

**MONTVILLE TOWNSHIP PLANNING BOARD
MEETING**

Held Virtually Through WebEx
Minutes of Thursday, May 27, 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, L. Kornreich, N. Agnoli, R. Lipari, P. Repic, C. Fano & G. Lewis
EXCUSED ABSENT	A, Maggio, F. Cooney & R. Lipari
ALSO PRESENT	J. Mowles (Secretary) & K. Kehoe (Recording Secretary)
PROFESSIONALS	M. Carroll (Board Attorney), S. Omland (Engineer) & J. Szabo (Board Planner)

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.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in Board Professionals.

SECRETARY'S REPORT

Secretary J. Mowles reported that she received a new application.

BOARD DISCUSSION

There was no Board Discussion.

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. Adrignolo, seconded by Committeeman Conklin. All present were in favor. None opposed.

PLANNING BUSINESS

Discussion re: Cannabis Ordinance

Chairman Lewis explained the NJ law and the opportunity for each community to make a decision by ordinance by August. He explained that it would be introduced at the Township Committee meeting on Tuesday, and therefore there was a need for a consistency hearing tonight. Mr. Burgis shared his firm's opinion. He said a decision would need to be made by 8-22-21, otherwise the town would then be required to permit all 7 types of use in all industrial zones for 5 years. Montville decided to prohibit all 7 types as there is not enough time to fully evaluate. A letter needs to be submitted that it is not consistent. Prior land use planning allowance for medical distribution only. The governing body still has the option to adopt. Mr. Adrignolo asked him about future opt-in opportunities. Mr. Burgis explained that if nothing was done, then the town would be required to allow for a 5 year period.

A motion to declare the governing body resolution to ban all uses and find inconsistent was made by Dr. Kornreich, seconded by Mr. Repic. Roll Call. All in Favor. None Opposed. Conklin Recused himself. (T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic C. Fano & G. Lewis)

WAIVERS

PMISC21-16 SG&W Marketing Communications Inc. - 2 Changebridge Road, West Building, Suites 103 & 104 - BL: 44, L: 1 - 3,805sf office space marketing communications business; current Montville tenant changing locations - 11 employees total, 6 on site - hours of operation: 8:30 am - 5:00 pm, M-F, closed weekends - no deliveries or overnight parking of vehicles - signage in accordance with complex theme

A motion to approve the waiver was made by Mr. Braden, seconded by Mr. Adrignolo. Roll Call. All in Favor. None Opposed (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic C. Fano & G. Lewis)

PMISC21-17 Harvest Commodities Marketing Inc. - 1 Chapin Road, Unit 2 - BL: 182, L: 5 - 20,000 sf space (2,000sf office/18,000sf warehouse) for storage & distribution of Psyllium Husk and other bulk spices
- 3 employees - hours of operation: 7:00 am - 4:00 pm, M-S, closed Sun - no deliveries or overnight parking of vehicles - signage in accordance with complex theme

A motion to approve the waiver was made by Dr. Kornreich, seconded by Mr. Braden. Roll Call. All in Favor. None Opposed (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic C. Fano & G. Lewis)

PMISC21-18 - Montville Reformed Church - 105 Changebridge Road - BL: 123, L: 1 - install a Generac 16kW standby air-cooled gas engine generator - pre-made composite cement 3" pad base measuring 54"L by 31"W, will sit on 2-3" of 3/8-3/4 crushed stone - landscaping buffer will consist of Gold Juniper and Golden Mop Dwarf Cypress shrubs - exercise cycle will be every other Monday, 15 minutes at 10:00

A motion to approve the waiver was made by Committeeman Conklin, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic C. Fano & G. Lewis)

PMISC21-19 – Green Ridge Wealth Planning – 150 River Rd Units E3 & E4 – B: 123.01, L: 5.30 & 5.40 – 5,551 s.f. office for financial planners – hours of operation M-F 9am-5pm; 4 employees – no overnight parking of vehicles – signage in compliance with complex theme

A motion to approve the waiver was made by Mr. Adrignolo, seconded by Dr. Kornreich. Roll Call. All in Favor. None Opposed (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic C. Fano & G. Lewis)

INVOICES

Burgis Associates - O/E: \$3,037.50 (Alpine Lit Feb 2021); **Trust for:** \$1,312.50 (Catbridge); \$337.50 (D'Agosto); \$300.00 (Diversified); \$37.50 (Hook Mtn); \$1,012.50 (Juve Group); \$1,762.50 (Juve Group); \$75.00 (O'Dowd Quik Chek); \$37.50 (Paul Miller); \$525.00 (PBNJ); \$600.00 (RWB)

