

MONTVILLE TOWNSHIP PLANNING BOARD
7:30 PM Start
195 Changebridge Road, Montville Municipal Building
MINUTES OF AUGUST 10, 2006

ROLL CALL

Mr. Rosellini - absent	Mr. Karkowsky - present
Ms. Kull - absent	Mr. Moscone – present
Ms. Nielson – entrance noted ¹	Mr. Visco – present
Mr. Lipari - absent	Mr. Lewis – present
Mr. Hines (alt#1) – present	Mr. Witty (alt#2) – absent ²
Mr. Glick – present	

PLEDGE OF ALLEGIANCE

Stated

STATEMENT OF COMPLIANCE

Stated

PUBLIC DISCUSSION

Mrs. White explained that she will be bringing back the Cedar Ridge/Gannon subdivision on Whitehall Road explaining that after the original approval, their professional re-oriented the yards which requires them to re-execute mylars for approvals.

COMMITTEE REPORTS

None

Carried Hearing: Secretary noted that **PMSP02-15-06-02 -Waughaw Mountain Estates III Amended Preliminary** rescheduled to October 12, 2006 Planning Board meeting. No motion needed.

PLANNING BUSINESS

- Chapter 16.44 - Section 16.44.200N - gate/pillar placement in front yards
– draft ordinance review

Adrian Humbert, AICP: provided board with a draft incorporating comments received from all board members, zoning officials, and developed an ordinance that regulates placing gates and pillars using road frontage at the street line as the basis for decision making. The scale that is in the ordinances reflects frontages as they exist in zoning schedule. Maximum heights of the pillars respectively are 4 – 6 – 8 and include light fixtures. Second part of the ordinance changed was the setbacks of 10' from side and rear to make this area consistent with other zoning codes with the larger zones, and provides 5' from side and rear property lines for smaller zones. Another provision requires 5' off street ROW line, and finally in responding to one of the comments Mr. Lewis made he provided a minimum separation of 12' between pillars (gate posts and any hinges that may project). Information as to width of new fire engines reflects the new trucks are somewhat wider, so this will effectively leave 2' of clearance on either side.

¹ For executive session discussions

² Vacation

Motion to recommend adoption of this ordinance to Township Committee made by: John Visco, Seconded by: Gary Lewis
Roll call vote: unanimous

- Curb Guards/Tree Plantings/Sidewalk – Review of Tree Guard/Curb guard

Carried to a future meeting when Ms. Nielson would be present to review.

- Cross Acceptance Update – Adrian Humbert, AICP

Adrian Humbert, AICP summarized the County correspondence on this issue dated July 26th as it relates to what is going on about Cross Acceptance. State Office of Smart Growth has been in loggerheads and at an impasse over changes to environmentally sensitive areas. County of Morris, responding to initial requests, sent in reports around same time as debate started. There is no response received to the County report, which consolidated municipal reports. The changes, based on County info, are that the planning area 1, 2 and 3 originally mapped has been subject to certain changes primarily involving changes to area 5 or designation of critical or environmentally sites. As far as know, the County has not issued any new maps that are supposed to be sent to the municipality. Although not confirmed at this time, to the best of Mr. Humbert's knowledge, our town is not affected.

Jim Glick: noted concerns on having 3 different maps involved, concerned over the amount of bureaucracy involved here questioning if we can't do something about this. Michael Carroll, Esq.: noted an article in today's newspaper that says it is 2 years since Highlands passed, and there is still no clue as to what is going on. Gary Lewis: voiced concerns that we have several projects on the board that would be classified as 'major projects' under the regulations where we should have the ordinance in place to be able to hand to the developers. We should advocate that we push our professionals and township committee to get this important program in place and now. He noted he feels this is something that will help us in review process and that we should have the document finalized in place, voicing concerns that we don't have this. Linda White indicated we did adopt the master plan element on Stormwater Management. It was moved that a letter be sent to the Township Committee voicing the concerns of the Planning Board on the need to have a new stormwater management plan in place to meet the demands of new subdivisions that may be filed. Motion made by: Gary Lewis Seconded by: John Visco Roll call vote: unanimous

