

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF MAY 4, 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 – Absent
Deane Driscoll - Present
Kenneth Shirkey - Present
Margaret Miller-Sanders - AE

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

PLEDGE OF ALLEGIANCE

Swearing in of Professionals.

James Giurintano, PE – present.
Sean Moronski, 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.

OLD BUSINESS

None.

NEW BUSINESS

The following application was rescheduled to 7/6/16 with notice required:

ZDC22-15 Avalon Bay – 85 Bloomfield Ave – B: 167; 178; 179; L: 28-32; 3; 1- Use variance and c
variances for 349 non-age restricted multi-family units. ACT BY: 9/15/16

The following application was rescheduled to 6/1/16 with notice required:

ZC24-15 – Sabatino, John – 8 Kokora Ave – B: 51, L: 50.02 – C variance for extension of deck into a rear
yard by 40% where 25% is allowed ACT BY: 8/10/16

ZC9-15/ZSOIL10-15 – Kirk, Newton – 8 South Rd – B: 27, L: 1 – impervious coverage variance for pool - 24%
(3,909 square feet) allowed 31.5%, proposed which is 408 square feet in excess of the already nonconforming
impervious coverage on-site, for an overall excess of 1,224 square feet– NOTICE ACCEPTABLE
ACT BY: 7/5/16

Present on behalf of the applicant: Newton Kirk, applicant; Peter Davidson, Esq; Mark Miller, PP, PE

Mr. Davidson, Esq – Requesting a variance for impervious coverage for a construction of an in ground swimming pool. Undersized lot.

Newton Kirk, applicant – sworn
Described the neighborhood for the Board.

Exhibit marked in:

A-1 – google earth map of neighborhood

Planning to install a vinyl liner pool that can easily be filled in and removed by a subsequent owner. In the neighborhood there are several pools. Attempted to purchase a portion of land from my rear neighbor and he declined the offer. There is a septic and leach field on my lot that limits where I can locate a pool. When I originally purchased the home I asked the Town if sewers were going to be installed and the Town said yes but they were never installed. The property slopes from the front of the property to the rear and the north to the south. My driveway comes along the side of the house and the garage is in the rear.

Mr. Moronski – On the grading plan the notes say the pool is 24'x41' -- is that true? Mr. Kirk – Yes. Mr. Moronski – Have you attempted to minimize the amount of paving around the pool? Mr. Kirk – You need a minimum of 3' walkway and initially wanted more but it was reduced. Mr. Moronski – Can you make the pool smaller where it can still be functional? Mr. Kirk – I do not know.

Mr. Giurintano – I have questions on soil movement for the Planner.

Ms. Lawrence – Could you put in a smaller pool to reduce the impervious coverage? Mr. Kirk – It is just the sidewalk around the pool, and, since I am already over on impervious coverage, I would still need a variance. My proposed pool is very similar in size to my neighbor's pool. Mr. Moore – Concerned with impervious coverage in the CWR zone and the effect on the recharge to the aquifer. Would you consider reducing the size of the pool by 4' or 5' to lessen the impact to the aquifer? Mr. Shirkey – When did all of the pavers and circular driveway become installed? Mr. Kirk – About 6 or 7 years ago, I was already over impervious coverage and pulled up asphalt and put down pavers so it was reduced.

Mr. Driscoll – What provisions are to be made as it relates to storm water management? Mr. Kirk – There will be a drywell which will create a zero net runoff. Mr. Giurintano – We request additional storm water management along the side of the dwelling. Mr. Davidson – Structures were removed on the property. Mr. Kirk – The Bocce Ball court was removed and a shed was removed.

