

**MONTVILLE TOWNSHIP PLANNING BOARD
MEETING**

Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Thursday, January 12, 2023

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, M. Kayne, L. Kornreich,
R. Lipari, N. Agnoli, P. Repic & G. Lewis

EXCUSED ABSENT A. Maggio & L. Hines

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

**PROFESSIONALS
PRESENT** M. Carroll (Board Attorney) & J. Giurintano (Engineer)
& J. Burgis (Board Planner)

ANNOUNCEMENTS

Chairman Lewis wished everyone a Happy New Year and welcomed back the newly appointed Mayor Kayne along with Committeeman Conklin. He reported that Old Business PSPP/FC/PMN/PSOIL 19-06 – Hook Mountain Montville was carried with notice to the 1-26-23 meeting and the Extension Request for PEXT22-10 PBNJ requested to be carried to the 1-26-23 meeting with no notice required.

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.

REORGANIZATION

Appointment of Officers

- Appointment of Temporary Chairman – Mr. Lipari was nominated for Temporary Chairman by Mr. Lewis. All present were in favor. There were no other nominations and no objections. Closed to nominations.

- Appointment of Chairman – Mr. Lipari requested nominations for Chairman for 2022. Mr. Lewis was nominated as Chairman by Mr. Adrignolo, seconded by Mr. Agnoli.

There were no other nominations and no objections. Closed to nominations. Roll Call. All present were in favor. *Chairman Lewis thanked board members.*

- Appointment of Vice Chairman – Mr. Maggio was nominated by Mr. Lipari, seconded by Mr. Adrignolo. There were no other nominations and no objections. Closed to nominations. Roll Call. All present were in favor.
- Appointment of Planning Board Secretary - Ms. Mowles was nominated by Committeeman Conklin, seconded by Mr. Agnoli. There were no other nominations and no objections. Closed to nominations. Voice Vote. All present were in favor.
- Appointment of Recording Secretary – Ms. Kehoe was nominated by Dr. Kornreich, seconded by Mr. Agnoli. There were no other nominations and no objections. Closed to nominations. Voice Vote. All present were in favor.

2023- Meeting Dates

The dates of the Planning Board meetings are held on the 2nd and 4th Thursday of each month (7:30PM Start; Meeting Place: 195 Changebridge Road or Virtually via Webex operating system)

The Meeting Dates are as follows:

January 12, 2023	July 13, 2023
January 26, 2023	July 27, 2023
February 9, 2023	August 10, 2023
February 23, 2023	August 24, 2023
March 9, 2023	September 14, 2023
March 23, 2023	September 28, 2023
April 13, 2023	October 12, 2023
April 27, 2023	October 26, 2023
May 11, 2023	November 9, 2023
May 25, 2023	November 20, 2023* (Monday)
June 8, 2023	December 14, 2023
June 22, 2023	January 11, 2024

*Changed due to holiday

Chairman Lewis indicated that the hearing dates and times were previously discussed at a meeting and there were no objections. He asked for a motion to approve as presented. A motion to approve the hearing dates, times, and location for 2023 was made by Mr. Agnoli, seconded by Mr. Adrignolo. All in Favor by Voice Vote. None Opposed.

Designation of Official Newspaper for Legal Ads

The Daily Record, The Citizen, and the Star Ledger (for publication purposes)

On a motion made by Mr. Agnoli, seconded by Mr. Adrignolo, The Daily Record, The Citizen, and the Star Ledger (for publication purposes) were adopted for legal ads. All in Favor by Voice Vote. None Opposed.

2023 Appointments

- Appointment: Board Attorney/Execution of Professional Services Agreement
 - Michael Carroll, Esq., Law Offices

On a motion made by Mr. Agnoli, seconded by Committeeman Conklin, Mr. Michael Carroll, Esq., Law Offices was appointed Board Attorney. All present were in favor.

- Appointment of Board Planner & Execution of Professional Services Agreement
 - Joseph Burgis, AICP, PP, Burgis Associates

On a motion made by Dr. Kornreich, seconded by Mr. Adrignolo, Mr. Joseph Burgis, AICP, PP, Burgis Associates was appointed Board Planner. All present were in favor.

- Appointment of Board Engineer & Execution of Professional Services Agreement
 - Jamie Giurintano, PE – Bowman Engineering

On a motion made by Mr. Agnoli, seconded by Mr. Repic, Mr. Jamie Giurintano was appointed Board Engineer. All present were in favor.

