

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JUNE 20 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 - Present
Annabel Pierce – AE
Deane Driscoll - AE
Kenneth Shirkey - Present
Margaret Miller-Sanders - Present

Shelly Lawrence – Present
James Marinello - Present
Ron Cain, Rd. (Alt #1) - Present
Mark Wechsler (Alt #2) - Present

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

NEW BUSINESS

ZC/ZSOIL03-19– Greeley, Michael – 6 Lancaster Ave – B: 149.5, L: 1 –front and rear setback variances for an addition to a single family residence. Notice Acceptable ACT BY: 9/11/19

Present on behalf of the applicant: Michael Greeley, Applicant

Mr. Greeley, applicant – sworn

Mr. Greeley – Proposing a 1 story sunroom. No convenient access to the pool as house exists. Unique shaped lot. 12'x16' sun room proposed. Variances requested for front and rear yard setbacks. Existing undersized lot makes it difficult to comply with the setback requirements. Corner lot so 2 front yards are required. House is not centered on the lot. Lot narrows along Lancaster as the street curves. Proposed the addition 10' away from the pool even though not required by ordinance. 38.2' from front setback and 44.4' from rear property line. Minimal impact of 7' closer to closest property owner. A total of 57 sq. ft. is encroaching. Removing 89 sq. ft. of concrete on the property to be under the impervious coverage requirements and under the storm water management requirements. Reviewed other setback variances in the neighborhood previously granted. Agree to provide an as-built survey after construction.

Mr. Omland – The impervious coverage is reduced below threshold for storm water management. As-Built survey should be a condition of approval in order to confirm removal of impervious coverage and setbacks..

Open to Public – None - Closed

Mr. Moore asked if the applicant would be willing to remove additional impervious coverage on the property. Mr. Greeley said it may be possible. Mr. Marinello asked about the impact of the addition. Mr. Szabo stated that there would be minimal to none. Mr. Marinello – Will there be any tree removal? Mr. Greeley – There is a possibility to remove one tree in the front of the house based on having to move the gas line.

Motion to approve the application subject to submission of an as-built survey, lot is irregularly shaped and restricted from development by having to meet two front yard setbacks which is exacerbated by the bend in Lancaster Ave., applicant attempted to remove some impervious coverage (65 sq. ft.), but the Board would require an additional 25 sq. ft. of impervious coverage removed for a total of 90 sq. ft. of impervious coverage to be removed, made by: Mr. Moore; Second by: Ms. Lawrence; Roll call: Yes - Moore, Shirkey, Miller-Sanders, Lawrence, Cain, Wechsler, Marinello

ZMN/D01-19 Kekon Realty – 65 Route 46 – B: 184, L: 2 – minor subdivision/expansion of existing non-conforming use/more than 1 principal structure on a lot – Notice Acceptable ACT BY: 8/8/19

Present on behalf of the applicant: Michael Sullivan, Esq; Sean Moronski, PP; Crystal Eggers, PE

Michael Sullivan Esq. – Application to subdivide the property into 2 lots. One lot to contain the Penske building and the balance with multiple buildings remaining on 1 lot. No Changes to the site proposed, just the subdivision. The balance of the tract is up for sale and a redevelopment of that tract will be forthcoming in the future. A Use variance is required due to lot reduction and the residential aspect on the sites. Multiple buildings on one lot with different principal uses. Design exception for corner lot radius which is existing and not changing with this application.

Crystal Eggers, PE – sworn

Property fronts on 3 roads and is adjacent to the Passaic River. Business District. Carving out 2.79 acres on the western side of the site, will have frontage on Chapin Road and Rt. 46. 18.44 acres on remaining lot. The Rent All Center will be purchasing the building on the subdivided lot. Reviewed remaining uses and buildings on the site. The existing residential is not a permitted use in this zone so a D variance is required along with a D variance for 3 principal uses on 1 lot. Bulk standards on both lots will be conforming with this subdivision application. A tributary already separates the lots. Mr. Szabo – The new lot operates independently as it exists? Ms. Eggers – Yes.

Mr. Omland – Publish accurate impervious coverage calculations on the plan. Mr. Omland – Try to incorporate a handicapped parking spot, adequate lighting for residential component. Ms. Eggers – There are building mounted lights all around the building which has been longstanding. Mr. Omland – Condition either a right of way dedication or an easement to make the design exception come into compliance. Mr. Sullivan – The applicant will agree to the dedication. Mr. Sullivan – The issue of impervious coverage can be revisited at the time of redevelopment. The impervious coverage calculations are conservative numbers as shown on the plan. Mr. Omland indicated that he did not want the numbers shown be the standard for the next application that comes along. Discussion ensued on the floodway.

Open to public for this witness – none

Sean Moronsky, PP – sworn

Discussed surrounding uses for the Board. Lot 2.01 would have 3 principal buildings on site, which requires a Use variance. Reducing the lot area requires a Use variance. No other changes to the site. No expansion of the operations on site. Non-Conforming residential units have been there since the early 1950's. No changes to access, operations or parking on site. Lots are already separated in a physical sense due to the tributary. No detriment to

public good. No detriment to surrounding uses. No substantial detriment to the zoning ordinance or zone plan. No bulk variances requested.

Mr. Szabo – What data do you have that shows the residential aspect of this property predates the zoning ordinance?
Mr. Moronsky – The owner of the property lived in the apartments in the early 1950's. The subdivision will eliminate non-conforming conditions by the dedication of the right of way. Mr. Omland – Do the lot lines as proposed conform to proper setbacks from pavement to property line? Mr. Moronsky – It appears to but I did not review that aspect. Upon further review of the plan, the setbacks conform.

Mr. Scott Konner, owner of property – sworn
Will agree to the right of way dedication. My parents moved into the apartments in 1954 and it has been continuously occupied ever since. My grandfather built the property.

Discussion ensued on handicapped parking and lighting. Mr. Konner – We are emptying out the buildings in order to redevelop the site to make it more as to what the town is desiring. Discussion ensued on the residential aspect of the property.

Open to public – none - closed

Mr. Sullivan summed up testimony. Concerns voiced about tenant safety and lighting.

Motion to approve the application subject to a right of way dedication to alleviate the design exception, approval not based upon impervious coverage in this matter since they have not been verified, any future redevelopment plan would have to verify impervious coverage, a 6 month condition that the applicant submit an application to the Land Use Office and a 9 month period for action on the application. If no action taken within the 9 month period then the interior and exterior of the residential units' lighting and safety standards are to be upgraded to current code.

Immediately following approval of this resolution, a handicapped parking spot and walkway would be required made by: Mr. Shirkey; Second by: Mr. Moore;

Roll call:

Yes - Moore, Shirkey, Miller-Sanders, Cain

No – Lawrence Wechsler, Marinello

Motion fails, the application is denied for failure to receive the required 5 affirmative votes.

MINUTES

Minutes of June 5, 2019 Eligible: Shirkey, Miller-Sanders, Lawrence, Cain, Wechsler, Marinello

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

INVOICES

None

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Secretary Report – Updated the board on Planning Board recent actions.

DRC Liaison report – No report

CORRESPONDENCE

None

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Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of July 3, 2019.