

MONTVILLE TOWNSHIP PLANNING BOARD
Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Thursday, June 13, 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, (7:30-7:58pm), A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, N. Agnoli, J. Sandham (7:30-7:58pm) & G. Lewis (7:30-7:58pm)

ABSENT EXCUSED R. Lipari

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

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

ANNOUNCEMENTS

Chairman Lewis welcomed everyone to the meeting and thanked Vice Chairman Maggio for handling the Wawa remand.

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 met, but there was nothing to report to the Planning Board.

Board of Health – Mr. Lipari was absent.

Environmental Commission – Dr. Kornreich had nothing to report, but said they would be meeting next week.

Water & Sewer – Mr. Maggio had no report.

Historic Preservation Review Commission – Mr. Visco had no report, but said they would be meeting the end of the month.

Design Review Committee – Mr. Braden had no report.

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

Economic Development Committee – Mr. Lewis reported on the Annual Business Breakfast meeting scheduled for 6/19/19.

Open Space Committee – Mr. Agnoli had no report, but said they are meeting 6-20-19.

Master Plan – Chairman Lewis said they met tonight and discussed the insight from last meeting and made some changes. He said the draft will be prepared prior to the next meeting. It will then be presented in 2 weeks, then have a public hearing and vote on 7-11-19. He said there is an obligation to adopt the fair share housing plan, but the Master Plan Re-Examination Plan needs to be passed prior.

Highlands Legislation Review Committee – Chairman Lewis had no report.

Fire Districts – Mr. Conklin (Towaco) said they received a material delivery and now hopefully the garage will be finished soon, Mr. Maggio (Montville) had no report, and Mr. Braden (Pine Brook) had no report.

Township Committee Mayor’s Report – Mayor Conklin reported that the Demo by Neglect was introduced at the last meeting and on the 4th of July Celebration taking place from June 27th to 29th.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in board professionals.

SECRETARY’S REPORT

Secretary J. Mowles had no report.

BOARD DISCUSSION

Chairman Lewis said that the Living Water Church on Skyline Drive, approved by this board, came out terrific.

PUBLIC DISCUSSION

Chairman Lewis opened the session to public comment for items not listed on the agenda related to land use matters.

Ms. Stephanie Sharratt of 11 Waxberg Lane asked who to talk to about the traffic on Waxberg Lane. She was directed to the Township Committee.

There being no further 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 Vice Chairman Maggio. All present were in favor. None opposed.

PLANNING BUSINESS

Certificate of Appropriateness for PMS/C19-02 Block 59.02 Lot 25 Montville Petroleum Inc. New signage (Backs up to Morris Canal)

Mr. Ray Vivino, Esq., was here on behalf of the applicant. He summarized the project including the change in the façade of the existing sign which added LED lights and the new Synergy logo brought the sign more into conformance with the ordinance as it relates to number of colors. The application was heard before and the Certificate of Appropriateness was approved by the HRPC. Chairman explained that the Planning Board would need to approve or deny.

A motion to approve the certificate of appropriateness was made by Mr. Visco, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis)

Ordinance review: Historic Districts

Mayor Conklin briefly summarized the vote on consistency and protection of historic dwellings in town. Mr. Burgis felt it was consistent with the Master Plan.

A motion to approve the consistency with the Master Plan was made by Mayor Conklin, seconded by Mr. Agnoli. Roll Call. All in Favor. None Opposed. 1 Abstention - J. Sandham. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, N. Agnoli & G. Lewis)

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Ms. Mowles to send a memo to Administration reflective of the findings.

WAIVERS

PMISC19-22 Pasquale's Italian Deli – 634 Main Road – BL:40, L:52.01 – 665 sf space for take out deli – hours of operation: 6am-7pm M-F; 7am-7pm Sat; 8am-2pm Sun – 2 employees/shift, shifts are 6am-2pm & 2pm-7pm – no overnight parking of vehicles – no seating - replace existing 2 signs, no more than 4 colors

The owner, Mr. Pasquale Tirri was present. He described the Italian Style Deli to the board.

A motion to approve the waiver was made by Mayor Conklin, seconded by Mr. Adrignolo. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis)

INVOICES

Omland Associates – Trust for: \$658.75 (AKR); \$310 (Daughtry 2018); \$310 (Lucin); \$1,224.50 (Roome Rd)

Michael Patrick Carroll, Esq – Trust for: \$75 (AKR); \$75 (Daughtry 2018); \$75 (Lucin); \$150 (Roome Rd); \$1,725 (PBNJ); \$112.50 (Woodland Properties)

A motion to approve the invoices was made by Mr. Braden, seconded by Mr. Adrignolo. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Adrignolo, A. Maggio, F. Cooney, L. Kornreich, J. Visco, N. Agnoli, J. Sandham & G. Lewis)

RESOLUTIONS

PMSP/F/PSOIL18-18 – Roome Road LLC –14-16 Roome Rd – B: 106; 109, L: 23.02; 314 – 8 Lot subdivision and soil movement no variances – Approved -- Eligible: Braden, Conklin, Kornreich, Visco, Cooney, Lipari, Sandham, Lewis

The resolution was carried to the 6-27-19 meeting.