COMMITTEES & LIAISONS - APPOINTMENTS MADE BY CHAIRMAN

Chairman Lewis said the only change was that Mr. Hines is now the appointed liaison to DRC.

Board of Adjustment - Gary Lewis

Board of Health - Russ Lipari

Environmental Commission - Larry Kornreich

Water & Sewer - Art Maggio

Historic Preservation Review Commission - Adam Adrignolo

Design Review Committee – Larry Hines

Site Plan/Subdivision Committee - Tim Braden (Chair); Art Maggio; Russ Lipari, Nick Agnoli

Open Space Committee - Nick Agnoli; Pane Repic (Alternate)

Master Plan - Gary Lewis, Russ Lipari, Adam Adrignolo

Fire Districts - Richard Conklin (Towaco); Art Maggio (Montville); Tim Braden (Pine Brook)

Township Committee Mayor Report - Mayor Matthew Kayne

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in professionals.

SECRETARY'S REPORT

Secretary Mowles let the board members know that the revised plans for the Hook Mountain project were at their seats for the 1-26-23 meeting.

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 none, 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. Adrignolo. Voice Vote. All present were in favor. None opposed.

PLANNING BUSINESS

Adoption of Draft 2022 Annual Report

A motion to adopt the 2022 Annual Report was made by Mr. Agnoli, seconded by Mr. Braden. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

Adoption of 2023 By-Laws

A motion to adopt the 2023 By-Laws was made by Mr. Lipari, seconded by Committeeman Conklin. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

WAIVERS

PMISC23-01 – Global Trade Imp & Exp, LTD – 45 Route 46, Unit 608 – B: 183, L: 6 - 7,300sf office (1,706sf) and warehouse (5,594sf) space for wholesale, e-commerce and showroom for men's ladies & kids' apparel, accessories and cosmetics – 7 employees – hours of operation: 8:30am – 6pm M-F – no overnight parking of vehicles – signage in compliance with complex theme.

A motion to approve the waiver was made by Mr. Agnoli, seconded by Dr. Kornreich. Voice Vote. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

PMISC22-55 – Prisco Spas & Pools – 321 Changebridge Rd., Unit 102 – B: 160.2, L: 18 - 2,398sf space to be utilized as a showroom for the display of hot tubs – 2 employees – hours of operation: M-T 10am-5pm, Wed by appointment, 10am-5pm Thurs-F, 10am-4pm Sat, Sun by appointment – no overnight parking of vehicles. Signage will be black applied lettering

A motion to approve the waiver was made by Dr. Kornreich, seconded by Committeeman Conklin. Voice Vote. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

INVOICES

Bowman – Trust for: \$680.00 (Hook Mtn Montville), \$520.00 (Hook Mountain), \$981.00 (Juve), \$732.00 (Juve), \$529.00 (Juve), \$366.50 (Montville Office Park), \$440.00 (PBNJ), \$873.50 (Russo Acquisitions)

Burgis – Trust for: \$1,400.00 (Juve), \$320.00 (Montville Office Park), \$3,200.00 (Russo), \$400.00 (640 Rt. 202), \$40.00 (Sterling)

Carroll – O/E for: \$92.50 (PBNJ Lit.) **Trust for:** \$880.00 (Hook Mtn Montville), \$200.00 (Juve), \$80.00 (Montville Office), \$160.00 (PBNJ), \$80.00 (Russo), \$40.00 (640 Rt. 202)

Ferriero – Trust for: \$168.75 (Sterling)

Semrau – Trust for: \$195.10 (Russo)

Suburban – Trust for: \$1,305.00 (AKR Development), \$1,815.00 (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, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

RESOLUTIONS

Resolution Adopting 2023 Spending Plan

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

Professional Services Agreement Resolution

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

MINUTES

November 21, 2022 Planning Board minutes – Eligible: Conklin, Kayne, Braden, Adrignolo, Lipari, Lewis

A motion to approve the minutes was made by Committeeman Conklin, seconded by Mr. Braden. Roll Call of Eligibles. All in Favor. None Opposed.

LOI/DEP NOTIFICATIONS

Mr. Giurintano discussed presentation from meeting, DEP modifying, and will clarify.

