

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF FEBRUARY 3, 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 - AE
Annabel Pierce – Entrance noted
Deane Driscoll - Present
Kenneth Shirkey - Present
Margaret Miller-Sanders - Present

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

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Stanley Omland, PE – present
Sean Moronski, PP– present

Also present: Bruce Ackerman, Esq.
Ryan Conklin, Principal Planner

OPEN PUBLIC COMMENT

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

None

NOTE: Ms. Pierce enters

Mr. Marinello indicated that the residential application will go before the Towaco Station application.

NEW BUSINESS

ZC16-15 – Masella, Lindsay & Michael – 36 Windsor Dr – B: 163, L: 42 – front setback of 41.7' where 45 required; side setback of 13.7' where 15 required; combined sides 33.6' where 35' required for addition to single family home. Notice Acceptable ACT BY: 3/16/16

Present on behalf of the applicant – Michael Masella, applicant; William J. Martin, Architect

Mr. Martin, AIA - sworn

The applicant wishes to put on a front porch to the existing home. A variance is required for front setback of 41.7' where 45 required; side setback of 13.7' where 15' required and combined setbacks of 33.6' where 35' required. The proposal is consistent with the neighborhood.

Exhibit marked in:

A-1 – diagram of front porch existing
A-2 – highlighted diagram of front porch encroaching.

Mr. Martin – In order for the porch to look correct and in line with the neighborhood it needs to come out 8'. It is aesthetically pleasing, no detriment to neighborhood and zoning ordinance. Open, not enclosed porch proposed. Mr. Moronski – You mentioned that this was in line with the neighborhood, do you have photos? Mr. Martin – No. Mr. Moronski – Will the distance of the proposed front setbacks be in line with the neighboring properties? Mr. Martin – I do not have exact setbacks, but if you look at the aerial photo you will see setbacks that are not consistent but within line with the proposed. Mr. Moronski – You are not encroaching further than what exists on the side setback? Mr. Martin – No, we are aligning the house with the lawfully existing structure. Mr. Martin – There will be open ground underneath the open deck. Mr. Omland - Will you comply with the minor revisions requested in our most recent report? Mr. Martin – Yes.

Mr. Omland – There is a small amount of additional coverage on site but will leave it up to the board if they want an additional dry well for the additional coverage onsite. Mr. Martin – Will comply with what the board requests but there will not be any pavement under the porch addition. Mr. Omland – Are there drainage concerns along the foundation? Mr. Martin – The road is higher than the house, as we build the porch out 8' we need to move the swale closer to the street. There is no drainage problem existing. Mr. Omland – Driveway turnaround proposed? Mr. Martin – Requesting waiver from the 150 sq.ft. turnaround, Windsor Drive is a residential street, not an arterial street, and would not like to pave more on the lot if not necessary.

Open to public – none

Mr. Marinello – Show me where the porch would end if it did not line up with the building and conform to the side setback. Mr. Martin complied.

A3 – photo of property immediately to the north 38 Windsor Dr.

Mr. Shirkey – Is there currently construction going on the property? Mr. Martin – Yes. Mr. Shirkey – Concerned with recharge. Mr. Martin – The water would be moved from the front of the property to the back of the property, but if the Board required we would install dry wells. Mr. Driscoll - Will the water effect the neighbor to the rear? Mr. Martin – It will flow toward the applicant's pool in the rear yard. Mr. Marinello indicated that the Township Planner reminded him that at the time of construction permitting storm water management will be required. Mr. Omland- I am not troubled by the swale as proposed, but does the 450 sq.ft. of additional coverage require a dry well? It is up to the Board. Mr. Pierce - Will there be tree removal?

Mr. Masella, applicant – sworn

We are going to wait to see if the tree in the north corner needs to be removed, but we had no plans for any tree removal.

A4 – photo of front of property showing tree indicated

Ms. Pierce asked about the 150 sq.ft. turnaround. Mr. Masella – I can do a K-Turn on my existing driveway and the street is not a busy street.

Closed to the public.

Mr. Marinello – Is 450 sq.ft. minor enough to not require storm water management and would the driveway turnaround be required? There would not be additional people since it is just a porch addition. Mr. Driscoll – I made a K-turn in the driveway today. Mr. Omland- There is great sight distance in this area.

Discussion ensued on an appropriate size of a front porch. Mr. Dinkelmeyer questioned as to there being a hardship or a substantial benefit.

Motion to approve the application made by : Driscoll

Mr. Shirkey requested that the approval be changed to 7' instead of 8' with a dry well required.

Motion amended to approve the application at with a 7' porch instead of 8' without the dry well and without the turnaround, made by: Driscoll; Second by: Miller-Sanders; Roll call: Yes - Pierce, Driscoll, Shirkey, Miller-Sanders, Marinello; No - Dinkelmeyer, Lawrence.

