

Minutes of the Re-Organization Meeting of the Morris Plains Planning Board held on January 19, 2026 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

## **PLEDGE OF ALLEGIANCE**

Present:

Mr. John Bezold, Vice Chair  
Mr. Bart Cianciotta  
Mr. Michael Garavaglia, Chair  
Mr. Bill Houston  
Mayor Jason C. Karr  
Mr. Ross Malpere  
Mrs. Suzanne McCluskey  
Ms. Marianne Steckert  
Mr. Andrew Wolff

William Ryden, Borough Engineer  
Elizabeth Leheny, Borough Planner  
Andrew M. Brewer, Board Attorney  
Harold Maltz, Traffic Consultant  
Karen Coffey, Board Secretary

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.

Mr. Garavaglia stated this is the Re-Organization meeting for the Planning Board and then turned the meeting over to Mayor Karr for the election of officers for 2026.

Mayor Karr thanked Mr. Garavaglia.

Mayor Karr stated the first order of business is the re-organization of the Morris Plains Planning Board for 2026. Mr. Ross Malpere and Mr. Bart Cianciotta, as Class IV members, respectively to replace H. Steve Augenblick and Ron Kelly terms. Mr. Bezold was re-appointed as a Class IV member, Ms. Marianne Steckert was re-appointed as a Class II member, Mr. William Houston was re-appointed as a Class III member, representative from the Governing Body and I (myself as Mayor) was re-appointed as a Class I member.

I would like to take this opportunity to welcome Mr. Ross Malpere and Mr. Bart Cianciotta to the Planning Board.

## **ELECTION OF OFFICERS**

Mayor Karr stated the next order of business is the nomination of the Board Chairman to serve in 2026. He requested nominations.

## **NOMINATIONS FOR BOARD CHAIRMAN**

Mr. Houston nominated Mr. Garavaglia for Chair of the Planning Board for the year 2026, seconded by Mr. Wolff.

Mayor Karr asked if there were any additional nominations. There being no further nominations, Mayor Karr declared the nominations closed and asked for a roll call on the nomination of Mr. Michael Garavaglia as Chairman.

Roll Call

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None

Absent: None

Nays: None

**Motion carried.**

## **NOMINATIONS FOR BOARD VICE CHAIRMAN**

Mr. Garavaglia nominated Mr. John Bezold for Vice Chair of the Planning Board for the year 2026, seconded by Mr. Houston.

Mayor Karr asked if there were any additional nominations. There being no further nominations, Mayor Karr declared the nominations closed and asked for a roll call on the nomination of Mr. John Bezold as Vice Chair.

Roll Call

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None

Absent: None

Nays: None

**Motion carried.**

Mayor Karr congratulated Mr. Garavaglia and Mr. Bezold on their elections to their positions of Chairman and Vice Chairman, respectively, for the Planning Board. He also thanked all the Board Professionals and the Board members for their continued service to the Borough. He then turned the meeting over to Chairman Garavaglia.

Mr. Garavaglia stated the next order of business is to adopt a Resolution for approving the Meeting Dates for 2026. Planning Board Resolution No. 26-01 "Meeting Dates Services".

# PLANNING BOARD RESOLUTION NO. 26-01

## NOTICE OF MEETINGS

**BE IT RESOLVED** by the Planning Board of the Borough of Morris Plains, in the County of Morris and State of New Jersey on this 19<sup>th</sup> day of January, 2026 as follows:

**WHEREAS**, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the “Open Public Meetings Act”, requires notification of meetings of public bodies, as therein defined, in the manner therein set forth.

**NOW THEREFORE, FOR PURPOSES OF COMPLIANCE WITH THE “Open Public Meetings Act”** aforesaid, the Planning Board of the Borough of Morris Plains hereby makes the following designations:

- 1. The Morris News Bee, is hereby designated as the official newspaper to receive notice of meetings as required by any and all sections of the “Open Public Meetings Act”, it appearing that said newspaper is most likely to inform the local public of such meetings. The Daily Record is utilized from time to time for additional publication of Borough matters required by law to be published. The Daily Record is not hereby designated as an official newspaper of the Borough of Morris Plains.**
- 2. The location for the posting of the notice of meetings shall be the bulletin board of the Borough Hall.**
- 3. The sum of \$5.00 is hereby fixed as the amount to be paid by any persons requesting individual notice of meetings as provided in Section 14 of the “Open Public Meetings Act”.**
- 4. The regular meetings of the Planning Board for the year 2026 shall be: February 9<sup>th</sup>, March 16<sup>th</sup>, April 20<sup>th</sup>, May 11<sup>th</sup>, June 15<sup>th</sup>, July 20<sup>th</sup>, August 17<sup>th</sup>, September 21<sup>st</sup>, October 19<sup>th</sup>, November 16<sup>th</sup>, December 7<sup>th</sup>, and January 18<sup>th</sup>, 2027 at 7:30 PM.**
- 5. All meetings of the Planning Board shall be open to the public.**

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Mrs. McCluskey moved that Planning Board Resolution 26-01 be approved, seconded by Mayor Karr.

