

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JANUARY 6, 2021
Montville Municipal Building, 195 Changebridge Road
7:30PM**

NOTE: No New Business to be conducted past 10:00 P.M.

<https://montvilletwp.my.webex.com/montvilletwp.my/j.php?MTID=m6aa10e565d09f29d87e41676ed6d98bf>

Meeting number: 132 247 3060

Password: G4dDJuBJa57 (44335825 from phones and video systems)

Join by phone +1-415-655-0001 US Toll Access code: 132 247 3060

Meeting materials will be posted online and can be obtained via:

<https://drive.google.com/drive/folders/1u-QI4hsxdWPFDPiR112KeTehxM7VVQDx?usp=sharing>

STATEMENT OF COMPLIANCE

As required by the Open Public Meetings Act, adequate notice of this meeting has been provided which notice specified the time and place of the meeting to the extent known at that time. The notice was posted on the bulletin board at the Municipal Building, sent to the Daily Record, and the Citizen, posted on the Township's website calendar, and placed on file at the Township Clerk's office. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act.

ROLL CALL:

Richard Moore - Present

Annabel Pierce - AE

Deane Driscoll - Present

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

Ron Cain - Present

James Marinello - Present

Owen Weaver (Alt #1) - Present

Ray Giordano (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Stan Omland, PE – Present

John Szabo, PP - Present

Also present: Bruce Ackerman, Esq.

REORGANIZATION

Appointment of Temporary Chairman - Motion to appoint Jane Mowles as temporary chair made by Shirkey;
Second by: Cain; Roll call: unanimous.

Appointment of Chairman - Motion to appoint James Marinello as Chairman made by: Shirkey; Second by: Moore;
Roll call: unanimous.

Appointment of Vice Chairman - Motion to appoint Deane Driscoll as Vice Chairman made by: Shirkey; Second by:
Moore; Roll call: unanimous.

Appointment of Secretary - Motion to appoint Jane Mowles as Secretary made by: Shirkey; Second by: Moore; Roll
call: unanimous.

Appointment of Recording Secretary - Motion to appoint Jane Mowles as Recording Secretary made by: Shirkey;
Second by: Moore; Roll call: unanimous.

Appointment of Board of Adjustment Attorney & execution of Professional Service Agreement - Motion to appoint Bruce Ackerman, Pashman Stein for Board of Adjustment Attorney & execution of Professional Service Agreement made by: Shirkey; Second by: Moore; Roll call: unanimous.

Appointment of Board of Adjustment Engineer & execution of Professional Service Agreement - Motion to appoint Stanley Omland, Omland Associates firm for Board of Adjustment Engineer & execution of Professional Service Agreement for a 6 month period made by: Shirkey; Second by: Moore; Roll call: unanimous.

Appointment of Board of Adjustment Planner & execution of Professional Service Agreement - Motion to appoint Burgis Associates for Board of Adjustment Planner & execution of Professional Service Agreement made by: Shirkey; Second by: Moore; Roll call: unanimous.

Appointment of Board of Adjustment Conflict Engineer & Conflict Planner & execution of Professional Service Agreement - Motion to appoint Paul Ferriero, Ferriero Engineering for Board of Adjustment Conflict Engineer & Conflict Planner and execution of Professional Service Agreement made by: Shirkey; Second by: Moore; Roll call: unanimous.

Designation of Meeting Nights for Board of Adjustment as follows:

1st Wednesday of every month at 7:30PM to be held virtually or in person:

January 6, 2021	August 4, 2021
February 3, 2021	September 1, 2021
March 3, 2021	October 6, 2021
*March 18, 2021 (Thursday)	November 3, 2021
April 7, 2021	*November 18, 2021 (Thursday)
May 5, 2021	December 1, 2021
June 2, 2021	January 5, 2022
*June 17, 2021 (Thursday)	
July 7, 2021	

*additional meeting if needed to accommodate any back load of residential applications

Motion to adopt made by: Shirkey; Second by: Moore; Roll call: Unanimous.

Designation of Official Newspaper for Legal Purposes

- a) The Daily Record & The Citizen of Morris County
- b) The Star Ledger

Motion to adopt made by: Shirkey; Second by: Moore; Roll call: Unanimous.

