

**MONTVILLE TOWNSHIP PLANNING BOARD**  
Held at: 195 Changebridge Road, Montville Municipal Building  
**Minutes of Thursday, June 27, 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. Maggio, F. Cooney, L. Kornreich, J. Visco,  
R. Lipari (7:47pm-9:50pm), J. Sandham & G. Lewis

**ABSENT EXCUSED** N. Agnoli

**ABSENT** A. Adrignolo

**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, asked for a moment of silence for the Melzer family tragedy, and thanked Vice Chairman Maggio for the handling of 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 was absent.

Board of Health – Mr. Lipari was absent during this portion of the meeting.

Environmental Commission – Dr. Kornreich had no report.

Water & Sewer – Mr. Maggio had no report.

Historic Preservation Review Commission – Mr. Visco said they met on Monday and discussed the approval for the Demo by Neglect, how to restore homes, and education on historic designation.

Chairman Lewis proposed a future educational joint meeting with Planning Board and Township Committee.

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 will be meeting on 6-20-19.

Master Plan – Chairman Lewis said it would be discussed during the meeting tonight.

Highlands Legislation Review Committee – Chairman Lewis had no report.

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Fire Districts – Mr. Conklin (Towaco) reported on the shed status, 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 that was approved at Tuesday’s Township Committee meeting and on the 4<sup>th</sup> of July Celebration taking place from June 27<sup>th</sup> to 29<sup>th</sup>.

### **SWEARING IN OF PROFESSIONALS**

Mr. Carroll swore in board professionals.

### **SECRETARY’S REPORT**

Secretary J. Mowles reported that she received an application for 15 Hook Mountain Road.

### **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 Dr. Kornreich, seconded by Vice Chairman Maggio. All present were in favor. None opposed.

### **PLANNING BUSINESS**

#### Master Plan Re-examination Discussion

Chairman Lewis reported that the subcommittee discussed the Planning Board member concerns from the May meeting and that the report had been updated. He explained the next steps. Mr. Burgis recapped what was changed and why. He discussed the minor adjustments to Goals # 5 and 10 including identifying all Master Plan elements, the elimination of COAH mention, and sidewalks. He identified the 5 new goals and objectives # 17-21 including the balance between residential and non-residential, preserving farmland and agriculture, adopting green building, encouraging senior housing opportunities, and discouraging billboards in the municipality. He identified the 6 various affordable housing zones and amendments to land use regulations regarding the right to farm, houses of worship, plugin stations for electric cars throughout town, and the emerging land uses for the changes taking place. He further discussed steep slopes, trees and buffers, and definition of open space land use identification. (Mr. Lipari entered at 7:47pm.) Planning Board members asked questions on previous member comments, storm water and maintenance of, billboard adjustments, agricultural goal, sidewalk funds, farming, impervious coverage, underground vs. aboveground basins, pool setback standards, and electrical vehicle charging stations. Chairman Lewis said the draft plan is now available to view or download on the town website under “news flash” and that the public hearing will be held on 7-11-19 followed by the adoption of.

#### Discussion re: Skyview Heights Trees

It was explained that the shade trees are on bond, had not been installed to date, and that the developer was looking to have his bond released. The township engineer was concerned with future costs to the town caused by the shade trees. The Planning Board has the option to waive the requirement of shade tree installment and/or have the developer install 60 trees in an alternate location not in the right-of-way. Discussion followed. It was decided to ask the developer for an alternate solution. Mr. Omland explained that a 2 year maintenance bond would be required.

#### Redevelopment Plan Millcreek

Chairman Lewis explained that the Planning Board was here for the consistency hearing. Mr. Burgis briefly summarized the study area, history, redevelopment process, area in need of redevelopment, background, LRHL powers, redevelopment plan goals, proposed land uses, redevelopment plan criteria, additional requirements, concept plan, settlement agreement with FSHC and MCRT and Township, and relationship to other plans. He explained the 3 options for the board: a) deem substantially consistent, b) deem inconsistent and approve, or c) deem inconsistent and not approve. Board members commented.

A motion to deem inconsistent with the Master Plan, but approve was made by Mr. Sandham, seconded by Mayor Conklin. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Maggio, F. Cooney, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

#### Resolution Professional Services Agreement Land Use Element Updates

A motion to engage Mr. Burgis' professional services for the Land Use Element update, not to exceed \$7,500 for a term not more than 1 year was made by Mr. Lipari, seconded by Mr. Visco. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Maggio, F. Cooney, L. Kornreich, J. Visco, R. Lipari, J. Sandham & G. Lewis)

#### **WAIVERS**

**PMISC19-23 – Ozan Premium Home LLC** – 21-25 Riverside Drive – BL: 182, L:7 - 11, 325 sf space (3000 office/8325 warehouse) for Home Textiles Company importing 100% Turkish cotton towels for distribution to retailers, hotels & wholesalers - hours of operation: 8 am–6pm M-F; 8 am–2 pm Sat; 24/7 access only to building - 5 employees - no overnight parking of vehicles - tenant name on existing monument sign

