

**MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD  
MARCH 10, 2022**

Open public meeting statement: The meeting was called to Order by the Board Chairman, Glen Plotsky, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public Meetings Act. Those present were: James Ledonne, Fred Merusi, George Hutnick (arrived at 7:10 p.m.), Jody Case Kennedy, Glenn Barbagallo, Joseph Cooper, John Soracco, Katherine Snyder, Steven Guida, Glen Plotsky, William Haggerty, the board attorney, and Thomas Knutelsky, the board engineer.

Those absent were: Jamie Curreri.

**FLAG SALUTE**

**MINUTES:**

The Minutes of the January 13, 2022 Land Use Board Reorganization and Regular Meeting were reviewed. A Motion was made by Mr. Soracco and seconded by Mr. Barbagallo to approve the January 13, 2022 Reorganization and Regular Meeting Minutes. Roll Call: Mr. Ledonne, yes; Mr. Merusi, yes; Ms. Kennedy, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mr. Soracco, yes; Mrs. Snyder, yes; Mr. Guida, yes; and Glen Plotsky, yes. The Motion was carried.

**RESOLUTIONS:**

**Aleksey Lukyanov-Cherny– LUB 21-03 – Block 16, Lots 20 & 21 – 8 Rubin Hill Road – “C”  
Variance:**

The Resolution was reviewed. A Motion was made by Mr. Barbagallo and seconded by Mr. Merusi to approve the Resolution for a “C” Variance request of the applicant. Roll Call: Mr. Ledonne, yes; Mr. Merusi, yes; Ms. Kennedy, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mr. Soracco, yes; Mrs. Snyder, yes; Mr. Guida, yes; and Mr. Plotsky, yes. The Motion was carried.

**OLD BUSINESS:**

**Montague Township Re-Examination Report:**

Appearing before the board was the board engineer, Thomas Knutelsky, and Matt Morris from his office, a Planner, to discuss the Re-Examination Report.

Mr. Morris indicated that he and Mr. Knutelsky met with a sub committee of this board in November and the beginning of February to discuss the Re-Examination Report. He indicated that the Master Plan must be reviewed every 10 years. The last plan was done in 2011 and they started the process in 2021.

Mr. Morris indicated that there are 5 basic portions of a Master Plan:

- (a) The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- (b) The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- (c) The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.
- (d) The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

**OLD BUSINESS CONT.:**

**Montague Township Re-Examination Report Cont.:**

- (e) The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law” into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality.”

Point (a) is looking at the points reviewed in the 2011 Re-Examination report. In 2011 the Township reviewed the following: 1) The New Jersey Development and Redevelopment Plan which summarizes what was going on back 2011; (2) Affordable Housing was an issue in 2011; and (3) Land Development to look at the sewer, sewer allocation and the sewer service areas.

Mr. Morris indicated that the next section of the Report deals with some of the changes that have happened between now and then when it came to the development and re-development plan. The Township had put documentation together to pursue this and the process had changed and held up between 2011 and 2016/2017. The State started to pick up the redevelopment plan and his office worked with the township as to whether to pursue that development. It was found that because of the cost trying to do the center designation might not have been worth the time and effort for what the township would get.

Mr. Knutelsky indicated that they were directed to not go after the center designations because when this was first set up 11 years ago Center Designation was the carrot that the State was hanging over our heads saying we would get Center Designation which would lead to money coming into the township in order to get the center work completed. This money never came to fruition over the last decade. As Mr. Morris said, the township would have to spend a considerable amount of time and money to redesignate areas that we already designated that didn't have any positive benefit anyway to the township. So at this point, the township decided to stop the process.

Mr. Morris indicated that the next section had to do with Affordable Housing. The Township put together an Affordable Housing Plan. COAH was disbanded, and it was going to be taken care of by the State Judiciary. The Plan was approved in 2015. The Courts reviewed the Affordable Housing and determined it was in compliance with its constitutional obligations.

Mr. Morris indicated that the last section is about Land Development. Since the last Re-examination process, the wastewater management planning rules were changed in 2016. One of the main changes has to do with having environmentally sensitive areas, which would be more difficult to development sewer services areas in these areas. It makes more of a challenge in future development in the township.

Mr. Morris indicated that the next section discusses has there been any significant changes in these policies in Land Use. He stated that most of the policies for Land Use has remained the same over the last 10 years in Montague. With reference to the State Development Plan, they talked about how they chose not to pursue Plan Endorsement based on what Mr. Knutelsky mentioned earlier. He indicated that some of the things that changed were based on comments that were received from the High Point County Club Community regarding certain development challenges that they brought up in a letter about a year ago. He reviewed with the board the items of that letter and how the sub committee dealt with each request. This document is to address the Master Plan. There were items in that letter that did not come under the scope of what changes the Master Plan. He indicated that one item that was brought up in this letter was the townships tax sales and foreclosure abatements, this does not fall under the Master Plan. Another item was re-zoning of a certain number of lots, the GP7 lots, which are a number of smaller lots that exist in the High Point County Club. The Community