Roll Call

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None

Absent: None

Nays: None

**Motion carried.**

Mr. Garavaglia stated the next order of business is to adopt a Resolution for Professional Services for the year 2026, Planning Board Resolution No. 26-02 "Professional Services".

**PLANNING BOARD RESOLUTION NO. 26-02  
LEGAL NOTICE  
BOROUGH OF MORRIS PLAINS  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD PROFESSIONAL SERVICES**

**WHEREAS, the Planning Board of the Borough of Morris Plains desires to retain the services of planning consultants, an engineer and an attorney to perform professional services as required for the year 2026; and**

**WHEREAS, the foregoing services are "professional" services as in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A. 40A:11-5(1) (a) and as a "non-fair and open" contract pursuant to the provision of N.J.S.A 19:44A-20.5; and**

**WHEREAS, the Board has determined that the value of each of the professional services will exceed \$17,500; and,**

**WHEREAS, each of the professional consultants named below have completed and submitted a Business Entity Disclosure Certification which certifies that each firm has not made any reportable contributions to a political or candidate committee represented by a Board member in the previous one year, and that the contract will prohibit the below listed firms from making any reportable contribution through the term of the contract; and**

**WHEREAS, the Board has determined after due consideration that the following named individuals shall be appointed to fill the positions hereafter designated:**

**NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Morris Plains as follows:**

- 1. The Board retains the services of the following to be compensated pursuant to the sums appropriated for the purpose in the duly adopted municipal budget for the year 2026:**
  - a) Planning Consultants – Elizabeth Leheny & Kate Keller of Phillips Preiss Grygiel Leheny Hughes LLC**
  - b) Engineer–William Ryden of Anderson & Denzler Associates, Inc.**

- c) **Board Attorney –Andrew M. Brewer, Esq. of Maraziti Falcon, LLP.**
2. **The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and,**
3. **The Board Secretary shall cause a copy of this Resolution to be published in accordance with N.J.S.A. 40A:11-5 (1) (a) (i).**
4. **This Resolution shall take effect as provided by law.**

Mr. Mayor Karr moved that Planning Board Resolution 24-02 be approved, seconded by Mr. Bart Cianciotta.

Roll Call

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None

Absent: None

Nays: None

**Motion carried.**

Mr. Garavaglia stated the next order of business is to adopt a Resolution for Minor Site Plan Committee for the year 2026, Planning Board Resolution No. 26-03 “Minor Site Plan Committee”.

## **PLANNING BOARD RESOLUTION NO. 26-03**

### **MINOR SITE PLAN COMMITTEE**

**BE IT RESOLVED** by the Planning Board of the Borough of Morris Plains in the County of Morris and State of New Jersey on this 19<sup>th</sup> day of January 2026:

1. **The following individuals are hereby appointed to the Minor Site Plan Committee from the date hereof until December 31, 2026:**

- a) **John Bezold**
- b) **Marianne Steckert**
- c) **Ross Malpere**

2. **This Resolution shall take effect as provided by law.**

Mrs. McCluskey moved that Planning Board Resolution 26-03 be approved, seconded by Mayor Karr.

Roll Call

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None

Absent: None

Nays: None  
**Motion carried.**

Mr. Garavaglia stated the next order of business is to adopt a Resolution for Master Plan Review Committee for the year 2026, Planning Board Resolution No. 26-04 "Master Plan Review Committee".

## **PLANNING BOARD RESOLUTION NO. 26-04**

### **MASTER PLAN REVIEW COMMITTEE**

**BE IT RESOLVED** by the Planning Board of the Borough of Morris Plains in the County of Morris and State of New Jersey on this 19<sup>th</sup> day of January 2026:

1. **The following individuals are hereby appointed to the Master Plan Review Committee from the date hereof until December 31, 2026:**

- a. **Michael Garavaglia**
- b. **Suzanne McCluskey**
- c. **Andrew Wolff**

2. **This Resolution shall take effect as provided by law.**

Mr. Cianciotta moved that Planning Board Resolution 26-04 be approved, seconded by Mrs. McCluskey.

Roll Call:

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None

Absent: None

Nays: None

**Motion carried.**

Mr. Garavaglia adjourned the Re-Organization portion of the meeting.