- Land Capacity Analysis for undeveloped residential acreage in CWR zone – Adrian Humbert, AICP report

Adrian Humbert, AICP summarized that he developed a benchmark study and prepared all properties that were vacant as of 2006 with their development potential and came up with some findings that indicate that there has been a significant reduction in the vacant land capacity in the CWR district. He indicated that on northwest of prime, he broke lands down by each lot, looked at what has happened thru acquisition of public open space, approval of certain developments and found that the number of lots since 1998 has been reduced to the

point now that within the prime area, there is a current development potential of 6 lots; within restricted area on southeast he came up with potential of 32 lots with 17 of these lots under construction or already approved (i.e. Forest Ridge, Cedar Ridge, Vidovich, Evangelical Mission). The additional reduction in this area was a direct result of acquisition of open space parcels. The current potential in the northwest section of prime aquifer has been reduced from 90 lots in 1997 to 30 lots, with 26 lots pending application within Waughaw Mountain subdivision.

Conclusion reached: if you impose 5 acre zoning on this area, there would be limited impact since remaining lots are small in size. Rezoning in the restricted area would also have limited impact in view of previously approved existing approvals. In northwest, most of lots considered to be developed would be the Pio Costa Site and if you apply the 5 acre zoning if it were to be applied if expiration of approvals of subdivision occurs.

One other thing that came up was to look at the industrial zones, and pursuant to that in a supplemental report issued August 1st he added a paragraph that indicates there are two industrial areas in the prime on Indian Lane/Hooks/Como and Jacksonville. They are in the I1A, which requires 5 acres so would not be affected by upgrading to 5 acres. Mr. Moscone: doesn't make any sense to look at upgrading the five-acre zoning in the aquifer area based on these findings. Gary Lewis: recommended this report be sent to the Township Committee showing there is limited value in upgrading zoning. Motion made by: Gary Lewis, Seconded by: Larry Hines to forward these findings to Township Committee bringing closure to the question of increasing zoning in the CWR zone to 5 acre zoning.

WAIVERS

PMISC06-30 Artistic Dance – 446 Main Rd. – B: 39, L: 78.2 – 1,250 s.f.
Dance Studio – 2 employees – hours of operation 1pm-9pm Mon-Sat. –
signage to be in compliance with approved theme (RB Assoc.)

Linda White summarized that this is a dance school that will be located within the area previously used as carpet store. There was a dance school and daycare center in this strip mall. No other issues noted.

Motion to approve subject to compliance with agency findings, enclosed dumpster, compliance with sign theme, and use letter as stipulated made by: Larry Hines, Seconded by: Ladis Karkowsky Roll call vote: unanimous

PMISC06-31 Sunset Motel/Knights Inn – 55 Rt. 46 E – B: 183, L: 4 – façade and sign changes to existing motel

Linda White summarized that this site has been at the Planning Board subcommittee on many occasions where they were aided in upgrading their site. The Design Review Committee also met with the applicant on at least three separate occasions. The freestanding sign on highway is 78 sq. ft. and the sign on façade is 64 sq. ft. Although a substantial reduction from the existing signs, the code requires 50 sq. ft. combined. Although the sign is an improvement, the board would like to look at reducing the signs. Adrian Humbert, AICP indicated that the present sign ordinance would need to be addressed to deal with some of the coverage requirements.

Mr. Anouk, applicant and working with Mr. DiGeronimo his architect and the board. . Standards from Knight's Inn and signage discussed. Will work with architect and planner.

Stan Omland, PE: this is a waiver and if there are no variances, the Planning Board can approve. Ladis Karkowsky: the sign has to meet our ordinance, and the sign has to be downsized.

