

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, February 28, 2019**

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, F. Cooney, L. Kornreich, J. Visco,  
R. Lipari, J. Sandham & G. Lewis

**ABSENT EXCUSED** A. Maggio & N. Agnoli

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

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

**ANNOUNCEMENTS**

Chairman Lewis welcomed everyone to the meeting. He reported that he reached out to the attorney from last month, and that the applicant will meet with the neighboring property owner, who did not receive his notice.

**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 – Mr. Adrignolo said they did not meet.

Board of Health – Mr. Lipari had no report.

Environmental Commission – Dr. Kornreich reported that the 2<sup>nd</sup> of the 3<sup>rd</sup> sustainable living sessions will be held this Sunday at 2pm at the Senior House on Composting, and that the Environmental Commission will honor Fred Ackerman for his services at the Arbor Day ceremony.

Water & Sewer – Mr. Maggio was absent.

Historic Preservation Review Commission – Mr. Visco had no report.

Design Review Committee – Mr. Braden reported that they would be meeting this week.

Site Plan/Subdivision Committee – Mr. Visco had no report.

Economic Development Committee – Mr. Lewis said the meeting was canceled.

Open Space Committee – Mr. Sandham had no report.

Master Plan – Chairman Lewis had no report.

Highlands Legislation Review Committee – Chairman Lewis had no report.

Fire Districts – Mr. Conklin (Towaco) reported that the garage was moving along, Mr. Maggio (Montville) was absent, and Mr. Braden (Pine Brook) reported that the town is facing a numbers crisis of volunteers in all 3 districts.

Township Committee Mayor's Report – Mayor Conklin reported on the following items: Montville Day planning is moving along, demo by neglect to be debated and brought back to Planning Board in April, currently meeting with Fire Districts and a putting together a resolution to go to state legislature for volunteer incentives, working on the budget, and signatures received for open space issues.

### **SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in board professionals.

### **SECRETARY'S REPORT**

Secretary J. Mowles reported that the Master Plan Subcommittee would be meeting on March 14<sup>th</sup> at 6pm. Chairman Lewis reported that the PBNJ hearing would be heard on March 14<sup>th</sup> and asked board members to let Ms. Mowles know if they would not be attending the meeting, and that if they are missing the meeting, then they would need to listen to the tape prior to the following meeting.

### **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.

Mr. Buie, of 1<sup>st</sup> Industrial in Pine Brook, reported that he witnessed an accident due to missing signage on Chapin Road. Ms. Mowles will forward information along.

There was no further public discussion, the meeting was closed for public comment for items not listed on the agenda related to land use matters by Dr. Kornreich, seconded by Mr. Braden. All present were in favor. None opposed.

### **PLANNING BUSINESS**

Mr. Burgis reported that the GI Auto site redevelopment plan was tabled at the Township Committee meeting the other night and adjustments will need to be made. He will get the study out to the board prior to the next meeting.

### **WAIVERS**

There were no Waivers to come before the board.

### **INVOICES**

There were no Invoices to come before the board.

### **RESOLUTIONS**

**PMN/C18-11 – Lucin, Thomas (Ref Cocomello)** – 3 Cedar Rd – B: 82.05, L: 87.01 – minor subdivision – Approved – Eligible: Conklin, Braden, Adrignolo, Lipari, Visco, Kornreich, Sandham, Lewis

A motion to approve the resolution was made by Mr. Sandham, seconded by Mr. Visco. Roll Call of Eligibles. All in Favor. None Opposed.

HPRC Connelly & Hickey Professional Services Agreement resolution for adoption.

A motion to approve the resolution was made by Dr. Kornreich, seconded by Mr. Visco. Roll Call. All present were in Favor. No opposed. (R. Conklin, T. Braden, A. Adrignolo, F. Cooney, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

**MINUTES**

There were no Minutes to come before the board.

**LOI/DEP NOTIFICATIONS**

Mr. Omland had no report.

**LEGAL/LEGISLATIVE UPDATES**

Mr. Carroll talked about a bill that came before the legislature early in his career regarding a property tax break for emergency service volunteers with union concerns and he commented on the second Board of Adjustment possibility for municipalities.

