

**MONTVILLE TOWNSHIP PLANNING BOARD  
MEETING**

Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, January 26, 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, L. Hines & G. Lewis

**EXCUSED ABSENT** A. Maggio

**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 thanked the Township Staff, Administration, and Committee for the new meeting room screens and reported that PSPP/FC/PMN/PSOIL 19-06 – Hook Mountain Montville applicant requested to be carried with notice preserved to the 3-9-23 meeting date.

**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 professionals.

**SECRETARY’S REPORT**

Secretary Mowles reported that the upgrades to the sound systems in this building will be coming this year.

**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. Hines, seconded by Mr. Agnoli. Voice Vote. All present were in favor. None opposed.

## **PLANNING BUSINESS**

Appointment of Board Conflict Engineer & Execution of Professional Services Agreement  
Andrew Hipolit, PE - Colliers Engineering & Design

On a motion made by Dr. Kornreich, seconded by Mr. Agnoli, Mr. Andrew Hipolit was appointed Conflict Board Engineer. All present were in favor.

## **WAIVERS**

**PMISC23-02 – As Amin, LLC** – 28 Route 46 W, Unit 6 – B: 176, L: 4.3 – 1,087sf space for an American and Middle Eastern food establishment offering sandwiches, salads and grill for takeout and delivery – 4 employees – hours of operation: 7am-10pm Sun-Sat – no overnight parking of vehicles – signage as per graphics provided.

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

## **INVOICES**

**Bowman - O/E for:** \$139.00 (NJDEP FHA & SWM Changes) **Trust for:** \$160.00 (Catbridge), \$240.00 (Juve), \$720.00 (PBNJ), \$440.00 (Russo Acquisitions), \$636.00 (640 Route 202)

**Burgis – O/E for:** \$80.00 (Bd Business Nov 2022) **Trust for:** \$1,040.00 (AVC Holdings), \$800.00 (Hook Mtn Montville), \$480.00 (Juve), \$280.00 (Montville Office Park), \$440.00 (PBNJ), \$1,880.00 (Russo Acquisitions), \$440.00 (Signature)

**Carroll – O/E for:** \$231.25 (PBNJ Lit Dec 2022) **Trust for:** \$40.00 (Catbridge), \$40.00 (Four-Eight Main), \$40.00 (Hook Mtn Montville), \$240.00 (Juve), \$360.00 (PBNJ), \$40.00 (Russo), \$2,560.00 (640 Route 202),

**Semrau – Trust for:** \$306.00 (Russo Acquisitions), \$1,890.00 (PBNJ)

**Suburban – Trust for:** \$1,650.00 (640 Route 202)

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

## **RESOLUTIONS**

There were no Resolutions to come before the board.

## **MINUTES**

Minutes of Planning Board December 8, 2022 - Eligible: Conklin, Braden, Adrignolo, Kornreich, Lipari, Agnoli, Repic, Lewis

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

## **LOI/DEP NOTIFICATIONS**

Mr. Giurintano spoke on the Flood Hazard update. He said public comment closes on 2-3-23. Once approved it will go into effect during the 2<sup>nd</sup> or 3<sup>rd</sup> quarter. Chairman Lewis thanked the Township Engineer, Mr. Marucci, for his work on the County map.

## **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, Kornreich<sup>1</sup>, Braden, Adrignolo, Lipari, Agnoli<sup>2</sup>, Repic<sup>3</sup>, Hines, Lewis** ACT BY: 3/31/23

**\*\* PSPP/FC/PMN/PSOIL 19-06 – Hook Mountain Montville APPLICANT REQUESTED TO BE CARRIED WITH NOTICE PRESERVED TO: 3/9/23**

**PFSP22-09 – 640 Route 202, LLC. – 640 Route 202 – B: 40, L: 51 – final site - carried with notice for Final Site plan from 12/8/22 – Eligible: Conklin, Maggio<sup>4</sup>, Kayne<sup>5</sup>, Braden, Adrignolo, Kornreich, Lipari, Agnoli, Repic, Hines<sup>6</sup>** ACT BY: 2/22/23

Chairman Lewis recapped the preliminary site plan approval from 12-8-22 and the equested variance relief granted. He said they are only here for the building relocation and DRC recommendations. Mr. Carrol said there is also one outstanding variance relief needed for the round poles vs. U-shaped.

Mr. Sullivan, Esq. reviewed the 12-8-22 meeting and approvals, building relocation, and DRC recommendations.

1<sup>st</sup> witness, Mr. Matthew Clark, Engineer, previously sworn in and still under oath testified on the following items: 12-9-22 plan submission, expansion of drive aisle, moving of building two feet to the right while maintaining same footprint and front setbacks, results, buffer increase,

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<sup>1</sup> Certified to 11/21/22 hearing

<sup>2</sup> Must certify to 11/21/22 hearing

<sup>3</sup> Certified to 11/21/22 hearing

<sup>4</sup> Must certify to 12/8/22 hearing

<sup>5</sup> Must certify to 12/8/22 hearing

<sup>6</sup> Certified to 12/8/22 hearing

distance to neighbors, better layout, maintaining proper circulation, exception for U-shaped poles, one sign, and using decorative post if necessary, but prefer standard post. Mr. Giurintano and Mr. Burgis felt it should be the decorative post. The request was withdrawn. Mr. Giurintano shared the following concerns: technical comments needed for site plan review, trees on adjacent property, pulling off retaining wall on property line to preserve trees, number of construction items in a small space, solution of integrating fence, may not be able to be achieved with footings, fencing, block, curbing, and dimensions provided not to scale on concept plan. Mr. Clark talked about the fence location, footings, and curb and feels they can get it done. He said the dimensions will be provided on final site plan and will they comply with rest of comments on 1-24-23 memo. Mr. Sullivan said the responses were revised on the 1-25-23. Chairman Lewis said they will need to meet the comments from the 1-24-23 memo or will need to come back before the board.