Gary Lewis: Planning Board minutes of May 4th indicated that the applicant will work with fire department and is completed. Will work with planner on reduction of sign. Will also comply with all upgrades and site work agreed upon by Planning Board and Design Review Committee. Motion made by: Ladis Karkowsky, Seconded by: Gary Lewis Roll call vote: unanimous

PMISC06-32 Coastal Financial Group – 150 River Rd. 3E – B: 123, L: 21 – 5,500 s.f. Office for insurance company – 20 employees – hours of operation 8am-5pm Mon-Fri – signage to be in compliance with approved theme

Motion to approve subject to compliance with agency findings, enclosed dumpster, compliance with sign theme, and use letter as stipulated made by: Ladis Karkowsky, Seconded by: John Visco Roll call vote: unanimous

RESOLUTIONS

PMSP/F05-16, VIDOVICH - 27 Redding Place, Towaco in Block: 109, Lot: 42 - Notice Acceptable – 3 Lot with Variances for lot area, lot width and waiver from RSIS and Exception from Slope Ordinance. Approved 7/13/06 Eligible: Marie Kull, Deborah Nielson, John Visco, John Rosellini, Steve Moscone, Larry Hines, Alt#1, Gary Lewis, Jim Glick

Motion to adopt made by: Larry Hines; Seconded by: Steve Moscone Roll call vote: John Visco, Steve Moscone, Larry Hines , Jim Glick, Gary Lewis – 5

CORRESPONDENCE

None

MINUTES

Minutes of 7-13-06 – Roll call vote: Marie Kull, Deborah Nielson, John Visco, Gary Lewis, John Rosellini, Steve Moscone, Larry Hines, Jim Glick
Minutes of 7-27-06 – Roll call vote: Marie Kull, Deborah Nielson, John Rosellini, Jim Glick

Motion to adopt made by: Gary Lewis, Seconded by: Larry Hines
Roll call vote: unanimous

INVOICES

Adrian Humbert, PP – O/E for: \$72; \$60; \$300 (Smart Growth); \$540 (Smart Growth); \$420 (Smart Growth); \$30; \$330; \$60; \$120; \$288; \$912

Michael Carroll, Esq. – Litigation for: \$125; \$62.50; \$918.75; \$2,950; \$31.25; \$31.25; \$31.25; Trust for: \$1,110 (FHN)

Motion made by: Ladis Karkowsky
Seconded by: Steve Moscone
Roll call vote: unanimous

LOI/DEP NOTIFICATIONS

LOI Application for: V&L Associates, 465 Route 202, Block 81, Lot 7

Stan Omland, PE: summarized that the Planning Board has in the past looked at this issues especially as it relates to applications that were difficult and has hired environmental experts to review LOI's to verify lines determined. This site has depicted a wetland line that was complex and subject to a great deal of scrutiny. The DEP process allows input from Township, and the question here is: Do you want to check the LOI? There is no pending application so this cost would now be a township expense.

Discussion ensued on prior reviews on this site and LOI and the Environmental Commission's review of the LOI. Gary Lewis: asked if there is a review on file from prior LOI? And questioned if you couldn't just do spot checks in critical locations. Stan Omland, PE indicated that a full review probably could be achieved for \$2,000. Linda White indicated that this would be a township expense. The Planning Board thought that the Environmental Commission should review prior reports issued on this site against this newest filing and ask if they feel a report should be generated on this new submission. Stan Omland, PE: if there was a prior consultant, then perhaps this consultant can review this LOI submission and update his report. It was decided that Stan Omland, PE review prior reports and report on this subject for the next agenda. Motion made by: Ladis Karkowsky Seconded by: Larry Hines Roll call vote: unanimous

OLD BUSINESS (Mr. Moscone stepped out of room)

PSPP/F04-03-05-05 FHN CUISINE (Inn at Montville) MONTVILLE

PROFESSIONAL BLD - 167 & 161 Main Rd. - B: 51, L: 47 & 43 -

Amended pre/final site plan/parking variance – amendment to plan to reflect change in façade/seating arrangements – notice acceptable & Carried from 7-27-06

Steve Schepis, Esq.

Represented that the elevation change proposed is not substantial. Display shows removal of fireplace on elevation on Rt. 202 moving it to River Road. Board members voiced concerns on the change from front with removal of fireplace and the affect that it may create as it relates to being massive frontage on Main Road.

