

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF June 3, 2020  
HELD VIRTUALLY VIA WEBEX  
7:30PM**

**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	Shelly Lawrence - Present
Annabel Pierce - Present	James Marinello - Present
Deane Driscoll – Present	Ron Cain (Alt #1) - Present
Kenneth Shirkey - Present	Owen Weaver (Alt #2) - Present
Margaret Miller-Sanders - Present	

**PLEDGE OF ALLEGIANCE**

Ms. Mowles explained the meeting process to the board and members of the public.

Professionals Stan Omland, PE and John Szabo, PP were sworn in.

Also present: Bruce Ackerman, Esq.

Chairman Marinello wanted to recognize anyone that was lost in the pandemic, especially Ms. Cathy Mahoney, who was a great friend of the Montville Township planning process.

**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 parking setbacks, lack of curbing, number of wall signs. Carried with notice from 9/4/19 & 11/6/19 – Eligible: Moore<sup>i</sup>, Shirkey, Miller-Sanders, Lawrence, Pierce<sup>ii</sup>, Cain, Marinello<sup>iii</sup> - carried with notice from 1/16/20

ACT BY: 7/30/2020

**\*\*CARRIED WITH NEW NOTICE REQUIRED TO 7/1/20**

**NEW BUSINESS**

**ZC02-20– Conturso** – 13 Roome Road – B: 108, L: 7 – front setback/side setbacks & sides combined variance for addition to single family home –notice acceptable

ACT BY: 7/2/20

Mr. Conturso of 10 Roome Road in Towaco was sworn in. He said they are here asking for variances for the front and side setbacks. They are looking to make their 1 car garage into a 2 car garage and add a room above with a second floor addition. He talked about the aesthetics and being hard to conform to the front yard setback due to curve in road. Mr. Szabo asked about the proposed addition and how it relates to the neighborhood. Mr. Conturso said that 15 Roome Road also needed a variance for their side yard and all lots are narrow and deep in area. Mr. Szabo talked about the yard configuration and proposed dedication, which will actually widen the road and benefit the town. The site plan shows the neighboring property side yard distances and they are not encroaching on their backyard space only front and they plan to put in trees to act as a buffer between properties. The neighbor will be involved in picking out some of the plantings. They will be removing a portion of the existing driveway and rock wall. They will be relocating the wall and landscaping from front to back. The acute angle is also affecting setback. Mr. Omland commented on the new road improvements, storm water management, and driveway turn-around. Mr. Conturso said they would not like to widen the driveway and that Mr. Walker designed the turn-a-round. Board members had no comments. Mr. Marinello said that landscape consideration would be subject to the landscape plan being submitted to and being acceptable to Mr. Szabo.

Chairman Marinello opened the meeting to the public for questions or comments on Mr. Conturso's testimony. There being none the meeting was closed for public comment.

Motion to approve the application with the following conditions: 1) landscape plan submission, 2) condition of front yard dedication in agreement with Mr. Ackerman's office, 3) site plan as designed with Mr. Omland's office, design waiver granted for turn-a-round because property is too narrow and deep, and 4) storm water management submission to Mr. Omland's office was made by Mr. Shirkey, seconded by Mr. Moore. Roll Call. All in Favor. None opposed. (R. Moore, A. Pierce, D. Driscoll, K. Shirkey, M. Miller-Sanders, S. Lawrence, R. Cain, O. Weaver & J. Marinello)

**ZC13-19-Jennette, Franca** – 6 Montville Ave– B: 51.2, L: 3 – front setback variances for addition to single family residence - notice acceptable  
ACT BY: 7/18/20

Ms. Tiina Vaska, Architect, was sworn in and her credentials accepted. Mr. & Mrs. Jennette were also present, but deferred to the architect. Ms. Vaska reviewed the following items: the variances sought, need to minimize, adding additional living area, existing survey, undersized lot, square footage of property, existing dwelling square footage, existing deck size, above ground pool, removal of deck and new proposed deck, proposed survey, driveway location, proposed covered porch, addition and deck details, landing, building envelope, hardship and challenges, additional space to living area, compact living space, downscaled deck, variance for deck, how they came up with configuration, slope of property, adjacent property, proposed privacy screening to neighbor, side and front yard setbacks, property line locations, dwelling locations and distances from roadway, existing and proposed floor plans, entry, living room, kitchen, back entry covered area, driveway access, front porch, deck details, visuals, hardships of property, existing home, driveway length, existing landscape buffers, deck square footage elimination, the proposed front, side and rear views, elevations of side, rear, and front, variance for front porch for weather protection, aesthetics, and function, 2 'C' variances needed for front yard and deck, neighborhood impacts, benefits not detriments, and outside building envelope.

Mr. Szabo commented on the construction requirements, variance for deck and kitchen setback, hardship criteria, physical improvements, and encroachment now adding more green space. Mr. Omland commented on the following: the site and what is existing today, made board members aware that they propose to match the existing coverage exactly, proposed landscaping, willingness to add pad at the base of the front steps, but in right-a-way, and ordinance for turn-a-round area.

