

MONTVILLE TOWNSHIP PLANNING BOARD

Held Virtually Through WebEx
Minutes of Thursday, May 14, 2020

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 (7:30pm-10:40pm), J. Visco, R. Lipari, N. Agnoli, P. Repic
& G. Lewis

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

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

ANNOUNCEMENTS

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 – Carried to next meeting.

Board of Health – Carried to next meeting.

Environmental Commission – Carried to next meeting.

Water & Sewer – Carried to next meeting.

Historic Preservation Review Commission – Carried to next meeting.

Design Review Committee – Carried to next meeting.

Site Plan/Subdivision Committee – Mr. Visco said they met and 3 waivers were approved.

Economic Development Committee – Carried to next meeting.

Open Space Committee – Carried to next meeting.

Master Plan – Carried to next meeting.

Highlands Legislation Review Committee – Carried to next meeting.

Fire Districts – Carried to next meeting.

Township Committee Mayor's Report – Mayor Cooney reported that there were currently only 14 active cases of Covid-19 and 5 days of zero new cases, which is a great sign, and they are looking forward to opening up the community soon.

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. Agnoli, seconded by Mr. Braden. All present were in favor. None opposed.

PLANNING BUSINESS

Mr. Burgis reported the sub-committee is due to meet on 5-28-20.

WAIVERS

There were no Waivers to come before the board.

INVOICES

There were no Invoices to come before the board.

RESOLUTIONS

There were no Resolutions to come before the board.

MINUTES

There were no Minutes to come before the board.

LOI/DEP NOTIFICATIONS

Mr. Omland had no LOI/DEP Notifications.

LEGAL/LEGISLATIVE UPDATES

Mr. Carroll had no Legal/Legislative Updates.

OLD BUSINESS

There was no Old Business to come before the board.

NEW BUSINESS

PSOIL19-20 Kattel, Naresh & Veronica – 72 Passaic Valley Rd – B: 125.15, L: 24 – soil movement - notice acceptable

Mr. Naresh Kattel and Mrs. Veronica Kattel, owners, were sworn in. Mr. Kattel said that they were looking to install an in ground swimming pool with a hard slope and also looking for soil movement approval. Mr. Omland asked about the hours of operation and number of trucks for soil movement. He felt the school buses timing would not be an issue due to Covid-19, there was no zoning relief needed, and was satisfied with the drainage calculations. Mr. Jason Werner of 144-46 Roser Ave in Paterson, contractor, was sworn in. He explained that the yard was unusable unless they are given permission to do soil movement and he said it would not be done during school hours.

A motion to approve the application was made by Mr. Braden, seconded by Committeeman Conklin. Roll Call. All in Favor. No Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

PMS/C19-17– A Rent All Center – 57 Route 46 – B: 184, L: 2.02 – minor site plan with variances – notice acceptable ACT BY: 5/28/20

Mr. Steven Schepis, Esq., Mr. Anthony Garrett, Architect & Planner, Mr. Joseph Mianeki, Engineer, and Mr. Joseph Garner, Operation, were present on behalf of the applicant.

Mr. Braden recused himself due to conflict.

Mr. Schepis, Esq. summarized the following: been in business since 1961, looking to buy properties on same lot, minor subdivision created as a separate parcel, history to relocate subject site, 2.67 acres of land located on Rt. 46 and Chapin Road, improvements to property and internal change, permitted use and zoning, proposal for free standing sign, variances associated with setbacks and square footage, and parking along building.