Adoption of By-Laws

Motion to adopt made by: Shirkey; Second by: Moore; Roll call: Unanimous.

Adoption of Annual Report

Motion to adopt made by: Shirkey; Second by: Moore; Roll call: Unanimous.

Invoice Review Subcommittee (Shirkey, Driscoll, Marinello)

Motion to appoint made by: Shirkey; Second by: Moore; Roll call: Unanimous.

Design Review Committee Liaison (Pierce, Giordano)

Motion to appoint made by: Shirkey; Second by: Moore; Roll call: Unanimous.

OPEN PUBLIC COMMENT

The Chairman opens the session to public comment for items not listed on the agenda related to land use matters. None.

OLD BUSINESS

****ZSPP/FD04-19 H.G. Martin** – 289 Changebridge Road – B: 160.2, L: 12 – pre/final site plan & ‘d’ and ‘c’ variances - subdivision of an existing office/warehouse building into two separate leasehold spaces, one of the spaces to contain existing office/warehouse use and the other space to contain a Wine Outlet retail store - I-2 Zone - retail use is not permitted - d(1) use variance relief. ‘C’ variances for parking setbacks, lack of curbing, number of wall signs. Carried with notice from 9/4/19 & 11/6/19 – Eligible: Mooreⁱ, Shirkeyⁱⁱ, Miller-Sanders, Pierceⁱⁱⁱ, Cain, Lipari, Marinello^{iv} - carried with notice from 1/16/20 – New Notice provided June 2020 – carried with notice from 8/12/20 & 11/4/20

ACT BY: 4/7/2021

**Carried with notice preserved to 3/3/21 and an extension of time to act to 4/7/21

NEW BUSINESS

Mr. Schepis requested that the Dika application be heard before the Augustus Automotive application.

ZC13-20– Dika – 7 Brookwood Rd – B: 101, L: 1 – front setback, side setback, building coverage, impervious coverage variances for addition to single family home. – Notice Acceptable

ACT BY: 2/18/21

Present on behalf of the applicant: Steven Schepis, Esq; Jonathan Babula, Architect; Frank Matarazzo, PE; PP

Jonathan Babula sworn

The house is an outdated split level home. Adding a garage bay to have a 2 car garage. The lot area is 11,000+ s.f. The ordinance requires 27,000 s.f. The existing front setback is 45.3’ where 50’ is required and we are proposing 40.7’. Side setback will maintain 13’ on left side and reduced to 14.5’ on the right side where 20’ is required. Building coverage required is 14% where 19% is proposed. New portico proposed. Adding full second story on one section. New deck to the rear. Fireplace bump out. Reviewed the interior design for the Board. Current house is 1,800 s.f. and proposed is 3,200 s.f. Proposing more architectural character which will fit more with the neighborhood. There is one other older home in the neighborhood, the rest are updated.

A-1 – certification of zoning by Mr. Schepis

A-2 – photographs of the surrounding neighborhood

A-3 – neighborhood setbacks exhibit

Mr. Schepis reviewed A-1 for the Board with the changes in zoning since 1952.

Frank Matarazzo, PE; PP – sworn

Reviewed the photographs of the surrounding neighborhood. To the left of the home is a detention basin owned by the Township. There is no home across the street. Prepared an exhibit of the average front setbacks in the neighborhood. Reviewed A-3 for the Board. 4 other homes in the immediate area have front setbacks less than what is proposed on the subject property. 27.5’ combined setback proposed where 28’ is required. Existing lot is narrower than ordinance requires. 14% building coverage is allowed, 19.1% proposed. Propose storm water management with 2 dry wells (2 - 1,000 gal. tanks) to mitigate runoff from roof area. Will meet the zero runoff requirement of the ordinance.

Mr. Matarazzo (cont.) – Lot area, lot width, lot width at setback line, side setback, front setback are pre-existing non-conforming. The rear addition extends the existing setback which is non-conforming and which is adjacent to the Township owned detention basin so no impact on the neighboring property. The right side setback still would have a separation between the homes at 40' as suggested by the ordinance. Proposal conforms to overall impervious coverage requirements. Property is in the CWR zone but the proposal will have a net zero runoff and will recharge water into the aquifer. Granting of the variances will not be detrimental to the neighboring properties. The structure will be improved with overall appearance. The front setback would be greater than others in the neighborhood. No detriment to zone plan. Design exception requested for not providing a turnaround area. Adequate turnaround area proposed. Brookwood is a dead end street so minimal traffic.