The meeting was opened to the public for questions on Ms. Vaska's architectural testimony.

Mr. Frank Daniel Campione of 4 Montville Ave was sworn in. He commented that he did not want more building going on next to his house and does not want to see the addition. Ms. Mowles explained to him that they are removing the decks and the addition would be taking place on the other side of the property, Ms. Vaska explained that the 2nd floor deck was being removed along with the privacy screen and that the new addition was 28 feet away from the property line. Mr. Campione asked about the height of the addition. He felt they were taking away an eye sore and adding another. Mr. Marinello reminded the objector that there was no side yard variance sought.

There being no other questions or comments the meeting was closed for comments on Ms. Vaska's testimony.

Mr. Marinello asked about the landscaping along the driveway and the turn-a-round.

Ms. Fran Jennette of 6 Montville Ave in Montville was sworn in. She described the hedge location from property to roadway.

Mr. Albert Jennette of 6 Montville Ave in Montville was sworn in. He said there is clear sight distance while backing out of the driveway.

Mr. Marinello asked about the landing over the property line and if there was any consideration for stairs going toward the driveway. The owners would do what is recommended. Board members asked questions and commented on the front door and rear access, stoop to nowhere, pedestrian connection, encroachment of right-a-way, and similarities to neighborhood. Sidewalk improvements were deferred to Mr. Omland.

This portion of the meeting was closed.

Motion to approve the application with the following conditions: 1) to place a walking stone pathway from driveway to front walkway and will leave the path to the driveway at the discretion of homeowner, 2) to leave front porch open, which shall never be enclosed, 3) to leave rear entry also open with no stoop in the right of way, and 4) granting of waiver for turn-around, was made by Mr. Shirkey, seconded Mr. Moore. Roll Call. All in Favor. None opposed. (R. Moore, A. Pierce, D. Driscoll, K. Shirkey, M. Miller-Sanders, S. Lawrence, R. Cain, O. Weaver & J. Marinello)

**ZSPP/FDC/ZSOIL16-18-04-20 Mutts on Main Amended 2020** – 235 Main Rd – B: 59, L: 11 –  
amended pre/final site plan with D & C variances and soil movement for kennel use. Notice Acceptable  
ACT BY: 7/24/20

Mr. Schepis, Esq. gave a brief intro as to why they were before the board, history, existing use, and what they are looking to do.

1st witness, Mr. Mianecki, Engineer, was sworn in and his credentials accepted. He testified on the following items: existing conditions: subject to prior application before the board, prior use, previous approval for no more than 80 dogs at any one time during the daytime and no more than 70 at any one time overnight, conforming lot by single access driveway, two existing primary parking areas, driveway width, main dwelling including caretakers house and office area, storage shed, garage/office structure, analysis of fenced in area and square footage of, run and play areas, indoor kennel, breakdown of how being used today, and existing sign location and size.

Mr. Mianecki reviewed the proposed conditions including the following: curb cuts remaining the same, driveway changes, proposed belgium block curbing for drainage and storm water management, tree removal to install curbing, existing dwelling structure being completely renovated, 1st floor will be used for office, covered porch, two bedroom 2nd floor to be used for 24 hour live in caretaker, gravel driveway, cutback of parking spaces, overall number of parking spaces and locations for both patrons and employees, ADA space and ramp reasoning because of grades, storm water sheet flow, curbing along one side of driveway, two air conditioning unit locations, removal of existing shed and relocation of new one, canine grass for dog activity area, reduction of overall square footage for kennel area, square footage of outdoor activity area, building addition, increase in dog boarding area, breakdown of office, boarding and activity area, storm water management proposal, grading, drainage, utility plan, runoff, two drywell systems locations and installation of, no adverse impacts to any adjacent properties, infiltration, agreement to do further soil testing, drainage area, refuse enclosure area and collection of, emergency generator proposal including size and location, landscape and lighting plan, removal of existing trees, new proposed types of and locations for trees, scrubs, screening, and vegetation, and decorative lighting types and locations.

Mr. Schepis asked Mr. Mianecki to discuss soil movement. He covered the cubic yard import for indoor kennel only with no export of topsoil and said they will comply with all town requirements. Mr. Omland inquired about the soil movement, need for generator specifics, need for further soil testing and design once tested, tree removal agreement with adjacent neighbor, and benefits to neighborhood and property owner. Mr. Schepis said they received the fire department approval in 2019, but still need to work out some issues with them. He asked to make as a condition of approval and for a design exception for Towaco lighting requirement. He felt there was no viable opportunity to put the decorative fixture in front as the County would not allow it, because it would be in their right-a-way and they would liable if someone hits it and would be required to maintain it. Mr. Omland said that if the County wants to make improvements in the future, then they would have to deal with it. He talked about parking and circulation, conforming use, outdoor activity area reduction, and it being a better plan. Mr. Szabo shared his concern with the overall intensity of development, the proposed shed being five feet from property line and consideration for shifting the location. Mr. Mianecki said it could not be shifted because of storm water outlet between buildings.

