

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF AUGUST 12, 2020  
Montville Municipal Building, 195 Changebridge Road  
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

Annabel Pierce - Present

Deane Driscoll – Present

Kenneth Shirkey - AE

Margaret Miller-Sanders - Present

VACANCY

James Marinello - Present

Ron Cain (Alt #1) - Present

Owen Weaver (Alt #2) - AE

**PLEDGE OF ALLEGIANCE**

Swearing in of Professionals – None in attendance.

Stan 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.

**The following application was carried with new notice required to October 7, 2020**

**ZMSP/F/D/C09-19– Boonton Properties** – 83 Boonton Ave– B: 3, L: 47.01 – 3 lot prel/final major subdivision/D variance/ c variance – 2 single family residential lots and 1 commercial (retail/restaurant) – variances for minimum lot width; vehicular access required on site; minimum lot area; minimum lot width at setback line; minimum parking setback from building; curbing in parking areas/driveways; chain-link fence in front and side yard; hanging sign  
ACT BY: 10/8/20

**OLD BUSINESS**

Mr. Visco & Mr. Lipari from the Planning Board are eligible to vote on the following application:

**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 – New Notice provided June 2020.  
ACT BY: 8/31/2020

Present on behalf of the applicant: John Wyciskala, Esq; Charles Osterkorn, PE, PLS, PP; Corey Chase, Traffic Engineer; Gregory Cox, AIA; Michael Pessolano, PP; Thomas Alviene, General Manager of the Wine Outlet

Mr. Moore certified to 11/6/19 hearing; Mr. Visco & Mr. Lipari certified to the 9/4/19 & 11/6/19 hearings.

Mr. Wyciskala did a brief recap of the application. Trailers have been removed from the site along with other materials.

Charles Osterkorn, PE – previously sworn

Use variance requested, wall sign area now complies with maximum size, parking setback to building variance required, parking setback, parking in front yard, curbing in parking area, 2 signs on each façade along Changebridge Road; impervious coverage variances requested. Waivers requested for benches and amenities, bikeway. Added shade trees to the front of the site as requested.

Gregory Cox, AIA – previously sworn

Large tree in front proposed to remain. Sign facing parking lot is proposed to be 60 s.f. The sign facing Changebridge proposed to be a conforming 60 s.f. Requesting 2 signs for identification purposes. The colors of the monument sign revised to meet no more than four colors per the ordinance.

Corey Chase, Traffic Engineer – previously sworn

Reviewed peak customer traffic during holiday at the other existing Wine Outlet stores and compared it to the IT trip generation data. Morris County Planning Board requested additional roadway data and they are considering restriping Changebridge Road in this area for a left turn lane. Worst case queue from Stiles Lane did not reach the area of the driveway for this site.

Mr. Szabo – Can you confirm the sight triangle issue with the monument sign? Mr. Osterkorn – The monument will not be in the sight triangle. Mr. Szabo – Is there any engineering reason why the bike way could not be installed? Mr. Chase – The County is considering having us put in a left turn lane and we feel the shoulders can accommodate bicyclists.

Mr. Omland – The Monument sign is in the sight triangle but the applicant agreed to have a site visit to ensure it does not block sight distance prior to installation. The most recent plan reduces the impervious coverage to what exists today. Applicant is adding saw tooth curbing to re-establish sheet flow to the grass area in the back of the property.

Geoff Evans, Esq. representing objector Mr. Ashish Patel from Montville Wine and Liquor

What is the flood hazard elevation for the site? Mr. Osterkorn – 176 and a permit by rule will suffice. Mr. Evans – Are you qualified to designate wetlands? Mr. Osterkorn – No, we used the NJDEP mapping. Mr. Evans – Has the extension into the wetlands been permitted? Mr. Osterkorn - that is an existing condition. Mr. Evans – Will the concrete wall and gravel be removed. Mr. Osterkorn – The concrete wall will not be removed but a portion of the gravel will be removed and grassed.

Michael Pessolano, PP – previously sworn

Reviewed the uses in the surrounding area. Retail is found in clusters within residential and non-residential uses along Changebridge Road.

Mr. Szabo – Are you aware of the Master Plan Re-examination and Land Use Plan that was adopted by the Planning Board recently? Mr. Pessolano – The Master Plan Re-examination I am aware of but not the Land Use Plan. Mr. Szabo – There was no recommendation to open up the I-2 zone to retail within these documents. Mr. Pessolano – The building is remaining in its basic condition. The use is not permitted; however, this represents a modest change of a use within the building, not changing the character of the neighborhood.

Mr. Marinello – Would you advise that pockets of uses is good planning? Mr. Pessolano – This does not create a substantial impairment and works in line with the surrounding area. There is a fair amount of harmony with what is proposed and what is existing in the area.

Mr. Marinello – Was retail discussed in the new Land Use Plan? Mr. Szabo – Wineries and Breweries are permitted but not retail liquor stores.

Open to the public for questions to be put on the record.

Mr. Evans questions for Mr. Osterkorn – did you review previous site plans on this site; is the loading dock proposed to be enclosed; what is the elevation of the ground in that area; will the handicapped ramp require fill within the flood hazard elevation, how was the outdoor storage reduced, can you disturb in the transition area without a permit, what is the minimum grade required for sufficient drainage?

