

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JUNE 15, 2023
7:30pm
In Person**

NOTE: No New Business to be conducted past 10:00 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 - Present
Annabel Pierce - AE
Jake Kovalcik - Present
Ray Giordano - Present
Margaret Miller-Sanders - Present

Ron Cain - Present
James Marinello - Present
Victor Canning (Alt #1) - AE
Larry Lomrantz (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Jamie Giurintano, PE – Presence not required
David Novak, PP - Present

Also present: Kelly Carey, Esq.

OPEN PUBLIC COMMENT

The Chairman opens the session to public comment for items not listed on the agenda related to land use matters.

Mr. Marinello welcomed Mr. Lomrantz to the board.

OLD BUSINESS

None

NEW BUSINESS

ZC06-23 – Crespo, Jennifer – 148 Konner Ave – B: 139.7, L: 10 – 6' fence in front yard
Notice Acceptable ACT BY: 9/8/23

Present on behalf of the applicant: Jennifer Crespo, applicant; Juan Crespo, applicant

Juan Crespo, applicant – sworn

The children play outside a lot. Looking for a 6' fence for security purposes. There have been a lot of break ins in town and we are a corner lot which gives more access for thieves. The fence will deter thieves from getting on our property. We have sliding doors on the 1st floor. We also need privacy from the neighbors walking by. Want to keep the children safe. Our property is irregularly shaped. We have had deer and bear on our property. Wish to contain the property. The fence will be over 100' from Konner Ave and 14' inwards from Cheryl. We will be adding landscaping along the fence line. We will be adding a pool soon as well.

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Exhibit marked in: A-1 – 4 photos of other fences on corner lots

Mr. Novak – Why can the fence not line up with the plane of the house? Mr. Crespo – The fence would hide the sports equipment.

Ms. Crespo – sworn

We would lose a lot of usable area in our back yard since the lot is narrow. Mr. Novak – No vegetation will be removed for this fence? Ms. Crespo – No. We will put an aluminum fence in the rear so as to not hide the vegetation. Proposing green giants or arborvitae along the exterior of the fence.

A-2 photo of neighboring property with landscaping in front of the fence.

Mr. Novak – Reviewed the statutory criteria for the applicant.

Mr. Cain – Will the fence have to go through the trees? Ms. Crespo – We are setting back the fence and it will curve around to protect the trees. Mr. Marinello – The contract does not match up with the site plan. Mr. Crespo – We are using the site plan, not the contract. We have kids that run through the back yard. Mr. Marinello – But a 4' fence could stop that. Mr. Marinello – Do you have a landscape plan? Ms. Crespo – No but it will be along the entire length of the fence. Mr. Moore – The lot is a corner lot, unique in shape and size. You do not have a lot of space in the rear yard.

Open to the public – none – closed

Mr. Marinello – I know we are more liberal with corner lots. I cannot use the security issue since that would affect all properties in the Township. Mr. Moore – I think the 6' accomplishes the needs of the applicant.

Motion to approve the 6' fence in the front yard subject to submission of a landscaping plan with a 2 year maintenance bond to be reviewed by the Township Planner's office, unique shaped lot, corner lot, no detriment to the zoning ordinance made by: Mr. Moore; Second by: Mr. Kovalcik; Roll call: Yes - Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Lomrantz; No - Marinello

****ZC07-22 – Bain, Robert** – 216 Brook Valley Rd - B: 24, L: 16.2 – accessory structure height;
accessory structure front yard and unimproved road variances ACT BY: 9/19/23

****Rescheduled to 8/2/23**

RESOLUTIONS

ZEXT07-23 Cafe Club Real Estate (Boonton Properties) – 67 Boonton Ave – B: 3, L: 47.26 request for extension to March 4, 2024 – Granted – Eligible: Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Marinello

Motion to adopt made by: Moore; Second by: Miller-Sanders; Roll call: Yes - Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Marinello

MINUTES

Minutes of 6/7/23 Eligible: Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Marinello

Motion to adopt made by: Moore; Second by: Miller-Sanders; Roll call: Yes – Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Marinello

INVOICES

None

CORRESPONDENCE

None

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OTHER BUSINESS

Mr. Cook explained the change in the summer concert series. Purchased property at 103 Horseneck Rd. Working on a biking/walking trail.

CLOSED SESSION

None

ADJOURNMENT

There was a motion to adjourn was made by: Miller-Sanders; Second by: Giordano; Roll call: Unanimous.

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of June 20, 2023 hearing