OLD BUSINESS

ZSPP/FDC/ZMSP/F12-15/ZSOIL13-15 Towaco Station (Shops on Main II)-652 & 662 Main Rd - B. 40 L. 48 – prelim/final site plan/ prelim/final major subdivision; ‘D’ and ‘C’ variance relief, for two adjoining lots located on Route 202/Main Road for mixed use building and 23 Townhome units - ‘D’(1) variance for the proposed townhouse use (not permitted), ‘D’(6) variance for the proposed height of the townhouse buildings by more than 10% (27.87-30.66’ where 25’ allowed); ‘C’ variances for impervious coverage (61.6% proposed where 50% allowed), lack of public open space, number of parking spaces (21 proposed/22 required), location of vehicular access on same lot, setback of entryway steps (6’ required/0’ proposed), setback of institutional sign (10’ proposed/15’ required) and number of wall signs per tenant (2 proposed/1 allowed). – carried with notice from 8/5/15 – new notice acceptable for 10/7/15 – carried with notice to 12/2/15, carried with new notice required to 2/3/16- new notice acceptable – Eligible: Driscollⁱ, Shirkeyⁱⁱ, Miller-Sandersⁱⁱⁱ, Dinkelmeyer, Pierce^{iv}, Lawrence, Soussa^v, Marinello

ACT BY: 2/5/16

Present on behalf of the applicant: Steven Schepis, Esq.; Marc Gimigliano, PE; John Desch, Traffic Engineer

Mr. Schepis – Introduced Mr. Desch, Traffic Engineer.

Mr. John Desch, PE – sworn

Mr. Desch – Prepared a report for the application regarding traffic impact. We did traffic counts near the property. We did a no build traffic study for 3 years and then determined how much more traffic will be created after construction. There is one building under construction and a mirror building is proposed along with 23 townhouses. More traffic would impact the property if any other use than the townhouses that are proposed. The biggest delay is underneath the train trestle. If timing signalization is altered it would increase the level of service from what exists. The sight distance is adequate for the proposed site. Parking spaces have increased on the proposed site. This project will not propose a significant traffic impact from this property. The proposal is adequate for emergency vehicle access. There will be a negligible amount of traffic added to the surrounding roadways with the constructed project. Mr. Desch reviewed proposed trip generation onto and off of the proposed site. This would be a less intense project than if the applicant put in a conforming retail proposal.

Mr. Omland – Requested Mr. Desch to go through his Mr. Omland’s engineering report step by step and indicate if you agree, disagree or will revise. Mr. Desch – Went through each comment for the board.

A-14 marked in – no build and build report showing changes in level of service.

Mr. Desch – Reviewed the level of services changes for the board from his most recent report by the County modifying the timing in their intersection. Mr. Omland – Would it be difficult to contact the County to discuss changing the timing today as it will increase the level of service along this road even prior to construction so we get the immediate benefit. Mr. Desch indicated he would call the County tomorrow. Townhouses generate less trip generations than apartments. Mr. Omland requested a copy of the “as of right” plan exhibit A13 for review at his office. Mr. Schepis agreed to provide Mr. Omland’s office with that exhibit. Mr. Omland – If the Fire Department requires wider roads than that is fine, but I would prefer less impervious coverage.

Mr. Omland- The uses have not been described for this site, so we do not know what the traffic impact would be. If there is a restaurant use with a certain amount of seats, it may have more of an impact on traffic than a more minor retail use. What limitations do you put on restaurant seating? The Planning Board on the building to the left limited the number of seats to 15 on that property. Mr. Schepis – We will work within the Township Ordinances as it relates to restaurants, we are no longer requesting a variance for number of parking. The applicant has conceded to a shared parking agreement between the sites. There are a total of 44 parking spaces required for the 2 buildings and there are 44 provided. If we do not comply then we will be back before the board requesting a parking variance.

The tenancies will comply the Township Ordinances and will be required to go through the waiver of site plan process. Mr. Omland – Are you meeting the conditions of the Planning Board or are you enveloping that approval under this site plan? Mr. Schepis – We would be asking for this to be enveloped into one approval. Requesting that the conditions of the Planning Board no longer be in effect and new conditions will be stated within this approval. Mr. Omland – My comments have been responded to.

Open to public for this witness

Mike Carson – 8 Stonybrook Rd – Sworn

Concerned with the traffic near the trestle. Currently a major issue along this road. Mr. Desch – I understand there are current delays in that area and we will contact the County to make that issue better now even before any construction would occur.