### **APPROVAL OF MINUTES**

Ms. Steckert made a motion to approve the minutes of the December 8, 2025 meeting, with the corrections, seconded by Mr. Bezold.

Roll Call

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

Abstain: Mr. Malpere

Absent: None  
Nays: None  
**Motion carried.**

**COMMENTS FROM THE PUBLIC**

Mr. Garavaglia stated comments are limited to one per person, not more than 5 minutes in order to give all a chance to speak.

There were no comments from the public.

**COMMITTEE REPORTS**

**Minor Site Plan Committee**

- None

**Master Plan Review Committee**

- None

**CORRESPONDENCE AND BILLS**

Mrs. Coffey stated there are no correspondences.

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

<b>Maraziti Falcon, LLP</b> <b>1,225.00</b>	<b>PO #20260074</b>	<b>\$</b>
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General Legal Services for the month of December <b>Maraziti Falcon, LLP</b> <b>7,004.88</b>	<b>PO #20252353</b>	<b>\$</b>
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McDonald's Litigation <b>Maraziti Falcon, LLP</b> <b>\$3,517.50</b>	<b>PO #20260073</b>	
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McDonald's Litigation

Mr. Wolff moved to approve the bills, seconded by Mrs. McCluskey.

Roll Call

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Houston,  
Mr. Cianciotta, Mayor Karr, Mrs. McCluskey, Mr. Garavaglia.

Abstain: None  
Absent: None  
Nays: None

**Motion carried.**

**OLD BUSINESS**

Mr. Brewer provided an update on the McDonald's litigation. Oral arguments were presented. The judge will issue his decision within a few weeks.

**NEW BUSINESS**

None

## **APPLICATIONS**

**Application: PB –1-25 – Rivian, LLC. – Public Hearing Continuation**

**Block: 23 Lots:1.01 329 Speedwell Avenue**

Mr. Paparo, attorney for Rivian, stated after comments and questions from the December 8, 2025 meeting, a resubmission was made to the Borough on January 8, 2026. The resubmission includes: a revised site plan set which includes a revised landscaping plan, truck turning template requested by Mr. Maltz, updated architectural color rendering and elevations. Dynamic Engineering supplied a Performance Standard Compliance Statement, requested by Mr. Ryden. Rivian provided a Standard Operating Procedure for the company. A document listing quantities of specific items, requested by Mr. Ryden, was provided.

Mayor Karr asked about trash enclosure and time stamp for the locking mechanism.

Mr. Paparo stated Mr. Freud will go in to the details later. The trash enclosure will be masonry and Rivian has agreed to restrict hours of trash pickup. In speaking with Mr. Brewer, Mr. Paparo stated they would agree to a condition in the resolution, that would run with the approval, restricting trash pickup times. Trash and recycling pick up will be limited to business hours.

Mr. Brewer and Mayor Karr stated actual times should be stated and it should be what is stated in the Borough ordinance.

Mr. Garavaglia asked about locking out EV chargers, which was brought up at the last meeting.

Mr. Paparo stated they can get clarification on what can be done operationally but, practically speaking, the chargers are not going to be available. They will be used by customer vehicles and loaner vehicles. Mr. Paparo will look in to what could be done to shut them off.

Mr. Garavaglia asked about hazardous waste. He asked Mr. Ryden if he was satisfied with the information that was supplied.

Mr. Ryden stated he would like the witness to put the reports on the record and testify that it was provided.

Ms. Steckert asked if lighting will be reviewed again.

Mr. Paparo stated Mr. Freud will review as part of the revised site plan.

Ms. Steckert asked if bollards are on the revised plans.

Mr. Paparo stated they will need to check.

Ms. Steckert stated Mr. Freud was going to work with the professionals on cut through solutions. Was this done?

Mr. Paparo stated there will be testimony on the revised parking configuration. Hopefully, this will address the cut through issue.

Mr. Wolff asked if they went back to the fire department regarding the hydrant on Speedwell Avenue.

Mr. Paparo replied that he did not.

Mrs. McCluskey referred to Sheet 1 and Sheet 2 of the new plans. It should not be Academy Road but rather Canfield Place.

Mr. Paparo stated the information was from the Borough Tax Map.

Mrs. McCluskey, referring to her previous comment, clarified the cover sheet is correct but the aerial map is not.

Mr. Paparo stated, for the record, an updated response was received from Mr. Maltz dated 1/15/2026. They are prepared this evening to respond to any remaining items. There are 4 turning templates for trash vehicles, fire trucks, delivery trucks and car carriers.

Mr. Paparo called Mr. Freud, Dynamic Engineering, to continue his testimony.

Mr. Freud reviewed Exhibit A6 dated 1/19/2026 – Color rendered site plan. Mr. Freud highlighted comments from 1/8/2026 letter.