Mr. Szabo – Is there approval for the shed that is partially on the municipal property? Mr. Schepis – No. Mr. Szabo – If you had to move the shed onto the applicant's property would it effect the impervious coverage. Mr. Schepis – We would have to make it meet the ordinance. Mr. Szabo – How does the proposed building coverage compare to other properties in the neighborhood. Mr. Matarazzo – I did not do that calculation. The roof runoff would be piped into the ground much lower in order for rainwater to seep into the aquifer. It is a benefit to the aquifer.

Mr. Omland – The plan must show where the pavement along the driveway is to be removed. Will groundwater be impacted as it relates to the dry well system? Mr. Matarazzo – We will dig a test pit between the drywells, do soil log and get a permeability test. Mr. Omland – Soil testing will be required as a condition of any approval. Add a note to the plan where the roof leaders will be to meet the runoff requirements. Mr. Omland – The shed has 65 s.f. off of the property onto Township property. Can the shed be located onto the subject property? If so they will be exactly at 28% which is allowed by ordinance. Will the large tree at the front of the driveway near the curb line be saved or lost? Mr. Babula – It appears it is intended to be saved, but not entirely sure.

Open to public – none - closed

Mr. Shirkey requested information on the test pits, the base elevations from the detention area next door. Submit full sized drawings so they can be seen. Submit height elevations from grade to mean of roof. Would prefer to know if shed will be moved onto the subject property or removed completely. Mr. Marinello – What would be the impact if the porch would be uncovered. Mr. Shirkey – Will this seem like it will be toppling over into the street? Ms. Miller-Sanders indicated that Brookwood is not a dead end. Mr. Driscoll wanted to know if the tree had to be removed.

Carried with notice to 3/18/21 with an extension of time to act to 3/31/21.

ZMS/D16-20 – Augustus Automotive – 219-221 Changebridge Road– B: 138, L: 9 – use variance and minor site plan for automotive repair use– Notice Acceptable
ACT BY: 2/13/21

Present on behalf of the applicant: Steven Schepis, Esq.; Chris Wolverton, Architect; Jonathan Greenberg, applicant

Mr. Schepis – Requesting a minor site plan and Use variance for automobile repair.

Chris Wolverton, Architect - sworn

2 story multi-tenant office building. 17,000 s.f. building. Project broken down into 2 phases. Proposing to use the existing overhead door space “as is”. The office space in the rear will be removed in phase 2.

A-1 – photo of interior space with offices that will be removed

Mr. Wolverton – 3 additional parking spaces are proposed on existing pavement. Overhead doors exist and will not be modified. Decorative light proposed along property frontage. In Phase 2 of this development, the offices will be demolished and a total of 6 lifts are proposed. There will be a full height wall proposed with sound attenuation

between office/reception area and the shop area. The whole building will be used by the same tenant. Adding one additional 12'x12' overhead door and will add a concrete apron and will remove 5 parking spaces. 2 bollards and a man door also proposed. Offices on the 2nd floor will remain. Will retain existing approved impervious coverage at 60% by removing coverage from other places on site.

A-2 – aerial photo showing removal of impervious coverage.

Mr. Wolverton – Will provide a lighting plan based on field investigation and will satisfy Mr. Omland as well as the dumpster enclosure. There will be no storage of damaged vehicles or parts outdoors, no repairs outdoors, no damaged vehicles outside, and no auto body repairs, only automotive repairs and alignments. Liquids will be captured and disposed of properly. No outdoor storage of drums, oils or similar. Drive able vehicles will be parked outdoors. There will be overnight parking of a service vehicle to the rear of the building (pickup truck). Any customer vehicles will be kept indoors overnight. Mr. Schepis – This is not an auto body repair shop, alignments and minor service proposed. Mr. Wolverton – The footprint of the building will not change.

A-3 – Exterior rear elevation drawing prepared by Mr. Wolverton

A-4 – Letter of 12/23/20 from Mr. Schepis with attachments – sign details

Mr. Wolverton – 4'x8' wall mounted sign proposed, externally lit by ground mounted lights; 16' above ground. Existing monument sign will be refaced.