1st witness, Mr. Joseph Mianeki, Engineer, was sworn in and his credentials accepted. He said he reviewed the site plan and testified on the following items: property, zoning, district, acreage, existing building, previous use, building location situated on property, flood hazard area, property access, existing driveway location and widths, parking spaces, existing wetlands, flag pole, prior sign, lighting, existing building square footage, proposed uses and square footage breakdown, reconfigured driveways and circulation, parking space types, locations, and numbers, storage, property location, flood zone, wetland areas, DEP permits needed, concrete pad proposal, and sign and flag pole locations. He reviewed the landscape plan including the screening, what providing, types, location, and the planting approvals and sizes requested from Mr. Kopas' memo. He discussed the lighting including the existing, building mounted, removal of, replaced types, foot-candle compliance, and design waivers associated with. Mr. Omland asked him to review item numbers 4, 5, 9, and 10 from his report dated 2-20-2020. Mr. Mianeki reviewed the physical process of the rental regarding parking and getting equipment. He said larger vehicles will be prearranged by appointment with specific directions. He talked about the circulation to site, days and hours of operation, and number of employees.

Mr. Joseph Garner, Operator, was sworn in. He answered specific questions regarding operating hours and number of employees.

Mr. Omland asked about relief for illumination at property lines, parking space delineation regarding vehicles and circulation, storage unit, emergency vehicle impediment, approval of site plans, FEMA maps, and flood plain compliance. Mr. Burgis asked questions from the memos he prepared regarding the setback to building, circulation of parking, outdoor storage area, wetland encroachment, the lighting along Rt. 46, and the decorative lighting fixtures. He said he was pleased with the landscaping improvements. Mr. Mianeki talked about the character along Rt. 46 East of industrial vs. commercial/retail. Board members had no questions.

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

2nd witness, Mr. Anthony Garrett, Architect, was sworn in and his credentials accepted. Mr. Schepis confirmed his credentials and said that he prepared the plans. Mr. Garrett testified on the following items: building as it is today, what is proposed including one story masonry building outfitted with offices and service bays, square footage, currently vacant, what proposing is minor in nature, open office space area, patrician, reviewed photographs of building and different view descriptions, elevations, sign proposals including details, overall size, colors, and location of one building mounted and two free standing.

For Mr. Garrett's planning testimony he reviewed the following: seeking variances for free standing sign and setbacks, why needed, asking for larger than what permitted for monument sign, sign comparison of Rt. 46 buildings in area, parking setback to building hardship, utilizing existing site, cost of development and goal of MLUL, negative criteria, parking location reasoning, positive criteria, encouragement of redevelopment of area and not adding more impervious coverage, larger sign for better flow along Rt. 46, hardship of sign, relocation of driveway including circulation and visibility, positive criteria outweighing negative, design exception for flood style lights in rear for shining down, which is more efficient and not affecting neighbors, spillover of Rt. 46 enhances lighting, feels decorative lighting is not appropriate in industrial area, and no substantial detriments. Mr. Burgis asked if they looked at a 50 foot square sign. Mr. Garrett felt a larger sign would be better based on travel speeds, etc. Mr. Schepis shared how the proposed sign would look. Mr. Omland had questions for the applicant regarding the letter sizing analysis, photo simulation of proposed sign, decorative lighting, and parking spaces. Board members had no questions. Chairman Lewis asked about the above ground tank proposal in rear and setback of, lift location, height of proposed landscaping, scissor lift height, and decorative lighting.

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

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

Mr. Schepis gave his brief closing statements and thanked the board for allowing for the virtual meeting. He said they need the setback for the free standing sign. He said they well exceed the minimum setback and need the size of sign because of road congestion and speed. They also need a design exceptions for parking spaces behind building, which will be painted for service, delivery, employees, and left as an operation issue to manage. He asked for approval. He said the business hopes to stay in town, the use is suited for this building, and hopes to better serve the Montville area.

Board deliberation followed. Chairman Lewis reviewed the following items: three variances needed for the two signs and parking in rear, two design waivers for above ground lighting and need to add directional parking sign, need to decide about demarcation for rear storage, tree maintenance bond, and Towaco decorative fixtures. Members commented on the following items: opposed to increase in sign size, ok with location, need for Towaco lighting, support of overall project, scissor lift and elevator equipment not screened and should be located in the rear of building not by street. Straw poll followed for sign size, variance relief for tree bond, and Towaco lighting requirement. A decision of a smaller sign of 32 square feet being acceptable, sign location and parking spaces in rear are good, and scissor equipment to be located in rear if taller than building.