MINUTES

Planning Board minutes of 5/9/19 – Eligible: Braden, Conklin, Kornreich, Visco, Cooney, Sandham, Lewis

A motion to approve the minutes was made by Mr. Visco, seconded by Dr. Kornreich. All in Favor by Voice Vote. None Opposed.

Planning Board minutes of 5/23/19 – Eligible: Conklin, Kornreich, Visco, Sandham, Maggio

A motion to approve the minutes was made by Dr. Kornreich, seconded by Mr. Visco. All in Favor by Voice Vote. None Opposed.

LOI/DEP NOTIFICATIONS

Mr. Omland reviewed six LOI/DEP notifications.

LEGAL/LEGISLATIVE UPDATES

Mr. Carrol had no relevant Legal/Legislative Updates for the board.

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OLD BUSINESS

PSPP/FC16-23/PSOIL16-24 – PBNJ (Wawa)- 16 Rt. 46 – B: 162, L: 7 – remand hearing – carried with notice from 3/14/19, 4/11/19, & 4/25/19 hearings – Eligible: Adrignolo, Conklin, Maggio, Cooney, Kornreich, Visco, Agnoli

Chairman Lewis reported that this was carried from the 4-25-19 meeting.

Planning Board recused members Braden, Conklin, & Lewis departed at this time, 7:58pm.

Vice Chairman Maggio explained the remand process for the public.

Present on behalf of the applicant: Mr. Steven Schepis, Esq., Mr. Matt Bersch, Site Engineer, and Mr. Peter Steck, Principal Planner.

Mr. Schepis, Esq. summarized the revised plans from 5-30-19.

Mr. Bersch, Engineer, still sworn in, walked through the modifications since the last meeting.

Exhibit A-18 (Site Plan Rendering) dated 5-30-19 was submitted. He discussed the following items: location changes, pedestrian amenities including small sidewalk off of public sidewalk, bench and trash can, retaining wall and landscape minor changes, compliance with ordinance requirements, light modifications including number of fixtures and reduction of foot candles, extended length of pipe in underground detention system, minor changes with extended striping and trash enclosure, modified signage changes including height, letter sizes, monument, square footage, and setbacks.

Exhibit A-19 (Signage Exhibit) was submitted. He discussed in detail the following: monument sign, letter size, square footage, setbacks, and ordinance compliance. He addressed Mr. Burgis' memo comments dated 6-11-19 regarding the impervious coverage, clarifying the number of shrubs, striping of trash enclosure and bollards, decorative landscaping, number of light requirements and foot candles, design exceptions relative to bikeways/lanes and steep slope disturbance. He addressed Mr. Omland's memo issues dated 6-9-19 and agreed to all items. He further commented on the trashcan maintenance, DOT permitting, and title 39. He said they would also agree to Mr. Omland's 6-8-19 memo comments regarding storm water management. Professional questions followed regarding consideration of easement for future bike lane and specific acreage figures regarding slope categories.

Exhibit A-20 (List of Variance and Design Exceptions Requested) was submitted. Mr. Burgis asked about slopes, percentages, and limits of disturbance. Mr. Bersch said they would be disturbing the entire site. Mr. Burgis asked about the route to pedestrian amenity area, accessibility, and possibility of relocation of bench. Mr. Omland commented that the accommodations he asked for were met. Board members asked questions and commented on the following items: trees on drawing, bench location, steep slopes, topography of site, natural and manmade slope disturbance, and elevation of Bloomfield Ave vs. Rt. 46. Mr. Omland read into record the ordinance regarding slope disturbance. He said it was up to the board to decide if slopes were previously altered and explained that the Planning Board has the right to waive or grant relief.

Vice Chairman Maggio opened the meeting to the public on Mr. Bersch's continued engineering testimony.

Mr. Fred Able of 33 Underwood Road in Montville asked questions about the traffic. It was explained to him that this was already testified on.

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Ms. June Witty of 11 Ward Witty Drive in Towaco asked questions about the retaining wall heights on the different roadways and the greenspace on westerly side. Mr. Schepis explained the retaining wall being below grade.

