

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JANUARY 6, 2016
Montville Municipal Building, 195 Changebridge Road
8:00PM**

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 – Entrance Noted
Deane Driscoll - Present
Kenneth Shirkey - Present
Margaret Miller-Sanders - Present

Kurt Dinkelmeyer - Present
James Marinello - Present
Shelly Lawrence (Alt #1) - AE
Ron Soussa (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Stanley Omland, PE – presence not required
Joseph Burgis, PP– presence not required

Also present: Bruce Ackerman, Esq.

REORGANIZATION

Appointment of Temporary Chairman - Motion to appoint Jane Mowles-Rodriguez as temporary chair made by: Shirkey; Second by: Moore; Roll call: unanimous

Appointment of Chairman - Motion to appoint James Marinello as Chairman made by: Driscoll; Second by: Moore; Roll call: unanimous

Appointment of Vice Chairman - Motion to appoint Deane Driscoll as Vice Chairman made by: Shirkey; Second by: Moore; Roll call: unanimous

Appointment of Secretary & Assistant Secretary - Motion to appoint Ryan Conklin as Secretary and Jane Mowles-Rodriguez as Assistant Secretary made by: Shirkey; Second by: Moore; Roll call: unanimous

Appointment of Recording Secretary - Motion to appoint Jane Mowles-Rodriguez as Recording Secretary made by: Shirkey; Second by: Moore; Roll call: unanimous

Appointment of Board of Adjustment Attorney & execution of Professional Service Agreement - Motion to appoint Bruce Ackerman, Pashman Stein for Board of Adjustment Attorney & execution of Professional Service Agreement made by: Shirkey; Second by: Moore; Roll call: unanimous.

Appointment of Board of Adjustment Engineer & execution of Professional Service Agreement - Motion to appoint Stanley Omland, Bowman Engineering Consulting firm for Board of Adjustment Engineer & execution of Professional Service Agreement made by: Shirkey; Second by: Moore; Roll call: unanimous.

Appointment of Board of Adjustment Planner & execution of Professional Service Agreement - Motion to appoint Joseph Burgis, Burgis Associates for Board of Adjustment Planner & execution of Professional Service Agreement made by: Shirkey; Second by: Moore; Roll call: unanimous.

Discussion ensued on requested changes to the Conflict Engineer and Conflict Planner's Professional Services Agreements. Consensus – Remove paragraph J and revise agreement so no rate or service differs from the Board of Adjustment's Primary Engineer.

Appointment of Board of Adjustment Conflict Engineer & execution of Amended, as per above comments, Professional Services Agreement - Motion to appoint Paul Ferriero, Ferriero Engineering for Board of Adjustment Conflict Engineer & execution of Professional Service Agreement as revised per comments above made by: Shirkey; Second by: Driscoll; Roll call: unanimous.

Appointment of Board of Adjustment Conflict Planner Paul Ferriero, Ferriero Engineering for Board of Adjustment Conflict Planner & execution of Professional Service Agreement as revised per comments above made by: Shirkey; Second by: Driscoll; Roll call: unanimous

Designation of Meeting Nights for Board of Adjustment as follows:

1st Wednesday of every month @ 8PM

January 6, 2016	August 3, 2016
February 3, 2016	*August 18, 2016 (Thursday)
March 2, 2016	September 7, 2016
*March 17, 2016 (Thursday)	October 5, 2016
April 6, 2016	November 2, 2016
May 4, 2016	*November 17, 2016 (Thursday)
June 1, 2016	December 7, 2016
*June 16, 2016 (Thursday)	January 4, 2017
July 6, 2016	

*additional meeting if needed

Discussion ensued on the need for the August 18th hearing. Consensus – adopt as written.

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

Designation of Official Newspaper for Legal Purposes
a) The Daily Record & The Citizen of Morris County
b) The Star Ledger

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

Adoption of By-Laws

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

Adoption of 2015 Annual Report

Mr. Marinello indicated he was concerned with quantity of variances that come in just because the applicant just wants them with no reasoning behind the requests. Mr. Ackerman indicated that the Board can reduce the size of variances when approved; the Board does not have to approve a larger amount if they do not see the validity. Discussion ensued.

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

Invoice Review Subcommittee (Marinello, Shirkey, Driscoll)

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

RFP/RFI Subcommittee – No longer required.