Mr. Miller, PP, PE – sworn

We will install a dry well system for recharge. There will be a zero net runoff from the installation of the pool. 13 lots in the neighborhood are undersized lots. The septic system had to be located in the flattest location. To get to the garage you have to drive behind the house, so pavers are required. Any improvement on this property would require a variance. Attempted to design the recharge system near the septic system, but we could not do that due to the ordinances. The pool can only go in the area proposed. If they had to park in the cul-de-sac, it would make it impossible to allow for emergency vehicles to turn around. Consistent with the surrounding area. No detriment to zone plan or zoning ordinance. Undersized lot. Unique shape and topography on the lot.

Open to public - none

Mr. Moronski – Would reduction in the size of the pool impact the pavers around the pool? Mr. Miller – It would be minimal, maybe 36 s.f., which is minor in the overall calculation.

Mr. Giurintano – Please comment on item #3 of our March memo. Mr. Miller – Cuts and fills balance out. The remaining soil to be removed would be from the excavation of the pool and will install construction pads over tree roots to minimize impact to trees. Approximately 6-8 trucks for soil removal. Mr. Ackerman – Your application indicates that you are moving 127 c.y. to be done in 1 day and removing the soil to 17 Demarest Road in Wayne. Mr. Miller – Yes. Mr. Ackerman – What is the anticipated route. Mr. Miller - Mostly County Roads. Mr. Miller – Will comply in full with all the soil movement requirements.

Mr. Ackerman – The Board can consider increasing the recharge design to capture all additional impervious coverage on site and not just the additional 408 s.f. of walkway around the patio. Mr. Giurintano – That would be up to the Board. It can be accomplished, but it could impact the front yard area. Mr. Miller – I looked into doubling the recharge pit that we are proposing and we can do that to minimize the effect of existing paving coverage. Mr. Giurintano – You could do roof leaders to reduce runoff. Mr. Ackerman – The usual condition if approved would require design input and approval by the Board Engineer. Mr. Davidson summed up his testimony.

Closed to public.

Motion to approve the application, it is in character with the neighborhood, unique lot, undersized lot, subject to usual conditions and working with the Board Engineer as to additional storm water management to provide additional recharge to the area for all excess impervious coverage not just this addition, made by: Soussa; Second by: Dinkelmeyer; Roll call: Yes - Driscoll, Moore, Dinkelmeyer, Lawrence, Soussa; No – Shirkey.

MINUTES

Minutes of April 6, 2016 Eligible: Driscoll, Shirkey, Miller-Sanders, Dinkelmeyer, Lawrence, Soussa, Marinello

Motion to adopt made by: Soussa; Second by: Lawrence; Roll call: Yes –Driscoll, Shirkey, Dinkelmeyer, Lawrence, Soussa

INVOICES

Pashman Stein – O/E for: \$276.75; Trust for: \$877.50 (Leone)

Motion to approve all invoices made by: Shirkey; Second by: Moore; Roll call: Yes - Driscoll, Shirkey, Moore, Dinkelmeyer, Lawrence, Soussa

RESOLUTIONS

None.

OTHER BUSINESS

Planning Board Liaison report. – no report.

DRC Liaison report – (Pierce, Soussa, Lawrence) – Mr. Soussa indicated that they DRC reviewed the EMSI recreation center, Towaco Station and Pinto applications.

CORRESPONDENCE

ZEXT01-16 Stonybrook Boutiques – 9 Main Rd – B: 47, L: 2 – request for extension of approvals until December 3, 2016

Present on behalf of the applicant Robert Gannon

Mr. Gannon – sworn

Requesting extension to June of 2017 since that is when our permits are good for. Mr. Ackerman – Technically your Resolution for variances expired in December of 2015. Mr. Shirkey – He can come back before it expires and request an additional extension. The Board’s professionals confirmed that there are no zoning changes affecting this approval.

Motion to grant the extension of approvals to December 3, 2016, made by: Shirkey; Second by: Soussa
Roll call: Yes - Shirkey, Moore, Dinkelmeyer, Lawrence, Soussa; No - Driscoll

ADJOURNMENT

Respectfully submitted,

Jane Mowles-Rodriguez Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of June 1, 2016.