Ms. Rachel Fein of 11 Marguerite Drive in Pine Brook asked if there was going to be a sign on Rt. 80. Mr. Bersch explained that this was not part of the application.

Mr. Leka Azia of 12 Lisa Place in Pine Brook asked questions about the widths and specifics along the frontage property and setbacks. Mr. Omland explained the county and state process, zoning regulations, and why the application is before this board.

Ms. Kerry Laurito of 29 Dogwood Circle in Pine Brook asked if they considered the closing of the Bloomfield Ave entrance in the plan revision. Mr. Burgis explained that the traffic engineer already testified on this and the outcome.

Ms. Sandy Zwizkel of 47 Gathering Road in Pine Brook asked questions that the traffic engineer already testified to.

Mr. John Sharratt of 11 Waxberg Lane in Pine Brook asked about the bench on Bloomfield Ave, security, the green space area, site lighting, and street light locations.

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

Break from 8:52pm to 9:00pm.

Mr. Peter Steck, Planner, was sworn in and his credentials accepted. He discussed the following items: his investigations and findings, property tours, documents reviewed, here for previous testimony, definition of separation distances for motor vehicle services stations, foundation for conclusions, acreage, frontages, previous fully developed site, site history, non-conformities, distances from right-a-ways, building heights, drop in topography, existing vacant buildings, driveways, free standing signs, site being declared blighted by town in 2015, private development effort, proposed project, orientation of site, retaining walls, drop in elevations, driveway signs, proposed 2 free standing signs, modern fueling facility, trend of providing retail goods, interrelationship of fueling and convenience items, old station descriptions, environmental protections, surrounding areas, walked around compass of residential, commercial, industrial, office building, landscaping business, restaurant, car dealership, hotel, carwash, shopping center with diner, access from Rt. 46 and Bloomfield Ave, signage on entrances, sensitive uses of residential area and separation distances, zoning, promotion of new development, B-3 high business zone, ordinances, permitted uses in zone, provisions of ordinance, classifying of uses, definition of motor vehicles service stations and retail spaces, lot minimum sizes, out-lined separation distances, requirements and reliefs needed for church, residential, and service station/carwash/garages, the history from 1977 to 1995 to 2011 regarding conditional uses, dimensional standards, ordinance changes, and permitted uses, 'c' variance request, and items of relief needed from Exhibit A-20. He further discussed the separation distances to a place of worship, residents, and carwash and the distances to property lines vs. dwellings.

Exhibit A-21 (Infrared Aerial Photo) dated 6-4-19 prepared by Mr. Steck secured from the DOT website was submitted. He discussed the variances being sought, distances to church, residents, and carwash, loading zone location options, 2 signs vs. 1 special provision, LED signs, square footages and maximums, and design exceptions needed for bike lane and steep slopes. He read the regulation of slope provisions.

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Exhibit A-22 (Separation Distances of Motor Vehicles Service Stations) dated 6-3-19 prepared by Mr. Steck was submitted. Exhibit included 12 gas/service stations and 1 carwash. He said all have bays, except Exxon on Changebridge Road. He reported that only Jiffy Lube complies with the separation distances, but the property itself is not conforming and he took into account existing conditions.

Exhibit A-23 (10 page Memo on Ordinance Provisions of a Motor Vehicle Station in B-1, 2, 3 & 4 Zones) dated 6-5-19 prepared by Mr. Steck was submitted. He discussed the following items: where permitted, distances to residential zones, B-3 zone, analysis, verbal corrections on page 7, distances and lot size requirements, negative criteria, property justifications, residential separation distances, hardship and practical difficulties, functional relationship, substantial detriments, lack of hazards as compared to old style, c-2 benefits outweighing detriments, bench location, free standing signs, elevations, canopy, necessity of identification on frontages, access points, bike lanes, LED benefits, state law requirements of posting gas pricing, hardships related to size of property and access, steep slopes regarding ordinance intention with previously altered slopes, erosion and run-off plan, proper procedures being applied, and grades. Mr. Steck gave an explanation for measuring on both sides of multifaceted signs. He further summed up the blighted property, property currently being negative to public, the public benefits of proposed project including the aesthetics, access, drainage, and landscaping, the highway oriented use, and the statutory positive and criteria being met.

It was decided to start the meeting of 7-11-19 with the cross examination of professionals and planning board member questions.

****CARRIED WITH NOTICE PRESERVED TO 7/11/19.**

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 was no need for Closed Session.

ADJOURNMENT

There being no further business to discuss Vice Chairman Maggio asked for a motion to adjourn. On a motion made by Mr. Agnoli, seconded by Deputy Mayor Cooney, the meeting was unanimously adjourned at 10:23pm.

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