBNJ Wawa)

MP Carroll – O/E: \$123.75 (Alpine Lit Dec 2020); \$1,310.00 (Alpine Lit Jan 2021); \$150.00 (Board Business Feb 2021); \$2,103.75 (Alpine Lit Feb 2021); \$783.75 (Alpine Lit Mar 2021); **Trust for:** \$37.50 (A-Rent-A- Center); \$450.00 (Catbridge); \$37.50 (D’Agosto); \$75.00 (Four-Eight Main); \$37.50 (Hook Mtn); \$825.00 (Juve); \$112.50 (Papertec); \$150.00 (PBNJ Wawa); \$600.00 (RWB)

Omland Associates – O/E: \$155.00 (Board Business Jan 2021); \$77.50 (Board Business Feb 2021); **Trust for:** \$77.50 (Ahmadi); \$620.00 (A-Rent-A- Center); \$891.25 (Hook Mtn); \$775.00 (Juve); \$387.50 (MUR Avalon); \$581.25 (Papertec); \$193.75 (Prince Sterilization); \$387.50 (RWB);

A motion to approve the invoices was made by Mr. Adrignolo, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed. (A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic & A. Maggio)

RESOLUTIONS

There were no Resolutions to come before the board.

MINUTES

Planning Board Minutes of March 11, 2021 - Eligible: Adrignolo, Maggio, Kornreich, Agnoli, Repic

A motion to approve the minutes was made by Mr. Agnoli, seconded by Mr. Repic. Roll Call of Eligible Voters. All in Favor. None Opposed.

LOI/DEP NOTIFICATIONS

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

LEGAL/LEGISLATIVE UPDATES

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

OLD BUSINESS

PSPP/FC16-23/PSOIL16-24 – PBNJ (Wawa) 16 Rt. 46 – B: 162, L: 7 – reconsideration hearing – Carried with notice from 2/25/21 hearing - Eligible: Adrignolo, Agnoli, Kornreich, Repic, Maggio

Mr. Schepis reviewed housekeeping items including design exception for bicycle lane, OPRA request submission, and letter dated 4-20-21 from Twp. Clerk.

Exhibit A-34 (Original OPRA Request) dated 4-15-22 was submitted. Letter said no developer to date has been required to provide a bicycle lane.

He inquired about the Klein Traffic Consulting critique received on 4-20-21 vs. the Keller testimony from 2019. Mr. Omland explained that Keller declined to continue as the traffic engineer because of the conflict with his company that is now representing a Wawa in another state. Mr. Schepis asked when the discussion took place and with whom. Mr. Carroll directed him to submit his request in writing.

1st witness, Mr. Matthew Bersch, Engineer, who was still under oath explained what his had done since the last meeting to answer board and professional questions.

Exhibit A-35 (Driveway Exhibit) dated 3-8-21 prepared by his office was submitted.

Mr. Bersch testified on the following items: results of last meeting, restriction of trucks, modified Bloomfield Ave. entrance, added signage, modified island for egress/ingress to further restrict trucks, sign detail, operational limitations for deliveries to site, modifications to driveway regarding full height and curbing, island now larger for further restrictions for no left-turns, three movements of driveway entrance/exit, bicycle lane requirement deviation, enter and exit signs, LED light intensity on fuel signs, price points, 16 levels of dimming throughout day and night, function of and foot candles, LED sign detail from Exhibit A-19 including monument sign in front of building, square footage, black background, limitation of LED bulbs and function of, Changebridge Road and Rt. 46 signs, Site Plan Rendering from Exhibit A-18 prepared by his office, and orientation and cone of vision of all three signs.

Mr. Omland asked questions and/or commented on the following items: timing of A-35 submission, island change from slope to vertical curb, turning template performance and analysis of, and proof needed. Mr. Burgis asked about passenger cars making the left-hand turn, need for turning template, and variance relief for pricing sign. Vice Chairman Maggio inquired about the

24/7 validation. Mr. Burgis said there was no restriction on that type of limitation. Board members inquired about possibility of making the center island larger. Mr. Bersch said the templates will be run and they will provide at the next meeting.

