

Minutes of the Regular Meeting of the Morris Plains Planning Board held on November 17, 2025 at 7:30 P.M. in the Council Chambers, 531 Speedwell Ave. Morris Plains, NJ. The following members were present:

PLEDGE OF ALLEGIANCE

Present: Mr. Steve Augenblick
Mr. John Bezold, Vice Chair
Ms. Marianne Steckert
Mr. Michael Garavaglia, Chair
Mr. Bill Houston
Mayor Jason C. Karr
Mrs. Suzanne McCluskey

William Ryden, Borough Engineer
Andrew Brewer, Board Attorney
Karen Coffey, Board Secretary

Absent: Mr. Andrew Wolff
Ms. Elizabeth Leheny, Borough Planner

The meeting was called to order by Mr. Garavaglia. Mr. Garavaglia made the statement that adequate notice of this meeting has been published and posted in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act." This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

APPROVAL OF MINUTES

Mayor Karr made a motion to approve the minutes of the October 20, 2025 meeting, with correction, seconded by Mrs. McCluskey. Voice Vote. All in Favor
Motion carried.

COMMENTS FROM THE PUBLIC

Carolyn Bennett – 19 Dayton Road – Mrs. Bennett thanked the Council for amending the ordinance to no longer allow drive-thru restaurants in residential zones. Ordinance 11-2025 will remove drive-thru restaurants as a permitted use in a B-2 zone. Mrs. Bennett stated this is crucial to the safety of residents and children. Mrs. Bennett referred to Borough Code Article 5, Chapter 22, weight restriction ordinance. Trucks over 4 tons are not permitted on Dayton Road, Academy Road, Canfield Place, Mountain Way, Sylvan Drive, Trowbridge Road and Washington Avenue, Rosedale Avenue and Hillview Avenue. Trucks over 5 tons are not permitted on Malapardis Road. McDonalds will have egress on to Dayton Road even though it is weight restricted residential street. She would like to know if the applicant requested a variance. She stated signs need to be on these streets. She asked if the McDonalds

application was approved without addressing this variance. She requests clarification on her questions/concerns.

Mr. Brewer stated weight restriction was not flagged as a variance by the Borough Engineer or Borough Planner. The prohibition on using that road is not in the zoning ordinance. It is in the general police powers. Applicant and engineers read, not that the limitation is to deliveries with a mailing address on that street, but deliveries on that street not a mailing address. The applicant's engineer downplayed this issue. These matters are part of the appeal which is currently scheduled for trial January 8 or 9, 2026. It will be determined if Mrs. Bennett's interpretation is valid or not. There was further discussion on mailing addresses vs. street names. Mr. Brewer stated the judge will address the issue to determine whether or not Mrs. Bennett's interpretation is validated.

Mrs. Bennett asked if Mr. Brewer was confident this was brought up during testimony, that is on record.

Mr. Brewer replied it was discussed but not part of legal testimony.

Mr. Houston thanked Mrs. Bennett for voicing her concerns. He reiterated the ordinance refers to specific streets. Not mailing addresses. This is something for the Council to look at. Currently, the ordinance is being looked at by NJDOT. There are some actions that have to be taken by the Borough to comply with NJDOT in order to get the signs.

No further comments from the public. Mr. Garavaglia closed this portion of the meeting.

COMMITTEE REPORTS

Minor Site Plan Committee

- None

Master Plan Review Committee

- None

CORRESPONDENCE AND BILLS

Mrs. Coffey stated there are no correspondences.

Mr. Augenblick read the voucher(s) for payment.

Maraziti & Falcon, LLP	PO #20252093	\$14,172.04
McDonalds Litigation		
Maraziti & Falcon, LLP	PO #20252089	\$ 1,102.50
General Legal Services for the month of October		
Anderson & Denzler	PO #20252036	\$ 290.10
Engineering Services for the month of October		

Mr. Augenblick moved to approve the Purchase Orders, seconded by Mr. Houston

Roll Call

Yeas: Mr. Augenblick, Mr. Bezold, Ms. Steckert, Mr. Garavaglia,
Mr. Houston, Mayor Karr, Mrs. McCluskey,

Nays: None
Abstain: None
Absent: Mr. Wolff

Motion carried.

APPLICATIONS

Application: PB – 1-25 – Rivian, LLC. – Completeness
Block: 23 Lots:1.01 329 Speedwell Avenue

Mr. Garavaglia stated the application will be reviewed for completeness only, no testimony will be heard.

Mr. Papparo, attorney for the applicant, introduced himself. He stated at the October 20, 2025 meeting some checklist waivers were granted. Two (2) waivers were not granted and they agreed to resubmit and include a recycling plan and a full landscaping plan. Re-submission was made to the Board and Borough Professionals. An updated review letter was received from the Borough Engineer, dated November 12, 2025. The Borough Planner issued a report dated November 13, 2025. Both letters recommended administrative completeness. Mr. Papparo is at tonight's meeting to confirm this and requested the application be on the agenda for Public Hearing at the December 8, 2025 meeting.

Mr. Ryden stated waivers were granted and outstanding information was provided so he deems the application administratively complete. Ms. Leheny's report states the same.

Questions from the Board

None.

Mr. Garavaglia asked for a motion to deem the application complete.

Mrs. McCluskey moved to deem the application complete, seconded by Ms. Steckert

Roll Call

Yeas: Mr. Augenblick, Mr. Bezold, Ms. Steckert, Mr. Garavaglia,
Mr. Houston, Mayor Karr, Mrs. McCluskey,

Nays: None
Abstain: None
Absent: Mr. Wolff

Motion carried.

OLD BUSINESS

None

NEW BUSINESS

None

Mr. Houston stated at Thursday's Council meeting, the Council introduced the ordinance that would remove drive-thru restaurants from the B-2 zone. The next step is for the Planning Board to review the ordinance to make sure it is not inconsistent with the Borough Master Plan. Based on the recommendation from the Planning Board, the Council will look to take final action at their December meeting.

Mr. Garavaglia stated copies of the ordinance are available for Board Members to pick up after the meeting. Mrs. Coffey stated she also mailed a copy to Ms. Leheny.

Mr. Garavaglia stated the next scheduled Planning Board Meeting will be December 8, 2025.

ADJOURNMENT

There being no further business, Mr. Augenblick moved that the meeting be adjourned, seconded by Mr. Bezold. Voice vote. All in favor.

Motion carried.

Karen M. Coffey
Board Secretary

Susan Collopy
Recording Secretary