

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MAY 1 2019  
Montville Municipal Building, 195 Changebridge Road  
8:00 PM**

**NOTE: No New Business to be conducted past 10:30 P.M.**

**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 - AE

Annabel Pierce – AE

Deane Driscoll - Entrance noted

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

Shelly Lawrence – Present

James Marinello - Present

Ron Cain, Rd. (Alt #1) - Present

Mark Wechsler (Alt #2) - AE

**PLEDGE OF ALLEGIANCE**

Swearing in of Professionals

Stanley Omland, PE – Present

John Szabo, PP– Present

Also present: Bruce Ackerman, Esq.

**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**

None

**MINUTES**

Minutes of April 3, 2019 Eligible: Moore, Miller-Sanders, Driscoll, Shirkey, Cain, Wechsler

Motion to adopt made by: Mr. Shirkey; Second by: Ms. Miller-Sanders; Roll call: Yes – Miller-Sanders, Shirkey, Cain

**INVOICES**

**Burgis - Trust for:** \$450.00 (AMJM); \$37.50 (Mutts on Main); \$225.00 (Royce); \$262.50 (Tillyros); \$150.00 (Virk); \$300.00 (Tommaso); \$600.00 (Youssef)

**Pashman Stein – O/E: Board Business-** \$195.00 (Feb 2019); \$210.00 (Mar 2019);

**Litigation-** \$5,575.00 (Jul 2018); \$60.00 (Feb 2019) **Trust for:** \$30.00 (AMJM); \$15.00 (Arakelian); \$60.00 (Cleffi); \$750.00 (Dostal); \$120.00(Mutts on Main); \$120.00 (Royce); \$930.00 (Royce) \$360.00 (Tillyros); \$345.00 (Tillyros); \$60.00 (Youssef); \$120.00 (Youssef)

Motion to approve made by: Mr. Shirkey; Second by: Ms. Miller-Sanders; Roll call: Unanimous

## RESOLUTIONS

**ZC19-18– Greene & Fahrney** – 17 Morris Ave – B: 49, L: 8 – variances for building and impervious coverage and setbacks for an addition to a single-family home – Approved – Eligible: Moore, Miller-Sanders, Driscoll, Shirkey, Cain, Wechsler

Motion to approve made by: Ms. Miller-Sanders; Second by: Mr. Shirkey; Roll call: Yes- Miller-Sanders, Shirkey, Cain

## OTHER BUSINESS

Planning Board Secretary Report – PBNJ Wawa hearings continue.

DRC Liaison report – no report

## CORRESPONDENCE

None.

## NEW BUSINESS

### NOTE: Mr. Driscoll Enters

**ZSPP/FDC/ZSOIL16-18 Mutts on Main** – 235 Main Rd – B: 59, L: 11 – pre/final site plan/use variance/soil movement/c variances for demolition and reconstruction of kennel and associated upgrades to the site - Notice Acceptable  
ACT BY: 7/16/19

Present on behalf of the applicant: Steven Schepis, Esq.; Joseph Miannecki, PE; James Cutillo, AIA

Mr. Schepis – Reviewed the application for the Board along with the previous application, More Than Just a Kennel, that was approved before this Board. Kennels are a permitted Conditional Use, but this application does not meet all of the conditions of the conditional use section of the ordinance. Keeping the intensity of the use the same as the previous application -- 80 animals during the day and no more than 70 animals overnight. Improvements to the parking area, all kennel buildings are proposed to be removed and a new structure is proposed, much of the activity that occurs outside currently will occur inside. D4 FAR variance requested and D3 variances. Many deviations exist or are being improved upon.

Joseph Miannecki, PE - sworn

Mr. Miannecki reviewed the existing property for the Board. The existing driveway will not be modified. Creating 4 spaces across the front which will require removal of 4 trees. Flush curb where asphalt meets the gravel. Gravel parking lot will be for employee parking. Propose 5 parking stalls up the driveway to the rear of the property, one of which will be a handicapped space. The front porch will be enclosed. ADA compliant parking/ramps proposed. 4,992 s.f. building addition to be used to house dogs overnight and during the day. Replacing existing shed 802 s.f. which will allow dogs to get out of the sun/rain. Refuse enclosure proposed. Garbage to be picked up on off hours. Proposing Canine Grass, turf product, gravel under drain system. They will test drainage there and add sand base if needed. Regular grass would turn to mud in a short period of time. Slight increase of impervious coverage. Dry wells, roof drains and turf grass proposed for storm water management.

Mr. Miannecki – Colonial residential style light fixtures proposed. Soil movement to import 600 c.y. of material. Applicant will comply with soil movement ordinances. Reviewed the zoning schedule from sheet 3 of the site plan for the Board. Animals will be inside from 9pm to 8am. Variances requested: minimum lot area; minimum setback of enclosures housing animals; maximum number of animals (80 during the day; 70 overnight); minimum landscaped buffer width; 18 parking spaces required where 8 exist, propose 13 spaces; impervious coverage 64.4% exists; 60.4% proposed; 55% permitted. FAR 25% permitted; 15% existing; 33% proposed; side yard setback variance to residence/office 14.9' where 20' required; rear setback for shed; gravel parking variance; partial curbing; partial striping; drive aisle width variances requested; parking in front yard. Design exceptions requested: bicycle lane; lighting intensity; decorative street lighting; trash enclosure access.