**NEW BUSINESS**

**\*\*PSPP/FC16-23/PSOIL16-24 – PBNJ - 16 Rt. 46 – B: 162, L: 7 – remand hearing**

**\*\*RESCHEDULED WITH NOTICE REQUIRED TO 3/14/19**

**CORRESPONDENCE / EXTENSIONS / DISMISSALS**

**PEXT19-01 – Montville Residency – 17 Hook Mtn Rd – B: 160, L: 4 – request for extension of approvals until December 31, 2020**

Mr. Schepis, Esq., on behalf of the applicant, was here seeking an extension for the application. Mr. Burgis commented on the minor zoning change, signage and setbacks. Mr. Omland talked about the parking setbacks. Board members commented on the units that are set aside, length of extension, when the construction is starting, and site work. Mr. Schepis discussed the extent of site work, rock on property, and bank counting on expansion.

A motion to approve the extension of approvals until December 31, 2020 was made by Mr. Sandham, seconded by Mr. Lipari. Voice Vote. All in Favor. No opposed. (R. Conklin, T. Braden, A. Adrignolo, F. Cooney, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

**OLD BUSINESS**

**PSPP/FC/PSOIL18-10– 29-46 East LLC – 29 Route 46 E & 12 Chapin Rd– B: 183, L: 8 – carried with notice preserved from 1/24/19 - Eligible: Conklin, Cooney<sup>i</sup>, Braden, Adrignolo, Kornreich, Visco, Lipari, Agnoli, Sandham, Lewis  
ACT BY: 4/11/19**

Present on behalf of the applicant: Mr. Steven Schepis, Esq., Mr. Joseph MianECKI, PE, PP, Ms. Lisa Phillips, PP, Mr. Giuseppe Badalamenti, Applicant, and Mr. Corey Chase, Traffic Engineer.

Mr. Cooney certified to the 1/24/19 hearing recording.

Chairman Lewis asked about speed bumps. Mr. Schepis said the applicant did not want to install, but would if necessary.

1<sup>st</sup> witness, Mr. MianECKI, Engineer, testified on the following items: modified plans, layout, access isles, increase on parking spaces, storm water management, drainage flow, curbs, setbacks, shifted curb line on easterly side, sidewalks, pedestrian walkway, no need for speed humps, proposed signage location, significant improvements, impervious coverage on existing and proposed Lots 8 & 9, closer to conformity, no environmental restrictions, stormwater management plan compliance, refuse container, sidewalk layouts, elimination of tandem parking, 118 parking spaces, drive aisle, 4 ft. landscape creation by handicap ramp, rear entrance location, removal of stage area allowing for more open space and landscaping, outdoor entertainment, ADA handicap accessible spaces, entrance options, soil movement

permit including cubic yards, ordinance compliance, test pits, importation of soil, and traffic route, options of patio surfacing with ADA compliance, existing pavement replacement, setback for parking lot, sidewalk compliance, and design exception elimination for light spillage, but still in right-of-way for safety purposes. He addressed Mr. Omland's concerns from the 2/25/19 memo regarding the two planted islands, full height curbing, ADA parking location, paving timing of Phases I & II, and the obligation of restaurant regarding Water & Sewer easement. Mr. Omland applauded the new circulation, talked about a deed for future owners, and the necessity of the two rows of sidewalks. Board members asked questions regarding the sidewalk width requirements, handicap parking location, traffic officer comments on speed hump consideration, DOT codes, stop sign signs on property, raised pedestrian crosswalk, and speed hump location options.

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

Mr. Glenn Buie of First Industrial, inquired about the maintenance of the retention basin and pipe system. Mr. Miannecki explained the process. He also asked about the signage on Chapin Road and commented that he appreciates that the applicant saving the trees between the properties.

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

2<sup>nd</sup> witness, Mr. Corey Chase, Traffic Engineer, was sworn in and his credentials accepted. He testified on the following items: review of new plans, preparation of and participation in study, analysis of proposed and existing conditions, valet parking complications, self-parking for free flow condition, egress and ingress of traffic, two-way circulation, , traffic assessment, parking demand, parking accumulation counts, maximum number of restaurant seating, national standards, site circulation improvements, speed humps, location with elevation of crosswalk between properties, cut through, family style restaurant vs. bar, proposed number of parking spaces based on data, and patron to vehicle ratios. Mr. Burgis asked about the traffic data on the number of seats vs. parking spaces. Mr. Omland asked about the architectural plan layout, outdoor dining area, overflow parking, type of use, and valet plan for future use. Mr. Chase discussed the safety factors. Board members asked questions about the municipal standards for parking, consideration of transportation network companies, standing area consideration, and parking lot island considerations.

