

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF July 1, 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 – Excused Absence	Owen Weaver (Alt #2) - Present
Margaret Miller-Sanders - Present	

PLEDGE OF ALLEGIANCE

Professionals Stan Omland, PE and Dave Novak, PP were sworn in.

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

Ms. Mowles listed the New and Old Business carried for the public as follows:

****ZSPP/FD04-19 H.G. Martin – 289 Changebridge Road – B: 160.2, L: 12 – pre/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: Mooreⁱ, Shirkey, Miller-Sanders, Lawrence, Pierceⁱⁱ, Cain, Marinelloⁱⁱⁱ - carried with notice from 1/16/20. Applicant's request, extension to be provided by applicant.**

ACT BY: 7/30/2020

****CARRIED WITH NEW NOTICE REQUIRED TO 8/5/20**

NEW BUSINESS

****ZC03-20– Pool Town, LLC (Ref: Newton Kirk) – 8 South Rd – B: 27, L: 1 – impervious coverage for pool - Notice Acceptable**

ACT BY: 8/31/20

****CARRIED WITH NOTICE TO 8/5/20**

****ZC11-19– D’Agosto** – 9 Highland Ave – B: 47, L: 5 – front and side setbacks and impervious coverage (45.8% existing; 45% proposed) for 2nd floor addition to single family home ACT BY: 8/31/20

**** RESCHEDULED TO 8/5/20 WITH NOTICE REQUIRED**

INVOICES

Burgis Associates - Trust for: \$1,087.50 (Boonton Properties); \$412.50 (Boonton Properties); \$225.00 (Conturso); \$375.00 (D’Agosto); \$75.00 (D’Agosto); \$900.00 (Dream Home); \$375.00 Jennette); \$112.50 (Kekon 2nd); \$750.00 (H.G. Martin); \$375.00 (McCaul); \$2,437.50 (Monarch); \$675.00 (Mutts on Main); \$337.50 (Restino)

Omland Associates - Trust for: \$187.50 (Dream Home); \$412.50 (H.G. Martin); \$2,662.50 Monarch)

Pashman Stein – O/E for: \$510.00 (April Board Business) Trust for: \$30.00 (Dream Home); \$45.00 (H.G. Martin); \$15.00 (McCaul); \$75.00 (Monarch); \$45.00 (Restino); \$742.50 (Youssef)

Motion to adopt made by: Driscoll; Second by: Moore; Voice Vote. All in Favor. None Opposed.

RESOLUTIONS

ZC02-20– Conturso – 13 Roome Road – B: 108, L: 7 – front setback/side setbacks & sides combined variance for addition to single family home – Approved – Eligible: Moore, Pierce, Driscoll, Miller-Sanders, Lawrence, Marinello

Motion to adopt made by: Driscoll; Second by: Moore; Roll call: Yes - Moore, Pierce, Driscoll, Miller-Sanders, Lawrence, Marinello

ZC13-19–Jennette, Franca – 6 Montville Ave– B: 51.2, L: 3 – front setback variances for addition to single family residence – Approved – Eligible: Moore, Pierce, Driscoll, Miller-Sanders, Lawrence, Marinello

Motion to adopt made by: Miller-Sanders; Second by: Lawrence; Roll call: Yes - Moore, Pierce, Driscoll, Miller-Sanders, Lawrence, Marinello

MINUTES

Minutes of June 3, 2020 - Eligible: Moore, Miller-Sanders, Driscoll, Lawrence, Pierce, Cain, Weaver, Marinello

Motion to adopt made by: Driscoll; Second by: Moore Voice Vote. Yes - Moore; Pierce; Driscoll; Miller-Sanders; Cain; Weaver; Marinello

NEW BUSINESS, cont.

ZC07-20– Dream Home Group – 190 Pine Brook Rd– B: 122, L: 12 – front yard setback for addition to single family home – Notice Acceptable ACT BY: 9/5/20

Present on behalf of the applicant was Mr. Benjamin Wine, Esq., Albert Dattoli, Architect, and Mr. Tony Garrett, Planner.

Mr. Benjamin Wine, Esq. introduced the property location, the application for 2nd floor addition from single story home, and not meeting setbacks.

1st witness, Mr. Dattoli, Architect, was sworn in and his credentials accepted. He reviewed photos of the existing home including rear view, addition to original home, street view of front of house, and elevation of home. He said he visited the site, the photos were taken by the original home owner a few months prior, and that the foliage has changed, but not the house. He discussed the proposal to remove dormer for second floor addition, keeping the same footprint, no expansion of footprint, remodeling the interior, height, number of bedrooms, recess front door into house, encroachment into front yard setback, and why requiring a variance.

2nd witness, Mr. Garrett, Planner, was sworn in and his credentials accepted. He said he visited the site and reviewed the drawings. He testified on the following items: aerial photo of subject property from Google Earth, adjacent properties of similar size lots, heavily vegetated rear property butting up to Passaic River, flood line, environmental constraints, working within building footprint, vertical extension but represented that height would be no higher than the existing structure, described the variance, increase of bulk with second floor addition, similarities in neighborhood, proposal to add true second floor, going from a Cape style to a Colonial style dwelling, two gables, window locations, C-1 variance, can't make footprint in rear bigger therefore restricted, unrealistic to move existing dwelling back, hardship for development, C-2 variance flexible criteria, existing conditions of elevation, new style more desirable, setbacks would cause substantial detriments, and unique characteristics of Pine Brook Road.

Mr. Novak asked questions of Mr. Burgis' memo dated 6-25-20 for clarifications, waiver of building height, and technical request. Mr. Novak asked if they looked at any alternatives for expansion. Mr. Dattoli said they wanted to stay within the footprint and will have the same number of bedrooms with larger sizes. Mr. Omland said that with no added impervious coverage he was not concerned with the drainage. He asked for an explanation and determination of the ordinance regarding building height and interpretation. He talked about building permit process and determination, coordination with ordinance, and if building department feels height variance is needed than they would have to return to the Board. Mr. Wine reported on his discussion with Mr. Omland. He said they need to establish for the town that the new height will comply with the ordinance as calculated by the ordinance, and he stipulated that they will comply.

Board members asked questions regarding the garage, landscape plan, appearance of rear property, front of house and canyon effect. Mr. Novak said more information is needed on the survey and existing contours.

The application was carried with notice preserved to the 8-5-20 meeting.

OTHER BUSINESS

Ms. Lawrence reported that this was her last meeting and that she enjoyed her time on the board. Chairman Marinello thanked her for her service provided and time given, and said she would be missed.

CORRESPONDENCE

None.

ADJOURNMENT

Motion to adjourn at 8:13pm made by: Driscoll; Second by: Moore; Roll call: Unanimous

Respectfully submitted,

Kelley Kehoe, Acting Secretary

Certified true copy of minutes adopted at Zoning Board meeting of August 5, 2020.

Jane Mowles, Secretary.

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- ⁱ Must certify to 11/6/19 hearing
 - ⁱⁱ Certified to 9/4/19 hearing
 - ⁱⁱⁱ Certified to 9/4/19 hearing