Mr. Driscoll – Was school in session during your counts? Mr. Desch – It was just in session and we used historical counts and they were similar. Mr. Marinello requested a review of access to the site from surrounding roadways. Mr. Desch reviewed for the Board. Mr. Shirkey – There was construction on that roadway on the day the counts were taken and the counts may be skewed based on that gas line construction that was going on for better than 2 weeks along that roadway. Milling was also being done for repaving. Your projection may be incorrect and your levels of service based on the conditions in that area on that day. Mr. Desch – I compared the County’s counts with mine and they were spot on.

Mark Gimigliano, PE Dykstra Walker Design Group – sworn

A-15 exhibit colorized version of site layout plan rev 2/3/16

Mr. Gimigliano – Revisions to the plans are additional landscaping along flagpole in the rear of the units. Additional landscaping between retail units and landscaping along loading area are proposed. Loop water line proposed, added phasing plan, added safety fencing along retaining walls. Additional parking spaces have been added. 53 parking spaces required for townhomes and 58 are proposed. Mr. Gimigliano went through Mr. Omland’s most recent report point by point and indicated what revisions were done to the plans. The applicant hired a hydro geologist to test the seasonal high water table on site and he determined that the aquifer was much lower than the proposed construction and would be no impact on the seasonal high water table. The storm water management facility will meet the 72 hr. drain time. Mr. Omland commented as to concerns regarding the terminology used by applicant, Mr. Uhl and the ordinance requirements. As to soil movement ordinance, the only cuts to be made near a property line would be for utility connections in the street. Applicant will comply with all other soil movement requirements. Mr. Schepis - Will use only major thoroughfares for soil movement. Mr. Omland – We typically ask that soil movement not be done during school traveling times. Mr. Schepis – Will comply with the township offices requests as it relates to times for soil movement. Mr. Omland – Will Mr. Uhl be in attendance at a hearing? Mr. Schepis – We submitted his report. Mr. Ackerman – Cannot accept a report without expert testimony by the person who did the report. Mr. Omland- Will supply his concerns with Mr. Uhl’s report in a memo. Mr. Omland – How are you complying with the proximity of the dumpster area to the inlet? Mr. Gimigliano – There are protection down further for filtration. Mr. Omland – It is in contrary to the ordinance where infiltration systems are to be located as it relates to dumpster enclosures. Mr. Omland- Your utility plan is a challenge to read. Please submit a more to scale, legible plan cleaned up with less unnecessary information. Mr. Gimigliano will comply. Mr. Omland- I suggest something softer than 6’ high walls between each patio. The fencing and landscaping along buildings 3 and 4 should be on the town home property and not the retail property so the townhomes can control the upkeep thereof.

Mr. Driscoll left the meeting.

Mr. Omland asked about generators and how they would impact the home owners. Either discuss it now or put it in the HOA that generators will not be permitted. Mr. Schepis –I will discuss this with my client and get back to you at a later hearing. Mr. Marinello – Is there a grading issue from the handicapped parking spaces to the farthest unit. Mr. Gimigliano – There would be no grade issue from those parking spots.

Due to the late hour the application was carried with notice preserved to 4/6/16 and an extension of time to act to: 4/10/16.

MINUTES

Minutes of January 6, 2016 Eligible: Moore, Pierce, Driscoll, Shirkey, Miller-Sanders, Dinkelmeyer, Soussa, Marinello

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

INVOICES

Bowman Consulting (Omland) – Trust for: \$472.50 (DiCarlo); \$877.50 (Towaco Station); \$540 (Montville Manor); \$337.50 (Merko); \$236.25 (JLJ&J); \$33.75 (12 Main Rd);
Ferriero Engineering – Trust for: \$135 (Avalon Bay)
Burgis Associates – Trust for: \$337.50 (Masella); \$337.50 (Montville Manor); \$540 (In Creations); \$978.75 (AMJM); \$761.25 (Avalon Bay); \$491.25 (Leone); \$573.75 (Montville Manor); \$573.75 (Morris Animal Inn); \$1,213.75 (Towaco Station); \$337.50 (Velez); \$202.50 (Velez); \$405 (Velez)

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

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Liaison report – No report

DRC Liaison report – DRC Reorganized. Current Chair was reappointed. Meeting start time changes to 9am.

Mr. Marinello – Asked about a training session. Mr. Conklin indicated that we were trying for March prior to the meeting around 7pm.

CORRESPONDENCE

ZC26-15 DiCarlo-Zicarelli/Pierro 174 Pine Brook Rd. – withdrawn without prejudice

Respectfully submitted,

Jane Mowles-Rodriguez Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of March 2, 2016.

ⁱ Certified to 8/5/15 hearing

ⁱⁱ Certified to 8/5/15 hearing

ⁱⁱⁱ Certified to 10/7/15 hearing

^{iv} Certified to 10/7/15 hearing

^v Must certify to 12/2/15 hearing