A-5 – photos of existing site

Mr. Wolverton reviewed A-5 for the Board.

Mr. Szabo will defer questions until revised plans are submitted. Mr. Omland asked if there will be a floor drain in the service area? Mr. Wolverton – No. Mr. Omland wanted to know if there would be car washing or detailing of vehicles. Mr. Schepis to supply a listing of services included in the use proposed. Mr. Schepis represented that there would not be any car washing or car detailing on site. Mr. Omland requested additional information as to the exact impervious coverage on site. Mr. Schepis stated that the applicant will not exceed 60%. Mr. Omland – New ADA spaces will be required so you may lose parking spaces. Keep the parking count in mind. Mr. Schepis – Customer parking will be inside overnight.

Open to public –

Charles Dyak – 10 Green Meadows Rd – sworn

In earshot of this facility. What will the noise level be during the summer with the bay doors open?

Kathy Wu – 218 Changebridge Rd – sworn

Will this garage create more traffic?

Mohammad Kiyam – sworn

Is this a commercial automotive business or is it contract based? Explain the bicycle path. Will benches be added? Will the existing trees remain? What will be the noise levels? What will happen to the other tenants in the building?

Mr. Driscoll wants more information on what will be done upstairs. Mr. Shirkey – Wants more information on waste fluid disposal. Mr. Cain – Is the entire ceiling area in the rear portion 25' height? How does a vehicle (including emergency vehicles) get past the ramp since there is only 4' left? Mr. Weaver – How many vehicles will be serviced in a day? Mr. Marinello – Difference between auto manufacture and auto repair? Was this considered at the last master plan amendment?

Jonathan Greenberg, applicant – sworn

I live in town. I am the applicant and own the building since 2019. We lost the majority of the tenants due to covid-19. Since this was a trucking company previously it made sense to use a different use than office. Wheel alignments will be 90% of the business. The vehicles are not damaged vehicles. No noise from alignments.

Mr. Greenburg (cont.) - May find other repairs that will need to be taken care of to complete an alignment. We will have contracts with companies like Hertz to do alignments. No trees are proposed to be removed. We have air conditioning so we do not propose to open the doors in the summer but alignments are done by hand tools not air tools. Disposal of liquids will be done in accordance with the law. No barrels stored. If we need to park a vehicle outside it will be behind the building so it is not seen from the street. The shop is a completely separate part of the building so any office tenants will not be disturbed. Services will be offered to the general public. There will be less traffic than when it was run 100% as an office building. Mr. Marinello – Need more information on disposal of liquids.

Carried with notice preserved to 3/18/21 with an extension of time to act to 3/31/21.

MINUTES

Minutes of December 2, 2020 – Eligible: Moore, Pierce, Shirkey, Miller-Sanders, Cain, Weaver, Marinello

Motion to adopt made by: Moore; Second by: Shirkey; Roll Call: Yes – Moore, Shirkey, Miller-Sanders, Cain, Weaver, Marinello

INVOICES

Burgis Associates – Trust for: \$1,012.50 (Boonton Properties); \$412.40 (Dika); \$637.50 (Lakeland Generator); \$225.00 (McCaul); \$1,687.50 (Monarch); \$225.00 (Pool Town)

Omland Associates – Trust for: \$862.50 (Boonton Properties); \$37.50 (Conturso); \$112.50 (Dream Home); \$225.00 (H.G. Martin); \$155.00 (Lakeland Generator); \$150.00 (MDP Fitness); \$1,462.50 (Monarch); \$300.00 (Mutts on Main); \$112.50 (Pool Town)

Motion to approve made by: Shirkey; Second by: Moore; Roll call: Unanimous.

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Liaison report – Approved D’Agosto Landscaping – 4 Skyline Dr.

DRC Liaison report – Reviewed D’Agosto Landscaping – 4 Skyline Dr.

CORRESPONDENCE

None.

ADJOURNMENT

Motion to adjourn made by: Shirkey; Second by: Moore; Roll call: Unanimous

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of February 3, 2021.

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- ii Certified to 8/12/20 hearing
 - iii Certified to 9/4/19 hearing
 - iv Certified to 9/4/19 hearing