

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF FEBRUARY 1, 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	Ron Cain - Present
Annabel Pierce - Present	James Marinello - Present
Deane Driscoll - AE	Jake Kovalcik (Alt #1) - Present
Ray Giordano- Present	Victor Canning (Alt #2) - AE
Margaret Miller-Sanders - Present	

**PLEDGE OF ALLEGIANCE**

Swearing in of Professionals

Jamie Giurintano, PE  
John Szabo, PP

Also present: Michael Carroll, 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/FDC/ZSOIL02-22 – Diversified Properties (55+) – 259 Main Rd (245 Rt. 202; 263 Rt. 202; Daldunn (Rear); River Rd; 6 Daldunn; 4 Daldunn; 12 River Rd) – B: 59, L: 13, 15, 17, 18, 19, 20, 22 - preliminary and final site plan approval, as well as 'd'(1), 'd'(6), and 'c' variance relief 266-unit age-restricted residential community consisting of both apartments and townhouses- Carried with notice from 10/20/22 & 11/17/22 - Eligible: Moore, Pierce<sup>i</sup>, Driscoll<sup>ii</sup>, Miller-Sanders, Cain, Giordano, Kovalcik, Marinello<sup>iii</sup>**  
ACT BY: 2/28/2023

Present on behalf of the applicant: Nick Minoia, applicant; Jack Raiker, Architect, Marc Walker, PE; Steven Schepis, Esq; Barton Ross, Historic Architect

Barton Ross, Historic Architect – sworn

245 Main Road was inaccurately designated as the Lawrence Tavern and the other building on site is the Tavern. We will relocate the one building and rehabilitate it, the Peter Doremus House, the center section and will be enjoyed by the residents of the community and their guests. Went before the HPRC and will comply with their conditions. The Husk house is not in good condition and is not salvageable and will not be saved. The center section of the Tavern will be restored and relocated on the property. Carpenters' marks are on the roof rafters. That

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house was built around 1779 and had additions later in years. New foundation. Revolutionary war period. Documentation will need to be done as it relates to original location.

Mark Walker, PE – sworn

Mr. Walker reviewed the existing conditions on site for the Board using A31.

A31 – colorized plan of existing conditions

Mr. Walker – Frontage on Rt 202, River and Rt 287. 2 abutting residential properties to the North East on Rt 202. To the North is Mutts on Main. Undeveloped land to the north of the property. Homes that front on Rt 202. The Morris Canal is near the property but not on the property. Commercial properties on River and Rt 202. Restaurant on Rt 202 and River Rd. The Crooked Brook runs through the site. DEP regulated flood plain. There is a bridge that crosses the Crooked Brook as well as a foot bridge that crosses the Crooked Brook. 50' wetlands and riparian buffers proposed. 28.5 acres total lot area 12+ acres constrained by wetlands and buffers. R-27A zone.

A32 – superimposed site plan over aerial photograph dated 2/1/23

Mr. Walker – Age restricted project. 266 units total (multi family and town home buildings). Proposing access through Rt 202, emergency access from River Rd. The emergency access on River Road will only be able to be accessed by emergency vehicles. Gate house proposed from Route 202. Separate entrances for residents and guests. Gate keepers on staff. Clubhouse will have a pool and many amenities. 3 multi family buildings and 4 town home buildings. Reviewed distances from proposed buildings to existing neighboring structures. Maintenance building, garden plots, pergola, pickle ball and sport courts, tennis courts, putting green area, gazebo, wood chip walking path, benches, pond with benches. Most amenities behind the sound wall. Reviewed topography of the site. Extensive plan for planting trees. Surface parking proposed for visitors. Underground parking proposed for the residents. 2 car driveways at town homes and 2 car garages. 134 guest parking spaces 457 garage parking spaces and 42 parking spaces for the townhomes. EV parking spaces proposed. 82 EV units in parking garage and 8 EV units in common parking area. 633 actual parking spaces total where required 518 spaces. Maintenance staff on site. 4 storm water basins proposed. DEP approvals are pending.