Mr. Freud reviewed the building orientation. He stated at the last meeting they agreed to close the westernmost driveway on E. Hanover Avenue. He believes this will do a lot to limit the cut through. The E. Hanover frontage has a modified buffer and landscaping and parking setback will be 10' from E. Hanover Avenue. Mr. Freud stated one-way circulation has been eliminated and parking spaces are at a 90-degree angle. This will allow 2-way access through the aisles. Parking went from 163 spaces to 164 total spaces. Impervious coverage was reduced. Discussed landscaping: 19 trees, 230 shrubs will be installed also, perennials and grasses. Mr. Freud highlighted the EV spaces. There will be bollards around the EV equipment. He highlighted location of utilities and water service. Exact design of electric service will be completed by the Electrical Engineer, including load information. Mechanical Plumbing Engineer and Fire Sprinkler Engineer will design water service. The trash enclosure is brick veneer with capstone. They agreed to a locking mechanism which will lock outside of business hours. They agree to repair sidewalks and curbs on frontage and ADA ramps, as needed. In order to prevent public access to the EV chargers, the chargers will require a swipe card or code.

Mayor Karr asked if it is advertised anywhere that there are EV chargers.

Mr. Freud replied it is most likely on the Rivian website.

Mr. Freud reviewed signage. The size of the two free standing signs has been reduced in order to be compliant with width, height and under clearance. The signs are backlit, internally illuminated and black metal. Only the Rivian logo is illuminated on the signs. The plans were updated to identify all building signs. All informational signs are now inventoried on the plans and documented in a sign table. These signs are 2 s.f. Vehicle circulation plans have been submitted. Vehicle deliveries are anticipated coming from Speedwell Avenue and exiting on E. Hanover Avenue, right turn only.

Mr. Bezold asked which vehicles Mr. Freud is referring to?

Mr. Freud stated he is referring to the car carriers.

Mr. Bezold asked how many cars will be on the car carrier.

Mr. Wolff said 5 and Mr. Freud agreed. Mr. Freud stated the typical height is 12' to 13'. The bridge in town will be able to accommodate the car carriers.

Mr. Bezold asked how often are the deliveries?

Mr. Freud stated he believes in the last meeting it was stated it would be 6, possibly 7 per week.

Mr. Bezold asked if the trucks will come through Morris Plains.

Mr. Freud said they will come to the site.

Mayor Karr stated they could come in from E. Hanover Avenue. However, coming and going they will need to go through town.

Mr. Houston stated since only right turns are allowed, they will need to come through town. He would like to see traffic flow plans.

Mr. Freud reviewed Exhibit A7 – Vehicle Circulation: Car Carrier dated 1/19/2026. There is a left in from Speedwell Avenue, circulating through the site and then right turn on E. Hanover Avenue.

Mrs. McCluskey stated they could turn left from Speedwell Avenue and then right back on to Speedwell Avenue.

Mr. Houston stated if the car carrier needs to go back to the highway, it will go through town.

Mr. Bezold stated that is the point he is trying to make. The truck could come through town twice per day. Mr. Bezold asked why there is no egress on The Buckley Way.

Mr. Maltz stated the County wanted both driveways on E. Hanover Avenue closed and have egress on The Buckley Way. If the Board did not want this, the County wanted the westerly driveway on E. Hanover Avenue closed. The easterly driveway would only allow right hand turns. Mr. Maltz's concern is that by not allowing left turns, trucks will wander to other streets or neighborhoods. Mr. Maltz said changing the parking spaces to a 90-degree angle improves site circulation. If there is a driveway on The Buckley Way, people can turn right and there is currently a separate left turn with stop sign control. Mr. Maltz looked at the grading plan. It was testified that there was a 4' buffer at The Buckley Way but it appears to be only 2' which is more amenable. There was concern about parking on The Buckley Way, however, you cannot park within 50' of a stop sign. So, you cannot park adjacent to the turn lanes. There will be minimal impact on parking on The Buckley Way.

Mrs. McCluskey stated no parking spaces can be eliminated on The Buckley Way.

Mayor Karr stated there is a business and overflow from The Highlands that rely on that parking.

Mrs. McCluskey stated ACME had trailers in and out of this site for many years. This is once or twice per day, it can be figured out.

Mr. Maltz stated this proposed use generates a lot less traffic than the ACME did. He stated the applicant's engineer should quantify how much left turn traffic there will be.

Mayor Karr stated there is also "Do Not Block the Box" striping and signage. This was requested by the business owner on The Buckley Way and not the County.

Mr. Freud stated pursuing the ability to make a left turn from The Buckley Way is probably the best approach.

