

**MONTVILLE TOWNSHIP PLANNING BOARD
MEETING**

Held at: 195 Changebridge Road, Montville Municipal Building
Minutes of Thursday, July 13, 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. Maggio, M. Kayne, L. Kornreich,
R. Lipari, N. Agnoli, P. Repic, L. Hines & G. Lewis

ABSENT A. Adrignolo

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

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

ANNOUNCEMENTS

Chairman Lewis reported to Mayor Kayne and Committeeman Conklin that the utility crew from Verizon Fios has been efficient and clean.

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.

COMMITTEES & LIAISONS - APPOINTMENTS MADE BY CHAIRMAN

Board of Adjustment – Russ Lipari said they met, no vote was taken, and it was carried to the 9-6-23 meeting. Gary Lewis said that the public portion was over and hopefully a vote will happen at the next meeting.

Board of Health - Russ Lipari said there was no meeting.

Environmental Commission - Larry Kornreich said there was no meeting.

Water & Sewer - Art Maggio had no report.

Historic Preservation Review Commission - Adam Adrignolo was absent.

Design Review Committee – Larry Hines said they had one applicant and that board member Joseph Manno had resigned because he has retired and is moving to Arizona.

Site Plan/Subdivision Committee – Tim Braden reported that they met on 6-22-23 where they heard 6 waivers and approved 5. One was appearing before the board tonight.

Open Space Committee – Nick Agnoli had no report.

Master Plan - Gary Lewis had no report.

Fire Districts - Richard Conklin (Towaco) said the volunteers have been very busy with calls; Art Maggio (Montville) had no report; Tim Braden (Pine Brook) had no report.

Township Committee Mayor Report – Mayor Kayne reported on the following items: TC only meeting one time per month in the summer, hoped everyone enjoyed the 4th of July festivities and he thanked the DPW, Police and Committee for their work, open space purchases, and the pipeline project continuing until August.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in Professionals.

SECRETARY'S REPORT

Ms. Mowles reported that the meeting for 7-22-23 will be canceled, since there is no business.

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.

Ms. Julia Bramwell of 25 Turkey Hill Road in Boonton, explained to the board that her 25-year-old disabled son was in a wheelchair. She said she had previously written a letter to the council regarding the Dial-a-Ride program only being for senior services and not disabled citizens. She said she only received a response back from Ms. June Witty. She shared the severity of the situation for disabled adults living in Montville Twp. and surrounding towns. She said her son moved to Arizona for freedom. Chairman Lewis suggested she reach out to the Administrator Ms. June Hercek. He also explained the Planning Board's role.

There being no further discussion, 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. Lipari. Voice Vote. All present were in favor. None opposed.

PLANNING BUSINESS

HPRC23-02 Martone, Michael – 69 Waughaw Rd – B: 40, L: 69 - R-27A Prime Aquifer - Historic Site David Jacobus House – request for new pavilion, renovation of outdoor kitchen, addition of inground pool with patio and fence – certificate of appropriateness

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

WAIVERS

PMISC23-16 - Labcorp – 170 Changebridge Rd., Unit A5 – B: 139.12, L: 1.05 – 602sf space for patient service center providing routine adult and pediatric specimen collections for diagnostic testing and screening, collection of specimens only, no testing performed on site – 2

employees – hours of operation: 7am-3pm M-F, closed Sat & Sun – no overnight parking of vehicles – no signage requested.

Mr. Braden said the subcommittee wanted to hear more as they felt the parking was an issue and asked them to visit the traffic flow in the complex. Mr. Tom Kennedy, representative of Labcorp, was present. He spoke on the following items: the newly purchased business, no change of use, new owner, hours of operation, intended use vs. previous owner, visits being by appointment and/or walk-in, number of employees, and parking spaces for employees and visitors throughout day. Board members asked about or shared concern for: the history of prior tenant, if there were similar businesses in complex on River Road, number of walk-ins compared to number of parking spaces, if they were only testing on site and/or also providing results, not finding parking to be an issue in the parking lot, and there being open parking spaces, not assigned throughout complex.