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

#### **INVOICES**

Burgis Associates – Trust for: \$937.50 (AKR Development); \$787.50 (Montville Petroleum Exxon); \$2,587.50 (PBNJ);

Dorsey & Semrau – Trust for: \$405.00 (Millcreek); \$90.00 (Montville LaSala); \$60.00 (Montville Residency); \$870.00 (Parklane); \$180.00 (Towaco Station); \$60.00 (DRA 350 Main)

Carroll – Trust for: \$75.00 (AKR Development); \$1,387.50 (Roome Road)

Omland Associates Inc. – O/E: \$77.50 (Morris Cty meeting/VanSchaik) Trust for: \$1,433.75 (Roome Road); \$77.50 (VanSchaik)

A motion to approve the invoices was made by Mr. Braden, seconded by Vice Chairman Maggio. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Maggio, F. Cooney, L. Kornreich, J. Visco, R. Lipari, 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

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Mr. Omland explained the minor change to the board allowing flexibility of 11 feet to 12 feet. Mr. Carroll commented.

A motion to approve the resolution was made by Mayor Conklin, seconded by Deputy Mayor Cooney. Roll Call of Eligibles. All in Favor. None Opposed.

### **MINUTES**

Masterplan Subcommittee minutes of 6/13/19 – Eligible: Visco, Lewis

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

### **LOI/DEP NOTIFICATIONS**

Mr. Omland reviewed a notification on Change Bridge Road.

### **LEGAL/LEGISLATIVE UPDATES**

Mr. Carrol reported that the Legislature adopted greater flexibility for municipalities regarding shopping centers.

### **OLD BUSINESS**

There was no Old Business to come before the board.

### **NEW BUSINESS**

**PMSP/F/PSOIL18-19 – AKR Development** – 34 Abbott Rd – B: 39.06, L: 99.03 – 6 lots and 1 open space lot – no Variances – Notice Acceptable  
ACT BY: 7/18/19

Mr. Stephen Schepis, Esq. on behalf of the applicant summarized the previously approved 5 lot subdivision, acreage, location, individual septic systems, water utility, site disturbance from Rt. 287 development, conforming subdivision proposal, cluster plan option, zoning, smaller building lots, open space, no variances, design exception for slopes, sidewalk exception, and substantial site improvements.

Mr. Marc Walker, Engineer, was sworn in and his credentials accepted.

Exhibits A-1 (Original 5 Lot Subdivision from 2007), A-2 (Conventional Plan), and A-3 (Cluster Subdivision Plan) all dated 6-27-19 were submitted. Mr. Walker reported that he was the engineer on the previous application. He said the main difference is the storm water basin location. Mr. Omland commented on the basin location choice. Mr. Walker testified on the following items: existing conditions, burrow pit, acreage, location, property definition, man-made slopes, prior approval, substantial off and onsite improvements, costs, utilities, 6 lots, cluster option, redesigned plan vs. conventional, green buffer area to tracks, closest driveway 600 feet to Rt. 287, aboveground infiltration basin vs. underground, 2 acres of less disturbance, zoning requirements, conceptual dwelling square footage, building coverage, storm water detention basin design, common open space, storm water discharge, public right-of-way modification, state requirements met for infiltration detention basin, 3 plan comparison regarding acreage, steep slope disturbance and storm water basin, reliefs needed, undisturbed area of study, open space lot uses, and steep slope location. Mr. Schepis discussed the existing Abbott Road improvements including storm water drains, curbing, water main stubs to hook into, storm pipe discharge into detention basin, and additional fire hydrants. Mr. Walker further discussed the town engineer's concerns, providing curbing, shade trees, split rail fence, shade tree waiver, proposed evergreens between neighbors, 5 foot non-climbable fence, town responsibility for maintenance of basin, withdrawal of petition for soil movement, which is no longer needed, slope disturbance relief needed, previous disturbance percentages, proposed disturbance as it relates to run-off, Morris County requirements, limit of disturbance, and Mr. Omland's

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memo dated 6-21-19 review and comments. Mr. Omland commented on the cluster provisions. He felt more comparison was needed regarding cluster vs. conventional and requested a side-by-side comparison be prepared for planning board members. Mr. Walker felt the area of disturbance is significant as compared to original to conventional to cluster. He explained the plateau area and percentage standard standpoint. Mr. Schepis said it was less than what was approved in 2007. He read into record the resolution from 2007 as it pertains to slope disturbance. Chairman Lewis explained the foundation needed to come to a conclusion. Mr. Burgis commented on the number of lots the applicant is entitled to, showing full compliance, conventional subdivision, regulation of slopes, conditions required, cluster developments, and interpretation. Discussion followed regarding the TRC review, compliance, conventional vs. cluster differences, number of lots entitled to, and consistency with ordinance. Mr. Carroll shared his legal opinion.

**\*\*CARRIED WITH NOTICE PRESERVED TO 7/25/19.**

**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 Chairman Lewis asked for a motion to adjourn. On a motion made by Mr. Sandham, seconded by Deputy Mayor Cooney, the meeting was unanimously adjourned at 9:50pm.

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