

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF OCTOBER 2, 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 – Present  
Deane Driscoll - Present  
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 – Excused  
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**

**\*\*ZSPP/FD04-19 H.G. Martin** – 289 Changebridge Road – B: 160.2 , L: 12 – prel/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 impervious coverage, parking setbacks, lack of curbing, number, location, and area of wall signs, and signage extending beyond the roof of the building. Carried with notice from 9/4/19 – Eligible: Moore, Shirkey, Miller-Sanders, Lawrence, Pierce<sup>i</sup>, Cain, Wechsler, Driscoll, Marinello<sup>ii</sup> ACT BY: 11/30/19

**\*\*APPLICANT REQUESTED TO BE CARRIED WITH NOTICE PRESERVED TO NOVEMBER 6, 2019**

**NEW BUSINESS**

**ZMN/D01-19-07-19 Kekon Realty Amended**– 65 Route 46 – B: 184, L: 2 – 65 Route 46 – B: 184, L: 2 – minor subdivision – Notice Acceptable. ACT BY: 12/6/19

Present on behalf of the applicant: Michael Sullivan, Esq.; Sean Moronski, PP

Mr. Sullivan – Returning on an amended subdivision application. Relying on the last hearing testimony. Mr. Ackerman reviewed for the public the option of relying on a previous hearings testimony. Board agreed to incorporate prior testimony on record from immediately prior application by Applicant into present application.

Mr. Driscoll and Ms. Pierce certified to listening to the recording of the previous hearing.

Mr. Sullivan – Briefly described the subdivision proposal for the record. All of the uses on the property are permitted uses except the residential uses which are to be removed, and more than one principal building on the lot is not permitted. Building B’s occupant is buying the Penske building which is the lot subject to the subdivision. The remaining property will remain. The application was previously denied based on the safety of the lighting; parking, etc. for the residential building/use. The non-conforming residential apartments will be vacated prior to signing the subdivision deeds. Requesting a Use variance for more than one principal building on one lot as an intensification of a non-conforming use by the subdivision. Applicant is providing an easement for the roadway corner radius as suggested by the Board Planner and Engineer.

Sean Moronski, PP – sworn

Exhibit marked in: A-1 – 1996 Zoning Board Resolution

In 1996 the Zoning Board adopted a resolution for pre/final site plan on the existing tract.

Exhibit marked in: A-2 – Planning Board Resolution 11/20/06

Mr. Moronski – With regard to the D variance, the proposal removes the residential use and adds the corner radius easement to enhance the site. No substantial detriment to the zoning plan or the zoning ordinance. The buildings and uses remain similar to the ones on site during the 1996 and 2006 approvals. The lot has a tributary that essentially subdivides the property physically from the remaining part of the property.

Mr. Szabo - No questions.

Open to the public for this witness – none

No questions for this witness from the Board.

Mr. Sullivan briefly summed up testimony.

Mr. Ackerman – Mr. Omland wanted to make sure the existing impervious surfaces on site were not memorialized if this application is approved. Upon any further application the impervious surfaces have to be fully delineated and calculated.

Closed to the public

Motion to approve the application subject to the residential use being vacated prior to signing of the subdivision deeds, the existing impervious coverage is not ratified for this application since they have not been field verified made by: Mr. Shirkey; Second by: Mr. Driscoll; Roll call: Shirkey, Driscoll, Moore, Miller-Sanders, Pierce, Lawrence, Marinello

## **MINUTES**

Minutes of September 4, 2019 Eligible: Moore, Shirkey, Miller-Sanders, Lawrence, Cain, Wechsler

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

## INVOICES

**Omland Associates – Trust for:** \$187.50 (Greene-Fahrney); \$262.50 (KeKon); \$187.50 (Senatore); \$450.00 (Tommaso Bros.)

**Pashman Stein – O/E:** \$75.00 (Avalon Bay Litigation); \$300.00 (Board Business July 2019) **Trust for:** \$15.00 (Greene-Fahrney); \$75.00 (H.G. Martin); \$30.00 (Senatore); \$1,875.00 (Tommaso Bros.)

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

## RESOLUTIONS

**ZEXT07-19 Senatore, Bruce** – 17 Upper Mountain Ave – B: 79; L: 8 – Request for extension of approvals until February 2, 2020 (18 months from 8/2/18) - Granted – Eligible: Moore, Shirkey, Miller-Sanders, Lawrence, Cain, Wechsler, Driscoll

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

**ZC06-19– Dealaman, Matthew & Tiffany** – 7-4 Church Ln – B: 100, L: 10 – planning variance for addition to single family home – Approved – Eligible: Moore, Shirkey, Miller-Sanders, Lawrence, Cain, Wechsler, Driscoll

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

## OTHER BUSINESS

Planning Board Secretary Report – Mr. Lewis – The Master Plan Re-Examination was adopted and they are working on the revised Land Use Plan. Mr. Szabo should review before the Zoning Board.

DRC Liaison report – H.G. Martin was before the DRC and they are returning next week with material samples.

2020 Budget – Discussed. Any additions contact the Land Use Department.

## CORRESPONDENCE

None

## CLOSED SESSION

Motion to go into closed session to discuss personnel made by: Mr. Driscoll, Seconded by: Mr. Shirkey; Roll call: Unanimous

Upon return from closed session and there being no further business the Board adjourned their meeting.

Respectfully submitted,

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Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of November 6, 2019.

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<sup>i</sup> Must certify to 9/4/19 hearing

<sup>ii</sup> Must certify to 9/4/19 hearing