**OLD BUSINESS CONT.:**

**Montague Township Re-Examination Report Cont.:**

Corporation wanted to look at the idea of having 55 and older housing. They thought, based on their discussion with the sub committee that it would be beneficial to have 55 and older housing permitted as possibly a conditional use. What they ended up doing in the Master Plan Reexamination rather than coming up with a specific plan for 55 and older, they would make it a goal that they would add to the Master Plan. Therefore, if the township in the next 10 years would like to further pursue it, it is in the Master Plan to review and look at and possibly make any ordinance changes. Another item brought up was all the lots within the High Point Country Club community, the comment was that they were re-zoned to be R3 instead of R4. He referred to the Zoning Map, he indicated that all of the lots around holiday lake is the R4 Zone. When you look at the Ordinance in the Township for the R4 Zone, it is meant for a high-density residential development. There are specific items in it that you are supposed to meet, one of them is it is supposed to be 100 acres of contiguously owned land. You would then take it and break it into smaller lots, and you would have the higher density along with possibly community use or open space areas. One of the caveats that is actually in the zoning ordinance and as an appendix of this, they actually have the existing ordinance and they propose changing a section where it says: That any lot that is not 100 acres all of the bulk requirements, lot size minimums, front yard setbacks all refer back to the R3 Zone. Looking at the R3 Zone, it requires 3-acre zoning, and the R4 Zone has 1 acre zoning. There are a lot of existing smaller lots in that R4 Zone around holiday lake. They are proposing a verbiage change that could possibly get moved to an Ordinance that can possibly change the R4 Zone to keep all the high-density verbiage in tack in the R4 Zone but remove that caveat that if you don't meet that high acreage amount, all your bulk requirements go back to the R3 Zone. Mr. Knutelsky indicated that the Zoning map clearly depicts the R4 Zone, but when you look at the meat of the ordinance there is no way to apply the R4 Zone standards to all these smaller lots, it was meant for this large contiguous lot. Therefore, by default this whole area should be the R3 Zone. A larger lot is able to use larger setbacks that most of the lots in the R4 Zone could never really afford.

Mr. Morris indicated another item in the letter referred to reduction in setbacks in the R4 Zone to accommodate the need for storage buildings. The current setbacks in the R4 Zone for accessory structures are 10' which the committee believed to be an acceptable setback. There was a request for accessory buildings, such as sheds, to be permitted on vacant lots. This becomes an issue with something that would normally be an accessory. This would become a principal use. The committee did not agree with this request. This goes against the Municipal Land Use Law and general zoning practices. Mr. Knutelsky indicated that the MLUL does not allow it and the township cannot go against that.

Mr. Morris indicated that another comment was requesting properties without buildings which are owned by the community corporation of High Point be zoned recreation to include, dog parks, trails and other recreation uses. This was established that this was already permitted in the Zone.

Mr. Morris indicated that the last request that the Club House Property be rezoned to permit additional uses. The Zone permits right now, restaurants, taverns and bars. He indicated that it might not be our place to speculate what kind of use they might need. Based on the existing uses and the understanding of the way the property functions, that any kind of proposed use in the future, they should really come before the board so the board could decide on its own merit whether or not that use would be appropriate for that zone.

The next section of the report, they talked about certain changes that were recommended. They recommend changes to the Master Plan Goals and Objectives. The Master Plan already had a number of goals and objectives that were established back in the early 2000's. When the reexam was established back in 2011, there were additional goals and objectives added. Since

**OLD BUSINESS CONT.:**

**Montague Township Re-Examination Report Cont.:**

then there have been certain ordinances that have been passed where they can remove some of those goals and objectives. There was a solar and wind ordinance that was passed, so this is a goal that can be removed. They added the goals for the 55 and older. They thought that adding this as a goal, it gives the township time to look at this and develop this in the future.

Mr. Morris indicated that there was a requirement which talks about adding a climate change section to the Master Plan. This is actually something that was enacted about a year ago. This is more of a hazard mitigation plan. They want the township to identify all the locations of emergency management that you have for the township. It talks about certain parcels that are sustainable in case of flooding. This is putting together some plans and putting together a dialogue what really it could be. They did not discuss this in the reexamination, but it would be something the township would have to address and make sure it is taken care of. It is part of the MLUL now and it is an element that has to be a part of the Master Plan.

Mr. Morris indicated that there is an appendix attached which talks about the existing R4 Zone language and they looked at changing the R4 Zone language, as discussed earlier.

Mr. Haggerty indicated that once the board is ready to adopt this Reexamination Report, they will have to have a Public Hearing. He indicated that there are some things in the current ordinances that should have some cleaning up. He feels there are some issues in the accessory structure ordinances that need to be addressed. He feels this should be looked at and addressed before the public hearing. Mr. Morris indicated a goal could be added to the Master Plan Reexamination Report that they look into the accessory structures zoning. It does not have to be addressed specifically in the Reexamination Report.

It was recommended that the Mr. Knutelsky coordinate with Mr. Haggerty to discuss the ordinance changes he discussed before the next meeting.

**VOUCHERS:**

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Ms. Kennedy to approve the vouchers on the bills list attached hereto and made a part hereof. Roll Call: Mr. Ledonne, yes; Mr. Merusi, yes; Mr. Hutnick, yes; Ms. Kennedy, yes; Mr. Barbagallo, yes; Mr. Cooper, yes; Mr. Soracco, yes; Mrs. Snyder, yes; Mr. Guida, yes; and Mr. Plotsky, yes. The Motion was carried.

**CORRESPONDENCE**

The correspondence was reviewed. No formal action was taken.

**PUBLIC PARTICIPATION:**

The meeting was opened to the public. There being no public participation, this meeting was closed to the public.

**AJOURN**

Having no further business, a Motion was made by Mr. Merusi and seconded by Mr. Barbagallo to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ  
Land Use Administrator