Design Review Committee Liaison (Pierce, Soussa, Lawrence)

Motion to appoint made by: Dinkelmeyer; Second by: Shirkey; Roll call: Unanimous

OPEN PUBLIC COMMENT

The Chairman opens the session to public comment for items not listed on the agenda related to land use matters.

None

Mr. Marinello welcomed Mr. Cooney to the meeting as the Township Committee Liaison.

OLD BUSINESS

None

NEW BUSINESS

The following application was rescheduled to 2/3/16 with notice required:

****ZC16-15 – Masella, Lindsay & Michael – 36 Windsor Dr – B: 163, L: 42 – ACT BY: 3/16/16**

MINUTES

Minutes of December 2, 2015 Eligible: Driscoll, Shirkey, Miller-Sanders, Dinkelmeyer, Lawrence, Marinello

Motion to adopt made by: Driscoll; Second by: Dinkelmeyer; Roll call: Yes - Driscoll, Shirkey, Miller-Sanders, Dinkelmeyer, Marinello

INVOICES

Pashman Stein – O/E for: \$405; \$459; Trust for: \$452.25 (Morris Animal Inn); \$789.75 (In Creations); \$425.25 (Montville Manor Lopez)

Burgis Assoc – Trust for: \$168.75 (Lopez Montville Manor); \$337.50 (In Creations); \$472.50 (Towaco Station); \$675 (Towaco Station); \$2,887.50 (Avalon Bay)

Dorsey & Semrau – Trust for: \$60 (Towaco Station);

Ferriero Engineering – Trust for: \$877.98 (Avalon Bay)

Bowman Consultants – Trust for: \$438.75 (AMJM); \$405 (Leone); \$202.50 (Velez); \$303.75 (Masella); \$675 (In Creations); \$843.75 (Towaco Station); \$405 (Morris Animal Inn); \$337.50 (Lopez Montville Manor); \$135 (Merko)
Anderson & Denzler – Trust for: \$74.30; \$371.50

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

RESOLUTIONS

ZSPF/FCD11-15/ZSOIL23-15 – Morris Animal Inn - 117 Boonton Ave – B: 3, L: 39.1 – pre/final site plan/D variance/C variances/soil movement for pet boarding facility – front yard setback to building 69.4' where 100' required; front yard setback to animal enclosure 88.8' where 100' required; side yard setback to animal enclosure 78' where 100' required; number of parking spaces 27 where 32 required; parking setback

from street 10.2' where 25' required; height of dog run fencing 7' where 6' permitted; location of dog run fencing rear/side yard where rear yard only permitted; location of chain link fencing in side yard where rear yard only permitted; disturbance in Riparian zone; non-residential monument signs not permitted Carried with notice from 7/1/15, 8/20/15 & 11/4/15 hearings – Approved – Eligible: Pierce, Shirkey, Miller-Sanders, Dinkelmeyer, Lawrence, Soussa

Mr. Ackerman reported that the applicant's attorney in an email asked for several changes to the draft resolution, but after responding applicant was seeking one change only, as follows:

Applicant's Attorney Request as to condition #25 –The ordinance permits dogs to be outdoors unleashed from 8am - 9pm. The requested variance was to extend that period in the AM by 1 hour (from 7am - 8am). The concession was that applicant would leash dogs outside during that extended period (from 7am - 8am). The ordinance does not require it from 8am - 9pm.

The Board discussed the intention of the previous motion of approval and it was determined that it was the intent of the approval that the dogs be leashed from 7am-8am, then unleashed from 8am-9pm.

Motion to adopt the resolution as amended made by: Shirkey; Second by: Miller-Sanders; Roll call: Yes - Pierce, Shirkey, Miller-Sanders, Dinkelmeyer, Soussa

OTHER BUSINESS

Planning Board Liaison report - **Approval PMS/C15-11 – Marotta Scientific 2015 (Robert Lamb, Inc) – 78**
Boonton Ave – B: 1, L: 29 – accessory structure setback variance

DRC Liaison report – No report – No meeting since October.

CORRESPONDENCE

ZDC6-15 – Lopez (Montville Manor) - 362 Changebridge Rd - B. 160, L: 1 – WITHDRAWN W/O PREJUDICE

Mr., Soussa requested for the Board to be notified of all applications pending at the Planning and Zoning Boards even the ones that have not been deemed complete or scheduled.

Respectfully submitted,

Jane Mowles-Rodriguez Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of February 3, 2016.