LEGAL/LEGISLATIVE UPDATES

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

OLD BUSINESS

****PSPP/FC/PMN/PSOIL 19-06 – Hook Mountain Montville** – 15 Hook Mountain Rd – B: 175, L: 4 – pre/final site plan/minor subdivision/soil movement and c variances for 2 commercial

buildings – carried with notice from 11/21/22 – Eligible: Conklin, Kayne, Kornreich¹, Braden, Adrignolo, Lipari, Agnoli², Repic³, Hines, Lewis ACT BY: 2/4/23

****APPLICANT REQUESTED TO BE CARRIED WITH NOTICE PRESERVED TO 1/26/2023**

NEW BUSINESS

PSPP/FC/SOIL22-07– Russo Acquisitions – 65 Route 46– B: 184 L: 2.01 – Prelim/final site plan with soil movement new construction – Notice acceptable ACT BY: March 4, 2023

Mr. James Polles, Esq. summarized the contract purchaser, tax map, property location, acreage, current use, buildings on property, previously designated area in need of redevelopment, zoning, proximity to Rachel Gardens, Passaic River, and surrounding properties, being subject to rezoning plan for township, seeking preliminary site plan approval, parking spaces, compliance, soil relief, riparian zone, what proposing, disturbance, planner and engineering reports, DRC presentation, and who testifying on behalf of applicant.

Chairman Lewis commented on outstanding and unaddressed items on the Engineering report.

1st. Witness, Dr. Daniel Miola, Engineer, was sworn in and his credentials accepted. He said he was in receipt of Mr. Burgis’ and the Bowman engineering reports and had no issues with comments made.

Exhibit A-1 (Aerial Map) of subject property dated 1-12-23 was submitted.

Exhibit A-2 (Zoomed in Aerial View of Site) dated 1-12-23 was submitted.

He testified on the following items: existing site, where located, acreage, surrounding properties, frontages on Rt. 46 and Bloomfield Ave, fork in road, Passaic River on property, located across from Home Depot, site constraints, most of site in flood plain of Passaic River, and current uses of Rent All Center and STA Transportation.

Exhibit A-4 (Rendering of Conceptual Plan) dated 1-12-23 was submitted.

He continued with his testimony on: proposed storage building, description of building location, parking area, loading docks, trailer parking spaces, speculative project, not leased yet, area in need of redevelopment, redevelopment plan approval, zoning, bulk standards compliance, car parking area, required number, ADA spaces, EV spaces, space dimensions, aisle widths, sidewalks, pedestrian access, site circulation, two driveway locations, reconfiguration of existing driveways, DOT permit submission and pending approval, signs proposed and compliance of Township requirements, trash collection locations and how serviced, generator proposal and details of, electric transformer location, landscape design meeting Township requirements including locations, types, and number of, decrease in impervious coverage and percentages,

¹ Must certify to 11/21/22 hearing

² Must certify to 11/21/22 hearing

³ Must certify to 11/21/22 hearing

fencing and retaining wall locations, heights, types, and compliance of, minimizing disturbance and maximizing flood storage, lighting including LED, mounted, and compliance, drainage, grading, and storm water management, decrease in impervious coverage, volume and flow, mechanical devices, discharging, upgrades on overall site, green acre qualifications, flood plain on most of property, flood storage required to remain, elevations, flood storage, grading and drainage design, DEP and State approvals, utilities, connection to water and sewer location, where drilling, easement to west, riparian zone, relief needed, what required, what maintaining throughout property, overall reduction, pipe location, and area to be seeded and restored.

Exhibit A-3 (Aerial Site Overlay) dated 1-12-23 was submitted.

He continued his testimony on overlay of property, riparian zone, revegetation of, going from impervious to vegetative property, township professional letters, having no issues of, and addressing to their satisfaction. He said they will do the guide rails, accessible EV spaces, and building calculations including overhang.

Mr. Burgis asked about the sight triangle, proposed generator, seeding limit along waterfront, and street lighting. Mr. Miola said they will provide sight triangle update, will update height and pads for generator, will meet state requirements regarding waterfront seeding, and will revise decorative street lighting types and spacing.

He testified on the soil movement including cubic yards within site, removal of, and maintaining flood levels.

Mr. Giurintano asked about the pavement details, water department approvals, hot boxes, and for explanation of compliance with zero net flood storage. discussed the pavement materials, not having water department approvals, providing hotboxes if needed and where they would be located, how water gets in and out, where located, piping and connection to river, crawl space, compensation areas, investment to construct, and ADA ramp compliance.

Mr. Burgis asked about the ADA and EV station compliance, impervious coverage, landscaping along river, lighting fixture availability, and making a condition of approval. Mr. Miola said they will add and shift down the line four EV ADA spaces, irregular seeding limits to be determined by limits of disturbance, will straighten out lines, provide decorative lighting from different manufacturing, and will work it out with Mr. Burgis' office.