There is no change in seating capacity although the plans before board on this change may show two new seats; Mr. Schepis indicated these would be revised to eliminate them. There is no modification of seating. Discussion ensued. Mr. Lewis also felt that the chimney in the front is better and with this design it is more asymmetrical. Larry Hines: last meeting never really understood what was the reason? Mr. Schepis: indicated that the floor plan works better with fireplace wall on River Road. The seating plan remained the same, just the layout changed.

Ladis Karkowsky: original design is better and voiced concerns that more seating may occur. Consider putting a false chimney in the front. Mr. Schepis: the applicant will want to come

back with another layout and will have his architect address. Matter carried to: September 28, 2006. Mrs. White indicated that the adjacent property is being refaced, and that the owner may want to bring these plans in this evening as part of a waiver process. Motion to carry with notice preserved made by: John Visco, Seconded: Larry Hines Roll call vote: unanimous

(Steve Moscone back)

NEW BUSINESS

**PMN06-14 525 Realty Holding – 269 & 273 Changebridge Rd.– B:
149.04, L: 1 & 2 – minor subdivision w/variances – Notice in Order
ACT BY: 10/26/06**

Martin Sarver, Esq. – minor subdivision application

Michael Carroll, Esq. sworn in Mr. Miller and the Board professionals.

Thomas F. Miller, PE – reviewed credentials

Shell Station and 7-11 Discussed. Purpose of application is to make lot 1 slightly smaller and lot 2 slightly larger. Plan reflects change. There is a variance required: one variance required for lot No. 1, maximum lot coverage 55% where it will be 58.8% (3.8%).

Mr. Sarver indicated that the additional area would be deed restricted for landscaping and buffering and will not use for anticipated uses in the future. The tenant has a lease for a smaller area than the owner owns, and the tenant wants to buy its leasehold interest and wants to sell it. Owner doesn't want to give extra land. 525 own both lots. It has leased to its tenant Shell an area smaller than the area it owns. Lot 1 is larger than space leased to Shell. Shell has option to purchase the smaller piece. Ownership on lot 2 will increase, but appearance the same. No change in impervious coverage or FAR%. The Shell lot coverage goes up. The adjacent lot, 7-11, is more under impervious coverage. 7-11 comes into more compliance. This subdivision would bring this setback into compliance since there will be 18' grassed area behind curb. This is an increase and betterment of zoning. As long as there is a deed restriction to preserve this in perpetuity. Michael Carroll, Esq. will address this language. Stan Omland, PE: nothing changes: one variance goes away and on one, the impervious coverage goes up. It is for lease into fee simple sale. Gary Lewis: see no opportunity to try and get lot 1 into closer compliance. It is tight now with multiple driveways and pump. Jim Glick: have this strip as a green area permanent in a deed.

Larry Hines: what happens to lot 2? Is this lease a problem? Mr. Sarver: assume 7-11 has a lease for a smaller area. Owner continues to own it. No impact on 7-11 lease and will look the same. It will not be used. No utilities are in the strip. This is just a grassed area.

Motion to approve subject to compliance with testimony presented, deed restriction, agency findings, normal subdivision approval conditions, revisions of plans and compliance with board professional reports submitted made by: Ladis Karkowsky, Seconded by: Larry Hines Roll call vote: Steve Moscone, John Visco, Ladis Karkowsky, Larry Hines, Gary Lewis, Jim Glick

Rescheduled to: 10/12/06

PMSP02-15-06-02 -Waughaw Mountain Estates III Amended

Preliminary - Block: 24, L: 3.02 - Waughaw Road – preliminary subdivision - 7 lots and remainder w/variance

ACT BY: 10/26/06

CONCEPTS

None

Board moved to closed session in a motion by Ladis Karkowsky, Seconded by: Larry Hines - unanimous

Upon return, board asked board secretary to have Adrian Humbert, AICP provide an amendment to previous proposal for rezoning study on GI not to exceed \$5,000.

Board moved to unanimously adjourn in a motion by Larry Hines, Seconded by: Ladis Karkowsky.

Respectfully submitted,

Linda White

Secretary