Mr. Maltz said the light at Speedwell and Hanover Avenues will help in opening an opportunity for left turns. According to his calculations, it would be 1 car every 3 minutes.

Mr. Freud agreed the grade differential at The Buckley Way is between 2' and 3'. He would have to look if grading can be done. The split left turn lane goes back about 40'. The opening would be near the driveway closest to the Rivian building. This would eliminate several on street parking spaces and the turning radius will be tight.

Mayor Karr stated if you go back that far, there is parking on the other side of the street and an entrance to the other building.

Mr. Freud said you would need to look at restrictions if there is an opening on to The Buckley Way.

Mr. Maltz asked, based on his request to have a left turn lane, did Mr. Peregoy (Dynamic Traffic) prepare an analysis.

Mr. Paparo said he will ask Mr. Peregoy to address this.

Mr. Maltz stated this will be key to approaching the County. Historically, ACME evening peak hours had 315 trips out of the site. This site has between 70 and 80.

Mrs. McCluskey stated the ACME had no left turn restrictions. She feels this is a great improvement.

Mr. Bezold stated everything is based on today. Rivian will want to grow. Shouldn't we be concerned about the future too.

Mr. Freud stated the traffic numbers are for a fully occupied facility.

### **Questions from Professionals**

Mr. Ryden had asked in the last meeting if site lighting could be dimmed overnight.

Mr. Freud stated they have looked at minimum half foot candle requirement that the Borough requires. To dim it more, would go against safety protocol. The site lighting will stay at safety protocol levels throughout the night.

Mr. Ryden again asked if the lighting could be reduced overnight.

Mr. Paparo asked if the lighting design complies with the code lighting levels.

Mr. Freud stated there are some waivers for light levels but they are compliant with the ordinance.

Mr. Ryden stated there is no need for the lighting outside business hours. It will affect the residents on Hanover Avenue.

Mr. Freud stated it is not a high level of illumination and it is needed for safety, security and the surveillance cameras.

Mr. Ryden asked the Board to consider this when they deliberate.

Mayor Karr stated he believes the resident on Hanover Avenue was satisfied with the lighting that was proposed.

Mr. Freud states the down lighting and landscaping will help. The logo facing Hanover Avenue will not be illuminated at all as it faces a residential area.

Mr. Ryden stated he asked for a rendering of building colors. He is satisfied with the rendering. This should be part of any approvals if the Board agrees.

Mr. Ryden reviewed his 1/8/2026 response. Item #12 – Dynamic submitted a performance standard and compliance statement. Mr. Ryden discussed the reply on air pollution.

Mr. Freud stated NJ Air Pollution Control Act have specific requirements for air pollution. Anything on site will not exceed those standards.

Mr. Ryden asked for a follow up with exact numbers.

Mr. Freud stated this will be supplied.

Mr. Ryden asked for more detail on soil disturbance.

Mr. Freud stated the numbers can be provided as part of the resolution. They are below the 200 yards.

Mr. Ryden asked for a statement confirming that. Mr. Ryden stated the brick veneer of the trash enclosure is not on the detail.

Mr. Freud said the detail will be revisited.

Mr. Ryden stated the Borough Fire Department asked for a hydrant on Speedwell Avenue and another on Hanover Avenue. The plan only shows 1 hydrant on Hanover Avenue.

Mr. Freud replied they are waiting for feedback from the Borough Fire Official on this resubmission. They will comply with his request.

Mr. Ryden referred to Rivian updated waste and hazardous materials management. They seem to have a good safety program. Could they elaborate on the comment that Rivian generates a small quantity of hazardous materials.

Mr. Paparo stated this was provided in an email to Mr. Ryden.

Ms. Leheny asked for confirmation that the sign facing E. Hanover Avenue is not lighted but the sign facing Speedwell Avenue is and both monuments are internally illuminated.

Mr. Freud confirmed that is correct.

Ms. Leheny asked for the height of existing lighting poles.

Mr. Freud replied they are 20' to 25' high.

### **Questions from Board Members**

Mr. Wolff asked about the gate by the laundromat. There appears to be an opening. If this was removed, there would be a disincentive for laundromat customers parking in the Rivian lot. Mr. Wolff stated that it would be nice if the landscaping provided color all the time.

Mr. Freud said they will look at the fence opening and contact the laundromat owner to work with them

Mr. Bezold asked how close the parking spots are on The Buckley Way.

Mayor Karr stated they are close. They cannot be more than 50' from the intersection or stop sign. There are signs and parking permits.

Ms. Steckert stated at the last meeting, the only hazardous wastes mentioned were coolant and brake fluid. Is this still the case?

Mr. Freud will circulate the list again. It is consistent with Ms. Brandi's testimony at the last meeting.