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

INVOICES

Bowman – O/E for: \$181.00 (Board Business May 2023) **Trust for:** \$587.50 (AVC Holdings), \$379.00 (Diversified PSE&G), \$320.00 (Juve), \$379.00 (McDonalds), \$400.00 (Montville Residency), \$120.00 (PBNJ), \$320.00 (Pinto), \$80.00 (640 Rt. 202), \$320.00 (McDonalds)

Burgis – Trust for: \$1,160.00 (AVC Holdings), \$240.00 (Diversified PSE&G), \$600.00 (Juve), \$1,960.00 (Maryava), \$1,080.00 (McDonalds), \$520.00 (McDonalds), \$1,960.00 (Montville Residency), \$720.00 (Pinto)

Carroll – O/E for: \$80.00 (BoE Review) **Trust for:** \$120.00 (AVC Holdings), \$80.00 (Diversified PSE&G), \$80.00 (DLS Contracting), \$1,280.00 (Hook Mtn Montville), \$80.00 (Juve), \$80.00 (McDonalds), \$120.00 (Montville Residency), \$40.00 (PBNJ), \$1,680.00 (Pinto),

Semrau – Trust for: \$360.00 (PBNJ), \$180.00 (Millcreek)

Suburban – Trust for: \$1,038.00 (Diversified PSE&G), \$546.00 (Juve), \$1,011.00 (PBNJ), \$620.00 (Pinto), \$1,131.00 (Russo Acquisitions)

A motion to approve the invoices was made by Mr. Agnoli, seconded by Mr. Braden. Roll Call. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Maggio, 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

Planning Board Minutes of 4/27/23 – Eligible: Maggio, Kayne, Braden, Kornreich, Agnoli, Repic, Hines, Lewis

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

Planning Board Minutes of 5/11/23 – Eligible: Maggio, Kayne, Braden, Kornreich, Lipari, Repic, Hines, Lewis

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

Planning Board Minutes of 6/8/23 – Eligible: Maggio, Kayne, Braden, Kornreich, Lipari, Conklin, Hines, Lewis

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

Planning Board Subcommittee minutes of 6/22/23 – Eligible: Lipari, Maggio, Agnoli, Braden

A motion to approve the minutes was made by Vice Chairman Maggio, seconded by Mr. Agnoli. Roll Call of Eligibles. All in Favor. None Opposed.

LOI/DEP NOTIFICATIONS

M. Giurintano reported that the new Flood Hazard regulations were published on Monday. He said there are a lot of engineering aspects and that more than 300+ properties are affected. There will be additional permitting required on applications going forward.

LEGAL/LEGISLATIVE UPDATES

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

OLD BUSINESS

There was no Old Business to come before the board.

CORRESPONDENCE / EXTENSIONS / DISMISSALS

PEXT23-07 Sea Breeze – 441 Main Road – B: 81, L: 4 – request for extension of approvals to 6/24/24

Ms. Margaret Miller, Esq. was present on behalf of the applicant. She requested an extension to 6-24-24 due to the JCPL easement approval delay. Chairman Lewis commented on the memos from Planner and Engineer, there being no storm water impacts, and Mr. Burgis' office comment.

A motion to grant the extension to 6-24-24 was made by Mr. Agnoli, seconded by Mr. Hines. Voice Vote. All in Favor. None Opposed. (R. Conklin, T. Braden, A. Maggio, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic, L. Hines & G. Lewis)

PMN/C22-06– Judges – 4 & 6 Tara Ln – B: 128, L: 2 & 3 – lot line change with variances – applicant requested to withdraw the application.

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

NEW BUSINESS

PSPP/FC23-01 – McDonald’s – 52 Rt. 46 – B: 176, L: 15.2 – amended preliminary and final site plan with variances for drive thru – Notice Acceptable Act by: 9/13/23

Mr. Daniel Kline, Esq., on behalf of the applicant was present. He reviewed the following: property location, permitted use, variance relief seeking, dual lane side by side drive through, flow, land use law, and promoting safety.