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

Mr. Nezir Leka of 346 Changebridge Road in Pine Brook asked about applicant's traffic engineer, difference in curbing from last meeting, turning template, fire truck circulation on property, and sign and retaining wall heights on Rt. 46.

Ms. Mara Castles of 5 Waxberg Lane in Pine Brook asked about the signage on Bloomfield Ave and Changebridge Road regarding the directional facing choices, option for removal of third sign, and the Rt. 46 sign height, slope differential and visibility from Waxberg Lane.

Mr. Kevin Wong of 16 Bogert Road in Pine Brook, asked about the height of the wall along Bloomfield Ave, slope of driveway going in/out of Bloomfield Ave, heights of light poles in parking lot in that area, light levels on/off property, and flat plain design.

Ms. Andrea Wong of 16 Bogert Road in Pine Brook asked about the left-hand turn and possibility of elimination of, and the fire truck access and circulation.

Ms. Linda Justnes of 1 Waxberg Lane in Pine Brook questions were deferred to the traffic engineer.

Ms. Rachel Fein of 11 Marguerite Drive in Pine Brook asked about the fire department truck circulation and if Rt. 80 traffic was taken into account.

Mr. Omland commented on Exhibit A-35 and suggested taking a look at the radius with geometric changes prior to resubmitting the plan to the Pine Brook Fire Department.

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

2nd witness, Mr. Peter Steck, Planner, was sworn in and his credentials accepted. He said he testified in 2019, described his planning analysis, and listed the three variances and two design exceptions that remain. He further walked through each of them in detail including the following:

a) variance for front yard loading area – closest to Changebridge Road, three frontages, B-3 zone, allowances, reference of Exhibit A-18, proposed location, unique site, practical and C-1 hardship difficulties, gas station, C-2 detriments outweighing benefits, Exhibit A-5 reference from 4-11-19, ordinance intent, and location choice and reasoning.

Break from 8:55pm to 9:05pm.

b) variance for free standing sign – provision for gas station of only two allowed, but three proposed, C1 & C2 argument that support it's hardships and difficulties, three frontages, grade differences throughout site, size and topography, state law requirement for fuel pricing, negative and positive criteria as it relates to sign, the different types of signs, and visibility.

c) variance for LED provisions – size, limitation of three square feet, square footage, panels, traffic speeds, benefits outweighing detriments on face panels on monument and pile-on sign, state law on pricing for visibility, standard of industry, comparison of other gas stations in town, roadways, and directional facing signs.

d) design exception/waiver for bicycle lane on Bloomfield Ave – ordinance requirements, isolated short section, fairly trafficked area, Master Plan approval from 2011, no requirement of developers to date, car wash not required, may cause safety problems, and practical difficulty.

e) design exception for steep slope disturbance – purpose of ordinance, regulations of, site disturbance, man-made slopes from previous development, steep slopes being engineered to be safe, zones, steep slope allowance within design standards, redevelopment plan and slope disturbance, board jurisdiction, vegetative landscape plan, practical difficulties, and he feels it should be granted.

Mr. Schepis asked Mr. Steck about the following: other properties going down Rt. 46 confirming no other bicycle paths along Bloomfield Ave, other free standing signs along Rt. 46, resolution review of rationale from Exhibit A-16, and Exhibit A-29 for ordinance a maximum sign area for fuel pricing. He pointed out the new energy efficient LED price point signs, other gas station approvals for industry standards, and he shared Exhibit A-24 a photo from 1951.

Mr. Burgis had to leave meeting due to family emergency at 9:48pm.

Vice Chairman Maggio asked that Mr. Bersch and Mr. Steck be brought back for questioning.

The hearing was carried with notice preserved to 6-10-21.

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 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. Adrignolo, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 9:53pm.

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