Ms. Steckert referred to Page 2 of the hazardous material list stating only trained personnel shall move or handle hazardous waste.

Mr. Freud stated the staff is trained, as part of SOP, to handle hazardous waste and a separate vendor picks it up and removes it from the site.

Ms. Steckert asked Mr. Freud to point out the driveway they are proposing to close.

Mr. Freud pointed out the driveway and stated landscaping will fill in the cadence. Curb cut will be removed from this driveway and a high curb will go across.

Mr. Houston asked to see the traffic plans.

Mr. Freud reviewed;

Exhibit A8 – Delivery Vehicle, dated 1/19/2026 but it is from the plans dated 1/7/2026. Box truck could turn right from E. Hanover Avenue, enter the site and leave by making a right turn on Speedwell Avenue.

Exhibit A9 – Refuse Vehicle, dated 1/19/2026 but it is from the plans dated 1/7/2026. The exhibit shows refuse vehicle coming in from E. Hanover Avenue and exiting on Speedwell Avenue, right turn only.

Exhibit A10 – Fire Truck, dated 1/19/2026 but it is from the plans dated 1/7/2026. The exhibit shows the fire truck turning right from E. Hanover Avenue and right on the Speedwell Avenue.

Mr. Houston stated he would be curious if the Fire Department had any input on reaching the back of the building on The Buckley Way.

Mr. Freud stated there are overhead wires and plantings so it is unlikely there will be any staging on The Buckley Way.

Mr. Houston asked if there is enough room for a Fire Vehicle to get behind the building.

Mr. Freud replied the lane is wide enough to accept a vehicle.

Mr. Houston asked what the output of lighting is during business hours.

Mr. Freud replied the average on site is ½ a foot candle. In the pavement area, it is 1.4 foot candles. Rivian preference is to keep the lighting as proposed, which is an industry standard.

Mr. Houston asked for confirmation that the lights would give off 3000 kelvins yellowish hue and are the lights LED.

Mr. Freud replied that is correct and the lights are LED.

Mr. Houston asked if these types of fixtures could be dimmed?

Mr. Freud replied there are components that can do that.

Mr. Houston stated it seems reasonable to have components on day 1.

Mr. Houston discussed the number of parking spaces. He also asked about adding green space. Did they go back to the building owner regarding this?

Mr. Freud replied they looked at 10' setback, vegetation, landscaping and green spacing along the frontage. Also, as stated in the past, Rivian hopes to grow and will require the proposed number of parking spaces.

Mr. Paparo stated Rivian is launching a new vehicle line and will need the spaces to match growth and demand.

Discussion of other Rivian locations.

Mr. Houston asked the number of bays.

Mr. Freud replied there are 8 bays, all inside the building.

Mr. Bezold asked if these are across the back of the building, on the inside.

Mr. Freud replied, 'yes'.

Mr. Bezold asked for confirmation that there is no service on Hanover or Arbor Terrace side of building.

Mr. Freud stated there is no service being done outside the building. 8 bays do not mean there can only be 8 cars at one time.

Mrs. McCluskey confirmed the dead tree along the norther property line will be removed and replaced.

Mr. Freud replied, 'that is correct'.

Mrs. McCluskey asked how long it takes to service a vehicle.

No one could answer the question.

Mrs. McCluskey stated while waiting for your vehicle, people may walk in to town. It will be great for Morris Plains as people will use our vendors.

Mr. Maltz referred to his report Comment D2; the no left turn prohibition by the County to make the left eastbound on Hanover Avenue in to the site. This is not permitted. He did not see a NO Left Turn sign on the site plan. Wanting left turn out of easterly access drive, as the plan stands. For the right turn out arrow that is shown it should say "ONLY". Based on discussions about the applicant going to the County and stressing the points brought up. He wants to be sure the Board supports the left turn out on to Hanover Avenue.

Mr. Garavaglia stated based on what he heard, the Board is supportive.

Mr. Maltz reviewed the locations of the signs on Hanover Avenue. However, this will be up to the County.

Mr. Garavaglia asked if the third party hauler takes the entire container with the hazardous waste.

Mr. Paparo replied they will get an answer to this.

Comments from Public – None.

Mr. Paparo called his next witness, Craig Peregoy, Dynamic Traffic LLC, 245 Main Street, Chester, NJ.

Mr. Brewer swore in Mr. Peregoy.

Mr. Peregoy presented his qualifications.

He stated “punching” a driveway on to The Buckley Way does not make sense. Left turn out should be kept as it is. Volume of traffic is dependent on where people with Rivians live. His company did an automatic traffic counter study. The outbound volume going east on E. Hanover Avenue is about 28%. When applied to the number of vehicles leaving Rivian it is 5 in morning peak hours, 11 in weekday evening peak hours and 13 on a Saturday. That is less than 1 car every 4 minutes.