1st witness, Mr. Tiago Duarte, PE, was sworn in and his credentials accepted.

Exhibit A-1 (Aerial Exhibit) was submitted. He testified on the following items: property location, block & lot, existing use, square footage, original application, prior approval, parking spaces, property accesses, currently single lane drive through, looking to modernize site and construct a dual lane drive through.

Exhibit A-2 (Colorized Version of Site Plan) was submitted. He continued on the following: no changes to building or site access, split into two lanes, direction from staff, looking to increase efficiency, doubling queue, traffic flow, feasibility, removal of parking pick up bay, site circulation, going from 64 to 50 parking spaces including 3 ADA spaces and EV space, compliance, no major changes to site or building, site improvements including impervious coverage, 2 sign variances, 2 frontages, 5 signs needed, 4 currently, height and area of signs for direction, loading area variance, uniqueness with 2 frontages, loading use, and design exception for trash enclosure relocation including current and proposed location. He addressed professional comments from Mr. Burgis regarding access roadway installed after approval to facilitate access to site, sidewalk being continued in right-of-way, ADA access, impervious coverage increases and reasonings, asking for the same prior approval of exception for bikeway requirement, and agreeing to comply with additional engineering and planning requests. Mr. Kline said they will comply with additional landscaping requests. Mr. Giurintano asked about the parking space removal, only counting 13 being removed, update to C-3 and C-4 plan, testimony regarding staff circulation safety when taking out the trash, and recommendation of drop curb for staff safety. Mr. Duarte said there is new access and circulation for staff. Mr. Burgis commented on the state law mandates regarding ADA and EV parking, bike rack, and landscaping comments being a condition of approval. He said they will comply. Board members asked about the location of the loading area, how trucks access the building, the double queue, how many cars can access, amount of increased capacity, and additional staffing.

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

2nd witness, Mr. Alexander Dougherty, Planner was sworn in and his credentials accepted.

Exhibit A-3 (Drone Aerial View Pictures) containing a 5-page set with pictures being taken on 7-11-23 was submitted.

He testified on the following items: existing conditions, different perspectives, current single drive aisle, proposed modifications, block & lot, acreage, frontages, surrounding uses, site accesses, no changes to building, business use, permitted use, lot area and coverage, setbacks, zone relief, C reliefs, no detriments, site benefits including traffic flow and efficiency, proposed configuration, landscaping improvements, impervious coverage, improvements, no detriments, sign quantity and details, square footage and area, design exceptions reasonings, impracticability, business improvements, benefit to community, employment opportunities, minor in nature, and benefits. Mr. Klein asked him to discuss more on the land use plan purposes including A, G, H, I & N and the waivers being reasonable. Mr. Burgis asked for more testimony on the maximum sign height, menu and gateway sign, and additional landscaping request. Chairman Lewis asked for more on the streetscape improvement plan and loading zone. Mr. Dougherty talked about what they looked at and short-term parking of tractor trailers vs. parked cars. Board members asked about the following: height and density of landscaping and garbage and tractor trailer trucks.

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

Mr. Klein had no closing comments.

A motion to approve application with additional screening was made by Mr. Lipari, seconded by Mr. Agnoli. Roll Call. All in Favor. None opposed. (R. Conklin, T. Braden, A. Maggio, M. Kayne, L. Kornreich, R. Lipari, N. Agnoli, P. Repic, L. Hines & G. Lewis)

CONCEPTS

There were no Concepts to come before the board.

SECRETARY'S REPORT II

Ms. Mowles reported on the application for Above & Beyond at 5 Van Winkle Road in Pine Brook. She said the site is to be cleaned up.

Board professionals were excused at 8:57pm.

CLOSED SESSION

A motion to go into closed session at 8:57pm was made by Mr. Hines, seconded by Mr. Agnoli.

Discussion followed on engineer and conflict engineer positions.

A motion to adjourn the closed session at 9:08pm was made by Mr. Agnoli, seconded by Mr. Hines.

ADJOURNMENT

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. On a motion made by Committeeman Conklin, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 9:08pm.

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