Jean Bader – previously sworn – 290 Changebridge Rd.

There is a landscape business currently working out of this site and the construction business. Is the landscaper leaving the property with the addition of the wine store use? Mr. Wyciskala – There will not be 3 businesses on site. It will just be the construction management company and the liquor store.

Mr. Wyciskala agreed to an extension of time to December 31, 2020 the application is carried with notice preserved to November 4, 2020

## **NEW BUSINESS**

**ZC09-20– Vidovich** 18 Rathbun Rd – B: 39, L: 50 – front yard and side yard setback variances for addition to single family residence - Notice Acceptable ACT BY: 9/30/20

Present on behalf of the applicant: Steven Schepis, Esq; Daniel Vidovich, applicant; John Babula, AIA; Frank Matarazzo, PE

Mr. Schepis – This house was built in 1955. The front setback was measured from the centerline of the public road and was compliant at that time. The zoning was changed in 1957 making the setback non-compliant. The front and side setback requirements were increased when the Prime Aquifer was put in place. We are maintaining basically the same setbacks as exist. Front setback is 6’ closer.

John Babula, AIA – sworn

Propose to add a master bedroom suite and add bedrooms over the garage. Kitchen to be expanded to the back and portico in front to be added and covered. Laundry room to be moved to 2<sup>nd</sup> floor and expanding bathroom. The same setback is maintained to the side and the same setback to the front is maintained with the exception of the covered porch.

Frank Matarazzo, PE, PP – sworn

Reviewed the setbacks for neighboring properties. Front setback of 50’ required where 36.1’ exists. The covered porch will be at 30.1’ front setback. Side setback of 25’ is required and 16.5’ exists and the same is proposed. No increased impervious coverage. An existing metal shed will be removed causing a slight decrease in impervious coverage.

Mr. Matarazzo – The existing lot is undersized for the zone. The lot width is non-conforming. Proposing a substantial improvement to the neighborhood. No detriment to zone plan or zoning ordinance or surrounding area. Benefits outweigh any detriments.

Mr. Schepis read into the record the letter sent by previous Mayor John Rosellini that no property owners would be affected with the change in the CWR zone and Mr. Vidovich now must ask for a variance.

Ms. Pierce asked if the deck would be conforming. Mr. Matarazzo indicated that the deck would conform.

Mr. Marinello – Are there any other porticos in the neighborhood? Mr. Matarazzo - #51 has a similar front covered porch. Mr. Marinello – If there is an opportunity to minimize the need for a variance why would you not go for that alternative. Could you not make the portico 3' instead of 6'?.

Mr. Vidovich, applicant – sworn

Mr. Marinello requested planning testimony to answer his question.

Mr. Matarazzo – It adds an aesthetic value and it covers the existing front stoop area that would protect people from the weather. Mr. Babula – The roof is going over the existing stoop.

Mr. Marinello – Do you have any concern with the canyon effect with the 2<sup>nd</sup> story addition? Mr. Szabo – No.

Open to the public – none – closed

Mr. Ackerman asked if the applicant was requesting a waiver for the driveway turn-around? Mr. Schepis – Yes there is no practical benefit to add impervious coverage.

Motion to approve the application, undersized lot, narrow lot, no detriment to neighborhood or zone plan, and grant waiver from driveway turnaround made by: Mr. Driscoll; Second by: Ms. Miller-Sanders; Roll call: Yes - Driscoll, Moore, Miller-Sanders, Pierce, Cain, Marinello

## **MINUTES**

Minutes of July 1, 2020 - Eligible: Moore, Pierce, Driscoll, Miller-Sanders, Cain, Weaver, Marinello

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

## **INVOICES**

**Burgis Associates - Trust for:** \$150.00 (D'Agosto); \$37.50 (Jennette); \$412.50 (Jones)

**Omland Associates - Trust for:** \$562.50 (Boonton Properties); \$112.50 (Conturso); \$225.00 (Jennette); \$187.50 (Jones); \$116.25 (Kekon); \$750.00 (Monarch); \$262.50 (Mutts on Main); \$187.50 (Vidovich)

**Pashman Stein - O/E for:** \$435.00 (May Board Business); \$345.00 (June Board Business)  
**Trust for:** \$60.00 (Boonton Properties), \$75.00 (Boonton Properties); \$750.00 (Conturso); \$30.00 (Donohue); \$45.00 (Dream Home); \$30.00 (H.G. Martin), \$15.00 (H.G. Martin); \$30.00 (Jennette), \$720.00 (Jennette); \$30.00 (Jones); \$15.00 (McCaul); \$45.00 (Mutts on Main), \$360.00 (Mutts on Main); \$30.00 (Pool Town); \$45.00 (Vidovich)

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

## **RESOLUTIONS**

### **OTHER BUSINESS**

Planning Board Liaison report – Amended Zoning Ordinances were forwarded to the Township Committee for review/adoption.

DRC Liaison report – DRC reviewed a color change to the building for Montville Residency 17 Hook Mountain Road

## **CORRESPONDENCE**

None.

**ADJOURNMENT**

Motion to adjourn made by: Driscoll; 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 September 2, 2020.

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<sup>i</sup> Certified to 11/6/19 hearing

<sup>ii</sup> Certified to 9/4/19 hearing Driscoll, Moore, Miller-Sanders, Pierce, Cain, Marinello

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