



# Township of Montville

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October 28, 2008

Deb Nielson  
MAYOR

Jim Sandham  
DEPUTY MAYOR

Jean Bader  
COMMITTEEWOMAN

Art Daughtry  
COMMITTEEMAN

Tim Braden  
COMMITTEEMAN

## Township of Montville Residents:

On October 10, 2008 Mr. Rene Avila sent out a letter to all residents about his GI Auto Salvage property. Due to the fact that this particular parcel of property and its use has been the subject of substantial official Township actions, the Township finds it necessary to correct the misrepresentations in that letter.

January 2006: GI Auto requested re-zoning of the property for Age Restricted Housing on their 40 acre site. While the Township was considering this proposal, it was noted that GI Auto had a lengthy history of violating local ordinances by expanding the junkyard operation beyond the allowable limits. In fact there had been legal actions on this property for illegal expansion of the junkyard dating back to 1952. GI Auto was not in compliance with the most recent 2004 Superior Court judgment finding the expanded junkyard operation to be in violation of law and ordering the operators to discontinue those uses of the property that were found to be illegal. The Township Committee decided no re-zoning of the property would be considered until GI Auto brought their operation into compliance and those violations were corrected. Mr. Avila understood the Township Committee's perspective and agreed to correct all violations within 90 days.

In May 2006 GI Auto Salvage presented proofs that the property was now in compliance with the Superior Court judgment. Subsequently the Township forwarded the re-zoning request to the planning board for review.

In November, 2007 after numerous public meetings the Township Committee adopted Ordinance #2007-51, which rezoned the property for the following uses:

- Age restricted housing
- Self storage facilities
- Hotel and convention center
- Mixed use (age restricted residential and small retail shops)

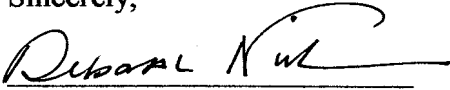
It should be noted in 2007 GI Auto abandoned the age-restricted housing concept and submitted a new proposal for a Big Box complex with Lowe's as the anchor store. GI Auto contended that the demand for age-restricted housing had waned, even though the Township continued to receive proposals for age-restricted housing and rezoning on other properties in the community. During the re-zoning discussions, both the Township Committee and citizens raised concerns about the project. Residents from Pine Brook voiced grave concerns about the significant detrimental impacts of Big Box development on their neighborhood, and cited issues such as size, lighting and traffic. Testimony was provided that big box stores typically generate noise and very high traffic volumes, particularly on the weekends. The residents were generally supportive of the age-restricted housing concept. Ultimately, on November 27, 2007 the Township Committee approved the rezoning of the GI Auto property for uses listed above. Big box retail was not an approved use.

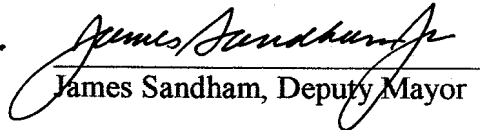
GI Auto has made statements relative to the tax revenues that would be generated by new development. Age restricted housing was estimated to generate approximately \$2.5 million in tax revenue to Montville Township, while they estimated the Lowe's proposal would likely approach \$1 million in tax revenue. Review of the records for the existing Home Depot verified the tax levy for the existing Home Depot at \$256,765, which was based on Home Depot's successful tax appeal for 2007.


Now Mr. Avila is threatening the neighborhood with the long-term continued operation of the junkyard if the Township does not approve his variance application for a "modern, more environmentally friendly use" Big Box, Lowe's before the Zoning Board of Adjustment. We find that threat offensive to the local residents of Pine Brook, the balance of our citizenry and to us as your Township Committee.

We felt it was important for you to understand all facets of this issue. Mr. Avila is entitled to propose a more lucrative project for his property. We believe his age-restricted housing project is still viable and is more acceptable to our residents. We, as your elected officials, need to weigh the impact of his new proposal on our citizens, but we will certainly not succumb to threats. The Montville Township Committee has, and will continue to, monitor the use and proposed uses for the GI Auto site with the best interests of the Township and its residents as the paramount guiding factor.


Sincerely,

  
Deborah Nielson, Mayor

  
James Sandham, Deputy Mayor

  
Jean Bader, Committeewoman

  
Tim Braden, Committeeman

  
Art Daughtry, Committeeman

Township of Montville  
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