Mr. Walker – The proposal meets the building and impervious coverage requirements for the R-27A zone. The roadway, bridge and foot path will be privately owned and maintained. We would be disturbing the same amount of land if it was a conforming single family residential proposal. There will be a conservation easement in the 12+ acres that will not be disturbed. Soil movement calculated for the site from 1,940 cy down to 1,500 cy in case the soil on site is not appropriate. Soil can be brought in from the highway so as to not disrupt neighboring properties. Jacksonville, Main Road, Rt 287. Variances proposed: Use variance for multifamily housing proposed where single family housing is permitted; building height 2 ½ stories 35' allowed where 54' and 4 and 5 story buildings proposed; accessory structures gate house, club house and maintenance building needing more height than a shed; gate house in the front yard where not permitted in the front yard; tennis court area and swimming pool in side yard where rear yard required; maximum height of pool and tennis court lighting 18' proposed for tennis court and 10' for pool; downward lit; Towaco theme lighting will spill over into the right of way line .3 footcandles; maintenance building setback from lot line proposed 5' where 25' required; drive aisle proposed within 15' where 15' required; pillars at front entrance need a number of setback reliefs; retaining wall height 18' where 6' permitted; monument signs not permitted in a residential zone; maximum height of directional sign 4' allowed 8' proposed; slope disturbance variances requested.

A33 – slope map showing limit of disturbance

Mr. Walker – Reviewed slope disturbances for the Board. No negative impact to neighboring properties due to slope disturbances due to proposed stormwater management proposed on site. Everything on the property has to be maintained by the Association forever. Reviewed the water quality and the basins for the Board. Mr. Walker reviewed Mr. Guarantano's report of 10-18-22. Will relocate handicapped parking spaces and adding a handicapped parking space per the engineer's report. We have been working with the Fire Department and have almost all of their comments taken care of, we are confident that we will get their approval. Trash will be picked up by the maintenance crew for buildings A, B & C and brought back to the trash enclosure area. It will be picked up once a week. Will comply with other comments.

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5 min break

NOTE: Mr. Kovalcik left the meeting.

Mr. Szabo – Is the density driving some of the other variances; can the project be minimized to reduce the number of variances. Mr. Walker – We need the number of units to support the number of amenities for this project. Mr. Giurintano asked about reserved parking spaces.

Mr. Minoia – previously sworn

Every unit will have 1 reserved parking space in the garage the remaining will be first come first served.

Mr. Giurintano – While to bridge is being reconstructed where will the construction entrance be located? Mr. Walker – River Road. Mr. Giordano asked about building height vs tree heights for the multi family buildings. Mr. Marinello – Do you have perspective views from the Tennis Court lights from 287? Mr. Walker – We have a company drawing up perspective views. Mr. Marinello – Who is in charge of maintenance of the EV charging stations? Mr. Walker – Another expert will testify to that. Mr. Marinello – Is this the first gated community that you have testified to in Montville? Mr. Walker – Yes. Mr. Marinello – Does the ordinance require side walks along Route 202. Mr. Walker – Asking for a waiver from sidewalks, bike patch, etc. Mr. Marinello – Will you have a rendering of the signs and pillars. Mr. Walker – We will submit. Mr. Marinello – Association? Mr. Walker – I misspoke there will not be an association it will be privately owned. Ms. Miller-Sanders – Will the affordable units be throughout the development? Mr. Minoia – In the multifamily buildings. Ms. Miller-Sanders – Will generators be installed? Mr. Minoia – Yes.

Open to the public for the witnesses that spoke this evening.

Richard Seabury 16 Hillcrest Rd – sworn

My wife owns 3 properties in the area. Will there be blasting on site? Mr. Walker – We will try hammering first; blasting will be a last resort. Mr. Seabury – Our house is historic and am concerned with blasting 30-40' away from my foundation. What is the plan to safeguard my foundation and well if blasting is required. Mr. Schepis – There is a blasting policy on record with the Township, we will have to comply with the pre plat surveys, etc and we will comply with the ordinance.

Thomas Longo – 202 Main Road – previously sworn

What is the exact height of the buildings? Mr. Walker – 56.4' the highest from grade to mid point of the roof. 65.7' from the lower parking level to the roof top. Mr. Longer will the map be amended to show the moved structure? Mr. Ross – No.

Faith Rothenberg 25 Crescent Road – sworn

Will the chemicals from the lawn go into the aquifer? Mr. Walker – The runoff will be filtered and back into the detention basins and ground. This property is not in the Towaco Aquifer.

Maggie Geruntho – 8 Roome Rd – previously sworn

Will there be a balloon test to get an idea of how tall the buildings will be as it relates to trees as well? Mr. Walker – We are having the perspective views developed for a future hearing.

Olivia Necissi – 223 Route 202 - previously sworn

Will the trees be planted as mature trees? How long will it take for them to grow? Mr. Walker – There is not a height of trees requirement in the ordinance. Ms. Necissi – Asked about snow removal and salt runoff. Mr. Walker – All parking areas, roadways, sidewalks are pitched toward the roads which are piped into the basins and is filtered.