Mr. Maltz asked if there is a report that shows these numbers.

Mr. Peregoy introduced Exhibit A11 – Depiction of automatic traffic counter results.

Ms. Leheny asked for the date when the firm did the study.

Mr. Peregoy stated the counts were from 2018.

Mr. Garavaglia asked if in the work done for this application was the McDonald’s application from a year ago, considered.

Mr. Peregoy replied, in this case, they are looking at the delta from what was there. They did not look at McDonald’s as they are not related.

### **Questions from Public**

Joann Duggan – 31 Canfield Place – asked how they can use traffic information from 2018 considering all the developments in the area since then.

Mr. Peregoy responded Mr. Maltz asked for an idea of how many cars will want to make a left turn. The percentage distribution of that traffic was the best basis to make an estimate. He used that information to calculate the percentage of traffic volume.

Mr. Freud was recalled to provide Planning testimony.

Before beginning, Mr. Paparo answered Mr. Garavaglia’s regarding waste pick up. The waste vendor takes the entire container and replaces it with a fresh container.

Mr. Freud presented a review of items discussed. He reviewed variance relief. Three bulk variances will remain. There are variances requested for building mounted signs and several waivers. They looked at the positive and negative criteria of the variances or hardship variance. The project is centered around adaptive reuse of an existing building and will provide a significant reduction in traffic. It is unique from a frontage standpoint. The variances for front yard setback of parking on both E. Hanover Avenue and Speedwell Avenue have been eliminated. There is a minor side yard setback that

remains. They talked about possibly replacing a fence by Arbor terrace. Loading should be in the side or rear yard, it is not allowed in the front yard. There are 3 frontages which makes it difficult to comply with this ordinance. They reviewed sign variances. They eliminated variance for height clearance and vertical dimension. They are seeking permission for 2 signs when 1 is allowed in the ordinance. Reviewed materials of signs. Variances are requested for building mounted signs, predominantly the number of signs. There are a total of 5 signs facing E. Hanover Avenue and 10 signs facing Speedwell Avenue. The prominent sign is the Rivian sign and logo. Reviewed maximum sign area allowed is 40 s.f. they have 40.39 s.f. Reviewed height of signs, 1' is allowed, Rivian signs are 2' high and Rivian logo is 1.33' high. Reviewed sign illumination. He stated the permanent window sign painted on the inside of the glass should not exceed 5% of the glass. They comply with this. Rivian graphic proposed on the entry door is 44 s.f and requires a variance. Mr. Freud reviewed the waivers requested lighting and trash enclosure. He reviewed bulk variances and waivers. This is a specific piece of property with 3 frontages. This provided the basis for a C1 or hardship variance. The variance advances the purpose of the Municipal Land Use Law (MLUL) - Purpose A: provide adequate lighting and open space. Purpose H: encourage location and design of transportation routes which will promote free flow of traffic. Purpose I: promote a desirable visual environment. The benefits outweigh any detriments. Mr. Freud reviewed MLUL as it relates to signs; Purpose A, Purpose H and Purpose I. They looked at the negative criteria and impacts. There is a lack of negative impacts. There is no substantial detriment to the public good and it will improve the intent and purpose of the zone.

Ms. Leheny summarized the testimony regarding signage.

Mr. Houston asked for confirmation that are 5 E. Hanover facing wall signs, 10 facing Speedwell Avenue and 2 facing The Buckley Way. There is nothing on the north façade.

Mr. Freud said that is correct. He believes the 2 signs facing The Buckley Way are surveillance and No Tailgating signs and they are very small.

Comments from Public – None

Mr. Paparo thanked the Board members and the Board consultants for their time. He presented a closing statement.

Mr. Paparo asked if the County does not allow left turns, will the Board not approve the application.

Mr. Brewer stated it would be a condition in the resolution that the applicant goes back to the County to request left turns.

Ms. Steckert asked to clarify that Rivian did not agree to dim the site lights after 7 p.m.

Mr. Paparo replied Mr. Freud stated he would defer to the Board.

Mayor Karr stated you do not want the site to be dark and look as though there is no activity.

Mr. Paparo stated Rivian will agree to dim lights to accommodate what the Board is trying to accomplish. They will work with the Borough professionals to determine if it is all lights are just some. The technology to dim the lights will be available.

Mr. Cianciotta stated there is a safety element to have lights on. This will deter people from coming on the property after hours.

Mayor Karr stated Rivian has agreed to fix the sidewalks and there may now be more foot traffic. He does not want the sidewalk area to be dark.