Mr. Mianecky – Reviewed Mr. Omland’s recent memo for the Board. Dumpster will be roll out style and will be picked up during a set time. Test pits to be done as a condition of approval. Mr. Schepis – The applicant will comply with the Board of Health report dated 5/1/19. Mr. Omland – Testing for drainage from the canine grass will be required as a condition of resolution.

Joseph Cutillo AIA – sworn

Reviewed the architectural plans for the Board. First floor is office area and upstairs is caretaker’s quarters. Socialization area and kennels in the larger area. Grey and white color scheme on the building. 1 story barn type area for kennel. Pole barn structure. Site is recessed. Dogs have limited time outside so noise will be attenuated. Materials to be added to the plans. Mr. Schepis – Will be meeting with the DRC in a couple of weeks.

Open to public for questions for the Engineer and the Architect.

Richard Seabury – 16 Hillcrest Rd Towaco – sworn

My wife owns the property next to this site. No objection to the setbacks. Concerned with the water runoff. Would like to speak to the engineer about the water runoff. Mr. Mianecky agreed to meet with Mr. Seabury.

Brent Fredericks – 240 Main Rd – sworn

Asked if there were to be changes to the setbacks from the porch and the number of animals.

Janice Nasisi – sworn

Would like to know when the trash removal hours will be. Trash vehicles travel around Seabury property now. Will the access to the Seabury property be blocked off? Noise is a major concern. Concerned with dog feces running off into the canal. Will there be a sprinkler system in the building? Mr. Mianecky – We cannot use the Morris Canal for stormwater management.

Mr. Marinello – Need details on the grade on the ADA parking area. How much of the shed is for storage and how much is available to animals? What type of animals can be accommodated by this facility? Need determination between FAR and building area. Testimony on how many trees will be removed and if any can be saved. When did the sign change and were approvals obtained? Any opportunity to purchase neighboring property? How many animals would be acceptable for the existing FAR. Mr. Shirkey – History of how long this has been a kennel. Generator proposed? Mr. Ackerman – How many overnight spaces for dogs. Real numbers on garbage removal times. Ms. Lawrence – Hours of operation, number of employees, etc. Total number of downspouts to tie into drywells.

Carry with notice to: 6/5/19

Miller-Sanders, Driscoll, Shirkey, Lawrence, Cain, Marinello

**ZC02-19– Arakelian, Karen** – 24 Turkey Hill Rd – B: 4, L: 9 – front setback of 38.83’ & 40’ where 50’ is required; side setback of 8’ where 25’ required; combined sides of 33.9’ where 35’ required – addition to single family home- Notice Acceptable  
ACT BY: 7/16/19

Present on behalf of the applicant: Karen Arakelian, applicant; Todd Lent, AIA

Karen Arakelian, applicant –sworn

Todd Lent, AIA - sworn

Mr. Lent – The property is at the end of a cul-de-sac. Pie-shaped lot. Lot is narrow where the addition is proposed. Proposing an extension to the existing garage to make it a 2-car garage. Front setback of 38.83’ & 40’ where 50’ is required; side setback of 8’ where 25’ required; combined sides of 33.9’ where 35’ required. The driveway should be 10’ from the side yard, it is currently on the property line and at one portion over the line. Propose the driveway at 8’ from the property line where 10’ is required. Mr. Omland – I believe the architect measured incorrectly and does not need a combined side yard setback variance. One less variance required, Mr. Lent to revise the plan to show proper calculations to eliminate the combined side yards variance.

Open to the public

Paul Carraciao – sworn

Are you widening the driveway or narrowing it? Mr. Lent – It currently abuts the property line and it will be cut back to 8’ where 10’ is required. Concerned with the house being too close to my property. Mr. Cain – Tree removal? Ms. Arakelian – No. Mr. Marinello – Can the setback be reduced to 10’? Mr. Lent – The proposal was set to not increase impervious coverage, just going over existing driveway. Mr. Marinello – The porch will remain open and not be screened or enclosed correct? Ms. Arakelian – Yes.

Mr. Shirkey – Recommend a 10’ side setback instead of 8’ as requested. Suggest dry wells to take care of storm water that is on site today. Mr. Omland – 9’ side setback for addition and driveway to conform would be better. Mr. Lent – The plan will be revised to have the proper coverage per the Burgis report.

Closed to public

Motion to approve the application under C(2) as overall benefit to community and zoning, benefit to area stormwater management, subject to a 9’ side setback for the addition instead of 8’ as requested; the front yard variances requested are to be approved; driveway setback is to be brought into conformance at 10’; stormwater management required for review and approval by Mr. Omland, applicant to meet with Mr. Omland to design stormwater management system; irregular shaped lot; unique layout made by: Mr. Shirkey; Second by: Mr. Driscoll; Roll call: Yes - Miller-Sanders, Driscoll, Shirkey, Lawrence, Cain, Marinello

Respectfully submitted,

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Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of June 5, 2019.