MP Carroll O/E: \$412.50 (Alpine Lit April 2021); **Trust for:** \$1,575.00 (Catbridge); \$37.50 (D'Agosto); \$1,875.00 (Four-Eight Main); \$637.50 (Juve); \$150.00 (MUR Avalon); \$150.00 (Papertec); \$637.50 (PBNJ Wawa); \$75.00 (SeaBreeze); \$262.50 (Sterling);

Dorsey & Semrau – Trust for: \$155.00 (KeKon); \$294.50 (Parklane); \$1,147.50 (Paul Miller)

Klein Traffic Consulting LLC – Trust for: \$600.00 (PBNJ Wawa)

Omland Associates – Trust for: \$387.50 (Catbridge); \$503.75 (D'Agosto); \$503.75 (Four-Eight Main); \$2,402.50 (Juve); \$2,247.50 (MUR Avalon); \$658.75 (Papertec); \$581.25 (PBNJ Wawa); \$2,635.00 (Sterling)

A motion to approve the invoices was made by Mr. Adrignolo, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic C. Fano & G. Lewis)

RESOLUTIONS

There were no Resolutions to come before the board.

MINUTES

There were no Minutes to come before the board.

LOI/DEP NOTIFICATIONS

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

LEGAL/LEGISLATIVE UPDATES

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

OLD BUSINESS

PSPP/FC/PSOIL20-12– Juve Group – 465 Main Rd – B: 81, L: 7 – Preliminary/Final site plan with c variances and soil movement – Carried with notice from 3/11/21 & 4/29/21 – Eligible: Maggioⁱ; Conklin; Braden; Adrignolo; Kornreichⁱⁱ; Lipari; Agnoli; Repicⁱⁱⁱ; Fano^{iv}; Lewis
ACT BY: 5/31/21

Ms. Rubright, Esq. explained how they got here, where stand, and what they are looking to accomplish tonight. She said this is their third meeting including 3/11/21 & 4/29/21 and that the Planner, Paul Grygiel, completed his direct testimony, but was here to finish questions with professionals, board members, etc. She further summed up the following items: number of units, 14 affordable, townhouse/multi-family zone, property constraints, proposed uses, revisions made from board discussion and other boards, sign revisions, came up with name of property and streets from work with HRPC including Doremus Town Estates of Montville, Washington Crossing, Vreeland Way, and Red Feather Park, meeting with Housing Committee, rental vs. for sale units, complying with what is stated in settlement, affordable for sale units with 2 or 3 bedrooms, and providing affirmable marketing plan. Chairman Lewis summed up the relief that is being sought regarding variances, design exceptions, RSIS, no longer need for sidewalk relief, and height variances needed. Ms. Rubright and Mr. Istranyi reviewed what is still needed including: legal notice, variances for maximum of units per building, for riparian zone, for tandem parking in multi-use building, for dispersing units throughout site vs. all in multi-use, design waivers for shade trees along site frontage, streetscape, bike lane, pedestrian amenities, etc.

Mr. Paul Grygiel, Planner, still under oath, recapped the following items from the last meeting: site and surrounding area, number of units, settlement agreement, zone, variances being sought recap, c variances, permitted uses, bulk standards, positive criteria, environmental constraints, providing affordable housing, C2 criteria, positives outweighing the detriments, buffer, wetlands, setbacks, what proposing, efficient use of planning, building size, variance for affordable housing disbursement and requirements from state, trade-off, economic incentive, compensatory benefits, integration throughout multi-family building, amenities being available to all residents, property restraints, concept plan and settlement agreement, site specific factors, C2 criteria, implementing affordable housing, C1 criteria, other variances for riparian zone for site constraints, tandem parking space design, feels appropriate, positive criteria, no substantial detriments, public good, visibility, no impacts to adjacent property, design of, development, permitted use, Master Plan and zoning ordinance, deviations, density, setbacks, and minimization of overall development. Mr. Burgis asked questions and/or commented on the following: concept plan, parking spaces, settlement agreement, ordinance mandates, physical design, 100 % multi-family design option, different perspective of COAH requirements, municipality wanting disbursement throughout the community, negative criteria, justification of economic incentive, identification for tandem parking, and C1 features affecting ability to comply vs. different design options. Mr. Omland asked questions and/or commented on the following: dispersal of units, Master Plan and ordinance consistency, planning proofs, TRC meeting, numbers variances being

sought, ill-conceived with initial development, environmental constraints have always been known, and tandem vs. conventional parking. Mr. Grygiel explained why they choose that design, intention, not typical multi-family unit, dispersal of units, negative criteria, need for site work to be done, and site specific design. Board members asked questions and/or commented on the following: trees and landscaping along Rt. 202, streetscape including decorative lighting and sidewalks, and waiver request process. Mr. Omland also commented on the bond they requested and how the town and county would then be responsible for the DEP permitting.