A motion to approve the application with sign size of only 32' square feet and scissor equipment to be located in rear if taller than building was made by Mr. Lipari, seconded by Committeeman Conklin. Roll Call. All in Favor. No Opposed. (R. Conklin, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, R. Lipari, N. Agnoli & G. Lewis)

PMN/C20-02– Cook, Robert & Giselle– 228 Main Rd & 6 Valhalla Rd – B: 56, L: 21 & 22 – lot line change – notice acceptable
ACT BY: 7/1/20

Mr. Schepis, Esq. said the owner of 6 Valhalla Road in Montville is currently under contract to purchase the subject property and in order to acquire the barn a minor subdivision approval is needed. He said the

Cook property will become larger and they will need variance for temporary driveway and a new driveway would be constructed when the house is sold.

1st witness, Mr. Robert Cook, owner of 6 Valhalla Road in Montville was sworn in. He talked about the following items: significance of the barn from the 1800's to his family, barn preservation, his Great Great Grandfather Asa Cook built the barn, agreement to buy barn and grant temporary easement for current owner to access driveway, if new owner then would have right to have driveway (easement) removed and would eliminate if necessary. Chairman Lewis said there is no such thing as a temporary easement, but asked Mr. Carroll if it could be a license between homeowners. Mr. Carroll explained that variance relief could be granted to application not owners. Board members asked about the adjoining property access.

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

2nd witness, Mr. Walker, Engineer, was sworn in and his credentials accepted. He testified on the following items: transfer of historic barn from Lot 21 to 22, square footage, revitalization of barn, described land, distances between houses, existing dwellings, sub-division creation, condition/blanket easement, variance created by lot change, once property owner goes Lot 21 portion of circular driveway would be removed, proposed driveway circulation, creation of imperious coverage for parking spaces, storm water management for driveway requirement, request waiver due to delayed nature, and the design exceptions required for a) 33 foot right-a-way, town and county right-a-ways, b) request for no sidewalk, C) request for no painted bicycle lane, and d) driveway relocation to property line of 5' to 0'.

Dr. Kornreich left meeting at 10:40pm.

Mr. Walker discussed the variance triggered by Mr. Cook's desire to fix the barn including the unique circumstances, old structures/driveway, support from HRPC, and the positives outweighing the negative. Mr. Burgis talked about the easement and county requirements. Mr. Omland asked about the new driveway development and storm water management. He said the county options are easement or deed dedication. The owner did not want either. There were no board member questions.

Chairman Lewis opened the meeting to the public on Mr. Walker's engineering testimony.

Mr. Adrian Gill of 222 Main Road in Montville asked about the fee simple and proposed easement that butts his property. Mr. Schepis explained the options were easement or deed dedication only and that area of subject is already improved with utilities. He said that the current owner is already under contract and that it is a private matter between parties. He explained that the board's role is the lot line change only. Mr. Gill shared his concern that the rear properties would be land locked with this sale. Chairman Lewis asked Mr. Burgis if there was any violation of public law.

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

Chairman Lewis opened the meeting to the public on the overall testimony.

Ms. Gina Folly of 228 Main Road in Montville stated she was against the county easement, which was not part of the original sale and subdivision agreement, and she is not in support of approval for the application.

There being no further questions the meeting was closed for public comment on a motion made by Mr. Braden, seconded by Mayor Cooney - All in Favor by Voice Vote. None opposed.

Mr. Schepis said he was empathic to Ms. Folly and Mr. Gill's situations. He reviewed the design waivers needed for driveway area and storm water management. Mr. Carroll reminded the Board they were dealing with the matter presented before them and the other was a private issue. Committeeman Conklin said he was in support of the barn preservation.

A motion to approve the application was made by Mr. Adrignolo, seconded by Mr. Braden. Roll Call. All in Favor. No Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, J. Visco, R. Lipari, N. Agnoli & 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. On a motion made by Committeeman Conklin, seconded by Mr. Agnoli, the meeting was unanimously adjourned at 11:16pm.

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