Board members asked question and/or commented on the following items: zero net flow, relying on credits, crawl space elevations, if a current bus filling station, regulated storage tank on site, septic tank on plan, acreage, decrease in impervious coverage, and fencing and guide rail coverage. He said they have credits purchased by Pio Costa many years back, not aware of an active filling station on site, no underground tank, requirements and removal of septic tank, and colors and coating of fence and rails.

The meeting was opened to public for questions on Mr. Miola's engineering testimony. There being none the meeting was closed for questions on Mr. Miola's testimony on a motion made by Mr. Agnoli, seconded by Dr. Kornreich. All in Favor by Voice Vote. None Opposed.

2nd witness, Mr. Ed Mayer, Architect, was sworn in and his credentials accepted.

Exhibit A-5 (Entrance Perspective) was submitted.

He testified on the following items: rendering of building, walk through of main entrance, types of masonry, colors, facade, framing, building materials, height, two levels, types of glass, and main office.

Exhibit A-6 (Secondary Entrance) was submitted.

He continued with the secondary entrance materials, colors, DRC meeting and suggestions, and continuance of window wall system. There were no professional or board member questions or comments.

The meeting was opened to public for questions on Mr. Mayer's architecture testimony. There being none the meeting was closed for questions on Mr. Mayer's testimony on a motion made by Mr. Agnoli, seconded by Dr. Kornreich. All in Favor by Voice Vote. None Opposed.

Break for 8:53pm to 8:59pm.

3rd witness, Mr. Sean Moronski, Planner, was sworn in and his credentials accepted. He testified on the following items: variance regarding riparian zone, what required, minor disturbances, believes can be granted under C2 criteria, no detriments, overall substantial improvements, no other alternatives, overall storm water management plan, no harm to residents, water quality improvements, revegetation of impervious area, river location, stabilization of bank and runoff, public benefits, sheet flow, reducing impervious coverage, proper use of land, negative criteria, no detriments, overall design, riparian zone disturbance, redevelopment plan goals, overall site plan, site transformation, Master Plan goals, environmental improvements, storm water improvements, impervious coverage reductions, and request to grant.

Mr. Burgis commented on C2 criteria and public benefits test of overall improvements. Mr. Giurintano clarified his testimony was on Exhibit A-3 not A-4 for the record. Board members had no questions.

The meeting was opened to public for questions on Mr. Moronski's planning testimony. There being none the meeting was closed for questions on Mr. Moronski's testimony on a motion made by Mr. Agnoli, seconded by Committeeman Conklin. All in Favor by Voice Vote. None Opposed.

Chairman was concerned with tractor trailers. Mr. Giurintano said it was regulated by the DOT. No traffic engineering testimony was needed.

The meeting was opened to the public for questions and/or comments on the overall testimony. There being none the meeting was closed for public comment on a motion made by Mr. Agnoli, seconded by Mr. Lipari. All in Favor by Voice Vote. None Opposed.

Mr. Polles thanked the board and professionals for their time and gave brief closing comments on the overall project including: area in need of redevelopment, property designation, thought and time put in, extensive project, in conformity, single variance requested, work with professionals, and asked to approve.

Chairman Lewis commented on the applicants anticipated work with the board professionals, if not will need to reappear before board, confidence in board professionals, condition of decorative lighting fixtures to be approved by board, and condition of hotbox if required including location and screening of. Mr. Agnoli commented on the Passaic River cleanup, decreasing impervious coverage, building beauty, and being pleased with application as a resident.

A motion to approve final set plan with conditions of C variance and soil movement was made by Mr. Agnoli, seconded by Mr. Lipari. Roll Call. All in Favor. None opposed. (R. Conklin, T. Braden, A. Adrignolo, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic & G. Lewis)

CORRESPONDENCE / EXTENSIONS / DISMISSALS

PEXT22-10 PBNJ – B: 162, L: 7 – request for extension of approvals to 8/12/2024

****APPLICANT REQUESTED TO BE CARRIED TO 1/26/2023**

CONCEPTS

There were no Concepts to come before the board.

Board professionals were excused at 9:21pm.

CLOSED SESSION

A motion to go into closed session at 9:21pm was made by Committeeman Conklin, seconded by Mr. Agnoli.

Discussion followed on conflict engineer.

A motion to adjourn the closed session at 9:29pm was made by Mr. Agnoli, seconded by Mr. Adrignolo.

ADJOURNMENT

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. On a motion made by Mr. Agnoli, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 9:30pm.

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