The meeting was opened to the public on Mr. Grygiel's site planning testimony. There being no questions, the meeting was closed for public questions on a motion made by Mr. Adrignolo, seconded by Mr. Braden - All in Favor by Voice Vote. None opposed.

Ms. Rubright brought back the Architect to talk about the types of units and what he testified to. Mr. Dan D'Agostino, Architect, testified to how he came up with the townhouse and multi-family plan design. He said Mr. Omland's comments are incorrect. He explained Stonefield's findings and why it was redesigned and why impacted. He further discussed the following: first team not having all the information with the initial design, testing on site resulting in redesign, ADA adaptable units, storm water management, building requirements, DOJ requirements, and why mixture of different types of units. There were no board questions.

The meeting was opened to the public on Mr. D'Agostino's site architecture testimony. There being no questions, the meeting was closed for public questions on a motion made by Dr. Kornreich, seconded by Mr. Repic - All in Favor by Voice Vote. None opposed.

Mr. Istranyi talked about the waivers including original submission, applicant willingness to put money in escrow, DEP approvals, and putting in as a condition of approval. Ms. Rubright asked him to review what DEP and County approvals are needed and the constraints. Professionals Burgis and Omland further commented on the following: design issues, Burgis report dated 4-25-21, providing neighborhood amenities, landscaping, plant substitutions, review of free standing light standards, recycling, sizes of garages, sidewalk ordinance requirements, town no longer accepting bonds for site related projects, neighboring property, Sea Breeze, agreeing to provide shade trees, Towaco lighting, sidewalks along Rt. 202, last revised submission of site and architectural plans and dates of, bus stop follow up with Board of Ed, and parapet and sign conflict. Mr. Istranyi said there has been no response back from the Board of Ed as of yet on location, but they are fine with what they choose and the sign was elevated. Chairman Lewis summed up the following items: variance relief given for sign height, streetscape within county right-a-way, riparian zone location for amenities, wetland buffers, environmental constraints, willing to do what board is looking for, street improvements, what is needed of the Township and DEP for applications to do the work, time frame (typically 8 months), and deadlines. Mr. Braden asked about road widths for 2 way traffic regarding bus traffic.

Mr. Pasquale Suriano, Site Principal, Member of Juve Group, was sworn in. He testified on the following items: relation to Juve project, approach from on-set, complying with town requests, meetings with committees and direction, settlement agreement, concept plan, intention to build 70 units, site constraints, how came up with concept, intention to build a beautiful development,

Rt. 202 complications and options, looking to comply, and looking to move along to the next level.

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

The meeting was opened to the public on the overall testimony. There being no comments, the meeting was closed to the public on a motion made by Mr. Agnoli, seconded by Mr. Adrignolo. All in Favor by Voice Vote. None opposed.

Ms. Rubright gave brief summary regarding the subject property, zone district, proposed uses, affordable housing agreement, bulk standards, limited relief being sought, constraints, redesign of concept plan and intension, granting of request relief, disbursement of affordable units, compact development, multi-family and townhomes, drawings and renderings, committee work, bringing a quality project to Montville, submission of updated set of plans, noted conditions of bicycle rack, gazebo plan, roadway development plan, and streetscape work with DEP and County. She thanked the board and professionals for their time and asked them to approve.

Board member deliberation followed and they commented on the following items: waivers, design exceptions, variance for sign, number of units, riparian zone crossing, tandem parking markings, dispersing of units throughout site, sidewalk mandate, decorative lighting, shade trees, outstanding Morris County and DEP approvals needed, Rt. 202 development, apartments for rental vs. for sale units, affordable units only being for sale, difficulties of tandem parking, streetscape, sidewalks, bike lanes, and site constraints. A straw poll was held on the following items: c variance for disbursement of affordable housing, sidewalk requirement, street lights, shade trees, bike lanes & permitting tandem parking. Board members asked questions about denying vs. approving.

A motion to deny the application for reasons relating to the lack of dispersal of affordable units, no sidewalks, no decorative street lights, and tandem parking was made by Mr. Braden, seconded by Mr. Agnoli. Roll Call. Approval: R. Conklin, T. Braden, A. Adrignolo, L. Kornreich, N. Agnoli, C. Fano & G. Lewis. Opposed: P. Repic

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 Chairman Lewis asked for a motion to adjourn. On a motion made by Ms. Fano, seconded by Mr. Agnoli, 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

ⁱ Certified to 4/29/21 hearing

ⁱⁱ Certified to 4/29/21 hearing

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^{iv} Certified to 4/29/21 hearing