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

2<sup>nd</sup> witness, Mr. James Cutillo, Architect, previously sworn in and still under oath, testified on the following items: DRC report, revised plans, materials and colors, changes, trying to create more depth, roof line, pushed top floor in creating a different peak, original comment of roof being to shallow, adjusted heights on 2<sup>nd</sup> floor, doubled the pitch, same height, revised plans dated 1-9-23, additional awning, window changes required, and changes being made that were requested. There were no professional questions or comments.

The meeting was opened to public for questions on Mr. Cutillo's architectural testimony. There being none the meeting was closed for questions on Mr. Cutillo's testimony on a motion made by Mr. Hines, seconded by Mr. Lipari. All in Favor by Voice Vote. None Opposed.

The meeting was opened to public for overall comment. There being none the meeting was closed for overall comment on a motion made by Mr. Lipari, seconded by Mr. Adrignolo. All in Favor by Voice Vote. None Opposed.

Mr. Sullivan thanked the board and professionals for their time and asked for approval of the final site plan and soil movement.

Board deliberation followed. Chairman Lewis commented that as a resident and board member it's nice when the applicant and board work together to make a better project.

A motion to approve the final site plan and soil movement was made by Mr. Braden, seconded by Mr. Hines. Roll Call of Eligibles. All in Favor. None Opposed. (R. Conklin, M. Kayne, T. Braden, A. Adrignolo, L. Kornreich, R. Lipari, P. Repic & L. Hines)

## **NEW BUSINESS**

There were no New Business to come before the board.

**CORRESPONDENCE / EXTENSIONS / DISMISSALS**

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

8:06pm the following board members were recused and excused the meeting: G. Lewis, M. Kayne, R. Conklin, T. Braden & R. Lipari.

Interim Chairman Adrignolo was appointed. Eligible members include: A. Maggio, A. Adrignolo, L. Kornreich, P. Repic, L. Hines & N. Agnoli.

Mr. Burgis explained the following: nature of request, zoning ordinance, modification on site plan, affect on one wall, requirement of EV parking space waiver, board not being able to waive, and now being a permitted gas station.

Mr. Schepis, Esq. on behalf of applicant, spoke on the final site plan approval, protection of two years, developer's agreement with Township on Tuesday night, affidavit of developer's agreement, submitting within one week, Township changed back to make a gas station a permitted use, state mandate, ordinance, municipal adoption protection, will take into consideration with Wawa, asked for extension to protect from EV parking requirement, statute, and two options to grant.

1<sup>st</sup> witness, Mr. Matthew Bersch, Project Engineer, was sworn in and his credentials accepted. Interim Chairman Adrignolo commented on what still needs to be done, site being an eye soar, and why a year extension is needed.

Exhibit A-1 (Letter dated 1-11-23) was submitted. Letter reviewed the following: past two years, what left, DOT submissions, comments, additional survey, draft access permit, addressing final comments from DOT, timeline, review letters, board professional comments, operation and maintenance manual, and remaining item of issuing of DOT access permit, developer's agreement, and waiting for it to be signed hopefully in the next couple of weeks.

Exhibit A-2 (NJ DOT Permit Application) was submitted. He testified on the following: checks submitted and amounts of, timeline of issuing permits, could be a couple more years, and town could allow to start site work before receiving.

Mr. Schepis commented on the following items: feels they have satisfied the submission, providing bonding, final step of developer's agreement, preconstruction meetings, submitting construction permits, signing of plans, final reviews by township offices, and timeline. He can't say if it will take three months or a year. Concerned with ordinance changes and regulations whether they be township, state, or county. He talked about potentials, practical standpoints, work so far, effort put forth, and pending litigation. He asked the board to take into consideration to get done as soon as possible.

Mr. Giurintano asked if they intend to file an application of compliance. Yes. Interim Chairman Adrignolo asked the board professionals if a year extension was needed and commented on it still being unclear on what still needs to be done. Mr. Giurintano talked about securing all permits and the physical construction. Mr. Schepis said extension would start 8-12-23. Mr.

Adrignolo said they could come before the board up to three times for extension approvals. Mr. Carroll spoke about due diligence. Board members commented on the following: a lot of moving parts, testimony heard, a one-year extension being reasonable, granting EV exception, ordinance, eye soar, vacancy, hesitation, not convinced of 1 ½ year extension is needed, option of coming back before board for two more extensions, and consideration for construction season.

A motion to grant the extension for six months from 8-12-23 to 2-12-24 was made by Mr. Hines, seconded by Dr. Kornreich. Roll Call of Eligibles. All in Favor. None Opposed. (A. Adrignolo, L. Kornreich, N. Agnoli, P. Repic & L. Hines)

**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 Interim Chairman Adrignolo asked for a motion to adjourn. On a motion made by Mr. Agnoli, seconded by Mr. Hines, the meeting was unanimously adjourned at 8:40pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of

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Jane Mowles, Secretary