Janice Necissi – 223 Route 202 – previously sworn

Will the water effect the properties above the property? Mr. Walker – No it will drain into the Crooked Brook and run downstream away from your property.

George Hoffman – 261 Main Rd – previously sworn

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Concerned with Crooked Brook overflow. Mr. Walker – His property is in the Flood Hazard Area. Our stormwater management system will infiltrate water into the ground.

Doreen Deckenhoff – 214 Main Rd – Previously sworn

Lighting on Buildings B & C? Mr. Walker – We do not show light fixtures on the buildings themselves but light poles in parking lots with downward lit lights.

Fredrick Barillo – sworn

Did you do a perc test on the soil? Mr. Walker – We had very successful soil tests in various areas.

Neil Boyle – 228 Main Rd – previously sworn

Asked about wetland and riparian buffers and flood hazard areas. Mr. Walker – The proposal will not increase the flood zone.

Anthony Angelini – 38 Virginia Rd – previously sworn

What is the approach for replacing materials on the historic home? Mr. Ross – We will replace in kind to keep the historical significance. Mr. Angelini – Dry basins? Mr. Walker – Yes.

Tom Longo – previously sworn

Have the revisions requested by DEP been provided to them? Mr. Walker – Yes, we have made the submission.

Julie Ballentine – 13 Montville Ave – previously sworn

Will there be fences around the basins? Mr. Walker – No they will not hold water for an extended period of time.

Steve Giuvic – sworn

Asked about the stormwater management. Mr. Walker – Explained the stormwater management system as it relates to different storm events.

Aleta Schulien – previously sworn

How far from 202 will the entrance of the site be? Mr. Walker – 500'. Ms. Schulien – Entrance to 287? Mr. Walker – About 800'.

Mr. Minoia – The company that installs the EV equipment also services/maintains the units.

Carry with notice to 3/1/23 with an extension of time to act to: 3/31/23

## NEW BUSINESS

None

## MINUTES

Minutes of January 4, 2023 – Eligible: Moore, Giordano, Miller-Sanders, Cain, Marinello

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

## INVOICES

**Bowman – Trust for:** \$406.00 (Gupta & Patel), \$560.00 (Jusino), \$609.00 (Kucko), \$480.00 (Newmark), \$400.00 (Patel, Ambar), \$246.00 (Schroth), \$440.00 (Senatore),

**Burgis – O/E for:** \$80.00 (Bd Business Nov 2022) **Trust for:** \$720.00 (Bain), \$1,600.00 (Diversified 55+), \$280.00 (Gupta & Patel), \$680.00 (Jusino), \$360.00 (Muller), \$560.00 (Newmark), \$160.00 (Ryan), \$360.00 (Senatore), \$440.00 (Wallizadeh)

**Carroll – Trust for:** \$80.00 (Diversified 55+)

Motion to approve made by: Moore; Second by: Miller-Sanders; Roll call: Unanimous.

## RESOLUTIONS

**ZC10-22 – Jusino, Eric & Maria** – 4 Prospect Place - B: 173, L: 15 – front and side setback variances for single family home addition – Approved – Eligible: Moore, Miller-Sanders, Cain, Giordano, Marinello

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

**ZC/ZSOIL03-22 Newmark** – 6 W. Serafin Way – B: 39.7, L: 2.4 – soil movement, distance between water surface and accessory structure variances – Approved – Eligible: Miller-Sanders, Cain, Giordano

Motion to approve made by: Miller-Sanders; Second by: Giordano; Roll call: Yes – Miller-Sanders, Cain, Giordano

**ZC11-22 Senatore, Robert** – 33 Hewlett Rd.– B: 113, L: 4.01 – variance Section 36 lot not abutting approved/improved street – Approved - Eligible: Moore, Miller-Sanders, Cain, Giordano

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

Resolution directing Pashman Stein Walder Hayden to file an appeal in the Monarch Litigation

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

Resolution amending Professional Services agreements for Pashman Stein & Bowman Engineering

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

## OTHER BUSINESS

Appointment of Mr. Moore to the Invoice Review Committee

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

Mr. Marinello indicated that there will be a Special meeting on February 16, 2023 for Monarch.

## CORRESPONDENCE

None.

## CLOSED SESSION

None

## ADJOURNMENT

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

Respectfully submitted,

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Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of March 1, 2023.

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- <sup>i</sup> Certified to 10/20/22 hearing
- <sup>ii</sup> Certified to 10/20/22 hearing
- <sup>iii</sup> Certified to 10/20/22 hearing