Mrs. McCluskey made a motion to approve the application, granting the remaining variances, design waivers, and incorporate any comments and testimony and changes agreed to on the record, subject to the approval by the County Planning Board regarding left turns out of the property and requests Mr. Brewer to prepare a resolution for the next meeting, seconded by Ms. Steckert.

Mr. Cianciotta confirmed that he has listen to the tape of the previous meeting (12/8/25) with regard to the Rivian application.

Mr. Maplere confirmed that he did lissten to the tape.

**Roll Call**

Yeas: Mr. Wolff, Mr. Bezold, Ms. Steckert, Mr. Cianciotta, Mr. Houston,  
Mayor Karr, Mr. Garavaglia.

Abstain: Mr. Malpere

Absent: None

Nays: None

**Motion carried**

**BREAK 10:07 p.m. to 10:15 p.m.**

**Application: PB 2-25 – SS&S - Completeness/Public Hearing**

**Block: 41.02 Lot: 39.01**

Mrs. McCluskey recused herself at 10:15pm.

Michael Castore, attorney for the applicant introduced himself. He is from the law firm of Day Pitney LLC. The applicant is seeking preliminary and final major site plan approval with bulk variances, waivers, tree removal permit and soil disturbance permit. The application is for a one story 3,363 s.f addition.

Mr. Ryden stated the application needs to be reviewed for completeness. He reviewed his report dated 1/7/2026. Mr. Ryden asked the attorney to go through the waiver requests.

Mr. Castore stated Ms. Leheny's letter recommended granting all of the requested waivers. He went through the waivers that Ms. Leheny had deferred to the Borough Engineer. Most waivers are due to the confidential nature of the facility. Waivers deferred to Mr. Ryden were structures within 200'. There is only one house within 200'. Storm drains within 200'. Existing water service is to be maintained. Existing pole mounted lighting is being removed and replaced. The topography within 25' was provided. They are requesting a waiver to the EIS. Steep slopes on the property are not being disturbed.

Mr. Ryden stated he has no problem with any of the waiver requests.

Ms. Lehney stated she did a report dated 1/14/2026. She recommends the items dealing with confidentiality and the sensitive nature of the application. She deferred other items to Mr. Ryden. She would deem the application complete. The design waivers will be discussed during testimony.

Mr. Brewer explained the checklist process to the new Board members.

Mayor Karr stated, due to the sensitive nature of the application some information may not be provided.

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

Mr. Wolff moved to deem the application complete with recommended waivers, seconded by Mr. Bezold.

### **Roll Call**

Yeas: Mr. Wolff, Mr. Malpere, Mr. Bezold, Ms. Steckert, Mr. Cianciotta,  
Mr. Houston, Mayor Karr, Mr. Garavaglia.

Recused: Mrs. McCluskey

Abstain: None

Absent: None

Nays: None

### **Motion carried**

Mr. Brewer stated the application is now open.

Mr. Castore reviewed the purpose of the application. There will also be ancillary improvements including a dog run, fencing, parking and landscaping. The property is located in R2 residential district and is approximately 2 acres in area. The primary purpose of the addition is to add 6 bedrooms and administrative space to support the

facility operations. There is an existing public need. The applicant will be renovating and reconfiguring existing interior space.

Mr. Brewer stated the hearing will be carried to the February 9, 2026 meeting. No further notice is required.

An audience member asked if comments could be given tonight.

Mr. Brewer replied no, that is done during testimony.

Mrs. Coffey asked the audience member for his name and address.

Jack Haran – 123 Glenbrook Road. He is the resident of the house that is being impacted. Mr. Haran mentioned a Board of Adjustment resolution that states the number of clients that will be permitted in this facility. It is a resolution from 1979 and reconfirmed in 1987. He would like to understand why this is now before the Planning Board.

Mr. Brewer stated they looked at proper jurisdiction and worked with the Board of Adjustment attorney. He will have an answer for Mr. Haran at the February 9<sup>th</sup> meeting.

Mr. Haran asked if the Zoning Officer is excluded from this process.

Mr. Brewer stated it is an open meeting and anyone may attend.

Mr. Haran stated he had a conversation with Mr. Salerno, Borough Zoning Officer, on January 15, 2026. Mr. Salerno stated he reviewed the application and had rejected the variance on the setback and he recommended that this go to the Board of Adjustment.

Mr. Brewer stated the Zoning Office does not determine jurisdiction.

Ms. Leheny gave background on the resolution from 1979 and 1987. At that time, it was not a permitted use in that zone. It was subsequently made a permitted use.

Mr. Garavaglia announced the next meeting will be February 9, 2026.

## **ADJOURNMENT**

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

**Motion carried.**

Karen M. Coffey  
Board Secretary

Susan Collopy  
Recording Secretary