The meeting was opened to questions on Mr. Mianecki's engineering testimony.

Mr. Ralph Fredricks of 240 Main Road in Montville was sworn in. He asked about the purpose of proposed shed and why it needs to be replaced. Mr. Mianecki said that it provides shelter and interior storage. He also asked about the indoor activity area. Mr. Mianecki said they did appear before the DRC and were approved.

Mr. Richard Seabury of 16 Hillcrest Road in Towaco was sworn in. His wife is the original owner of the property. He was concerned with where the water goes. He was in agreement of removal of silver maple tree. He asked about the pipe feeding into the canal, water flow onto adjacent property, raising level of yard, and the maintenance of tanks in ground going forward. Mr. Mianecki said they will concur with the curb management, which will be addressed during construction, and they will take a look at the back corner. He said the fill being brought onto the site will be used for the building pad only and they will provide maintenance manual for the drywell, which needs to be approved by the County. They are willing to work with the town on drainage.

Mr. Daniel Matarazzo of 216 Main Road in Montville was sworn in. He asked questions about the site layout and dimension plan. Mr. Mianecki talked about the reduction in exterior space and increase of indoor space and said the number of animals allowed to be held will remain the same.

Mr. Fredricks of 240 Main Road in Montville asked about the 2nd floor caretaker residence and if he would be an employee. Mr. Miannecki said the kennel owner would not be living on the site.

Board members asked questions about the fuel source for the generator, which is natural gas and where the wood would be stored for the fireplace. Mr. Marinello asked for more information on the fireplace, fire official recommendations, and for support from County not allowing lighting fixtures.

The application was carried to the 8-5-20 meeting with notice preserved. An extension would be needed, which was verbally agreed to. Mr. Schepis to provide a letter from Fire Department for approval to Ms. Mowles.

### **MINUTES**

Minutes of March 4, 2020 - Eligible: Moore; Pierce; Driscoll; Shirkey ; Miller-Sanders; Cain ; Weaver; Marinello

Motion to adopt made by: Pierce Second by: Cain Voice Vote. All in Favor. No Opposed: Yes - Moore; Pierce; Driscoll; Shirkey; Miller-Sanders; Cain; Weaver; Marinello

### **INVOICES**

Dorsey & Semrau – Trust for: \$688.50 (Tommaso); \$351.90 (Tommaso)

Burgis Associates – Trust for: \$37.50 (Kekon 2<sup>nd</sup> Amendment); \$487.50 (DeZao); \$600 (Conturso); \$525 (Jeannette); \$375 (Kekon); \$562.50 (Pool Town); \$300 (Restino); \$675 (Tommaso)

Omland Associates – Trust for: \$787.50 (Boonton Properties); \$637.50 (Conturso); \$337.50 (D’Agosto); \$262.50 (DeZao); \$675 (Jeannette); \$487.50 (McCaul); \$412.50 (Mutts on Main); \$375 (Pool town); \$450 (Restino); \$1,462.50 (Kekon)

Pashman Stein – O/E for: \$1,170 (Jan 2020); \$150 (Feb 2020) \$105 (Mar 2020); Trust for: \$600 (Restino); \$15 (DeZao); \$15 (Jeannette); \$15 (D’Agosto); \$990 (Kekon); \$30 (Mutts on Main); \$75 (KeKon); \$15 (HG Martin); \$30 (Restino); \$30 (D’Agosto)\$30 (Jeannette); \$15 (Conturso); \$15 (Pool Town); \$30 (Boonton Properties)

Motion to adopt made by: Shirkey Second by: Moore; Roll call: Unanimous

### **RESOLUTIONS**

None.

### **OTHER BUSINESS**

Planning Board Report - Ms. Mowles reported that they had two virtual meetings. They are working with the Master Plan Subcommittee on updates to the zoning ordinances preparing to get them ready before going before the Planning Board.

Township Committee Liaison Report - Committeeman Kayne talked about the OEM, full timers being back at the Municipal Building, and trying to get the town back up and running.

DRC - Ms. Mowles said they have not met in three months.

Discussion followed on whether or not the July meeting should be advertised as virtual in an excess of caution as residents would need to be noticed. It was ultimately decided to notice 7-1-20 meeting as virtual.

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**CORRESPONDENCE**

None.

**ADJOURNMENT**

Motion to adjourn at 10:07pm made by: Driscoll; Second by: Shirkey; Roll call: Unanimous

Respectfully submitted,

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Kelley Kehoe, Acting Secretary

Certified true copy of minutes adopted at Zoning Board meeting of July 1, 2020.

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Jane Mowles, Secretary.

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<sup>i</sup> Must certify to 11/6/19 hearing

<sup>ii</sup> Certified to 9/4/19 hearing

<sup>iii</sup> Certified to 9/4/19 hearing