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

Mr. Glenn Buie of First Industrial, inquired about the percentages of the directions of the patrons coming to the site. Mr. Chase said there would be about 70% from Rt. 46 and 30% from Chapin. He asked about the cut through on his property. Mr. Omland suggested having one turn around spot at each end of the property.

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

3<sup>rd</sup>, witness, Mr. Giuseppi Badalamenti, Applicant, was sworn in. He discussed the business operations, parking needs, delivery, loading times, employee parking location, maximum number of seating, closing of the Goliath room if needed, vision of entertainment, hours, and patio operation. Mr. Schepis is to submit a revised seating plan.

Chairman Lewis opened the meeting to the public on Mr. Badalamenti's testimony. There being no discussion, the meeting was closed for public comment on a motion made by Mr. Visco, seconded by Mr. Lipari - All in Favor by Voice Vote. None opposed.

4<sup>th</sup> witness, Ms. Lisa Phillips, Planner, was sworn in and her credentials accepted. She testified on the following items: application review, planning analysis, planning option, eliminated variance for parking setback for Lot 9, variance for maximum impervious coverage with Lot 9 being complying and Lot 8 being pre-existing, total parking, minimum setback to building, parking setback to outdoor dining, loading space, positive and negative criteria, safety of patrons, C2 criteria, totality of application, circulation improvements, positives outweighing negatives, flexible C limiting number of seats, Master Plan permitted use, preserving and enhancing the town commercial area, Rt. 46 improvements, attractive building, additional landscaping, MULA, creating a desirable visual environment, negative criteria, no substantial negative impact, surrounding properties, industrial/commercial area, and no impairment to Master Plan. Mr. Burgis asked about the design exception, percentage of parking standards, outdoor dining/entertainment, meeting noise ordinance, and lighting intensity. Mr. Schepis discussed the design exception for the landscape islands.

Chairman Lewis opened the meeting to the public on Ms. Phillips's planning testimony. There being no discussion, the meeting was closed for public comment on a motion made by Mr. Lipari, seconded by Mr. Braden - All in Favor by Voice Vote. None opposed.

Mr. Giuseppe Badalamenti, Applicant, was brought back up for testimony on the entertainment.

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

Board members discussed the noise level ordinance. The applicant agreed to meet state decibel levels.

Chairman Lewis opened the meeting to the public on for comment of the overall testimony.

Mr. Glenn Buie of First Industrial, was sworn in. He said he was in favor of the application, but was concerned with parking and water.

Exhibit C-1 (Photos) from his property, taken by him, was submitted. He commented on the maintenance requirements, cut through of his property, signage, welcoming lighting spillover, and does not think sound will be an issue.

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

Mr. Schepis gave his closing statements. He discussed the sound ordinance of the general municipal ordinance. He said the application addresses two problems with the property including the valet parking and the difficulty of developing 12 Chapin Road. He feels they have addressed the need for additional parking, will help with cut through on Mr. Buie's property, and will help with intersection traffic. He discussed the c2 variance, looking at property as a whole, summed up site improvements, ADA compliance, outdoor seating, community improvements, restaurant parking and seating ratios, the type of restaurant, and he asked for board to grant approval.

Chairman Lewis reviewed the following items and asked for board comment on ADA parking location, raised crosswalks, landscape aisles in middle, revised seating plans as a condition, amplification of music and hours allowed, and Phase I & II of the paving of the parking lots. Board deliberation included all the ADA parking in front, no aisles, revised seating plan, music until 11pm, and decibels set by ordinance.

PB minutes  
2/28/19

A motion to approve the application with the stipulations of the Chairman was made by Mayor Conklin, seconded by Dr. Kornreich. Roll Call. All present were in Favor. No opposed. (R. Conklin, T. Braden, A. Adrignolo, F. Cooney, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

**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 Mr. Lipari, seconded by Mr. Sandham, the meeting was unanimously adjourned at 10:40pm.

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

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