

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JULY 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 – AE
Annabel Pierce – Absent
Deane Driscoll - AE
Kenneth Shirkey - Present
Margaret Miller-Sanders – Present

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

PLEDGE OF ALLEGIANCE

Swearing in of Professionals.

Stan Omland, PE – present.
Joseph Burgis, 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.

NEW BUSINESS

The following application was rescheduled to 10/5/16 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

Motion to go into closed session re: possible Litigation

Upon return from closed session the Board proceeded with the Leff application.

ZC04-16 – Leff, Scott– 1 Birch Rd – B: 152, L: 3 – front setback of 36.3' where 38.1' exists and 45' is required for proposed roof overhang - Notice acceptable ACT BY: 10/11/16

Present on behalf of the applicant: Scott Leff, applicant; Geoffrey Gogan, Arch.

Mr. Leff – sworn

The house has a large flat side of the wall by the garage and there is no shelter from the rain. I have made many attempts to alleviate rainwater runoff damage to the house in that area. Applicant proposes to construct a small eave above the garage to catch the rainwater and drain it towards a gutter and away from the house.

Mr. Gogan – sworn

There is a minimal deficiency. Projecting 8.7' into the yard because of the shape of the lot. Corner lot. Location of the house is not conforming. Hardship under C1 statute. Propose recessed lighting under awning that will be indirect and non-glaring. Gutter will wrap around the awning and catch water down drain. Side view of building is fairly flat and the proposed awning will improve the look of the house and will provide for the storm water to be collected and redirected. Promotes safety due to water no longer collecting on driveway near the garage and freezing. No detriment to zone plan or zoning ordinance or neighborhood.

Open to public – none

Mr. Burgis – The site is irregular. Unusual location of existing house. Mr. Omland – No new impervious coverage and attaching to existing leader drain, I have no comments.

Mr. Marinello – Will lights be on motion detector or timer? Mr. Leff - The current lights are solar and go on at dusk and off at dawn.

Closed to public.

Motion to approve the application, the existing location of the house is a hardship and the shape of lot is also a hardship, conditioned upon motion sensor activated lights only rather than dusk to dawn, made by: Shirkey; Second by: Dinkelmeyer; Roll call: Yes –Shirkey, Miller-Sanders, Dinkelmeyer, Lawrence; Soussa, Marinello

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; carried with notice from 4/6/16 & 6/1/16 – Eligible: Driscollⁱ, Shirkeyⁱⁱ, Miller-Sandersⁱⁱⁱ, Dinkelmeyer, Lawrence, Soussa^{iv}, Marinello
ACT BY: 7/31/16

Present on behalf of the applicant: Steven Schepis, Esq; Marc Walker, PE; Dan Furia, Applicant; Mia Petrou, PP; Frank Miletto, Arch

Mr. Soussa certified to the 6/1/16 hearing.

Mr. Schepis – Introduced Ms. Petrou to the Board.

Mia Petrou, PP - sworn

Exhibits marked in:

A – 20 aerial Exhibit Petrou

A – 21 photo exhibit Petrou

Ms. Petrou reviewed exhibit A-20 for the Board and reviewed the surrounding area. Property is in the TC-1 zone which is the core of the Towaco Center District. Property has 9.62 acres. Reviewed the photo exhibit for the Board describing the surrounding properties..

A – 22 colorized version of site plan revised to 7/6/16

Ms. Petrou described the proposed development and permitted uses in the zone. Multi family dwelling permitted above commercial and medical office too. The townhome portion of the development is not permitted in this zone.

Use variance for townhomes and D variance for height. C variances are also requested. The proposed 4,000 s.f. commercial building allows for the 3 proposed rental units above. In TC-1 Zone maximum residential units allowed are 27 where 29 are proposed with this development. This proposal meets the intent and purpose of the master plan. Consistent architectural theme. The visibility of the site is constrained. There are no opportunities to link shared parking through any surrounding property. The original vision of the Towaco Center Master Plan will not likely be constructed.

Ms. Petrou – I envision college students who want to be in the middle of the high life inhabiting the apartments. The town homes would be more for young couples that want to settle down and be near the hub but not right in the hub of things. The train goes into Manhattan. There is bus service available in the area. There is no other high density development in the TC-1 zone. The idea is to bring people to the center where they do not need to drive. They can walk to the shops and the train station. Community environment. Proposing traffic calming in the area. Provides for a more orderly transition of uses for the downtown area. Provides for a variety of housing types. Largest lot in the TC-1 zone but is significantly constrained due to wetlands. Only one access from Main Road due to constraints of the lot. 525' of lot frontage which is more than half of the frontage in that vicinity. Less intense proposal than what is permitted.

Ms. Petrou reviewed the exhibit submitted of a conforming plan that shows a larger commercial building in the rear with more apartments above. A larger area of impervious coverage, more parking, and more effect to properties to the rear of the site as opposed to town homes.

Ms. Petrou – Maximum height in TC-1 zone variance requested because the town homes do not have Main Road frontage and they are 2 ½ stories instead of 2 stories. A single family home can be higher in the residential zone than the town homes in the TC-1 zone. C variances requested: impervious coverage allowed is 40% where 61.6% is proposed on lot 40.01 and the other 2 lots meet the impervious coverage, if this was one lot and not a subdivision it would be compliant; access to rear of property from other roadways not provided; setback of entryway steps proposed which are similar deviation from previously approved commercial building adjacent; signage setback and 2 wall signs per tenant; public open space. Design exception requested for slope disturbance.

Share parking agreements are permitted within the Township. Propose a shared parking agreement between the commercial buildings in the front. 2/3 of the site will be left as open space. Propose bike racks and benches and garbage receptacles. The public open space occurs along Route 202 which is the hub of the zone. Proposal is in an appropriate location for a variety of uses.

Mr. Burgis – The dwelling unit count does not meet up with the commercial square footage as envisioned by the Planning Board in the 2010 ordinance. The open space being limited to sidewalk area does not meet up with the intention of the zoning ordinance. Can have 2 commercial buildings with an open space recreation type center in between that would meet the ordinance. Ms. Petrou – The lack of visibility along Rt 202 is an issue. Mr. Burgis – If you reconfigure the commercial building that is not currently built you can add for more of an open area for people to gather.

The Board took a 2 minutes break

Mr. Omland – No questions for this witness.

Mr. Soussa – Looking at Exhibit A-5, in order to meet the intent of the Master Plan 3 homes would have to be removed? Ms. Petrou – Yes. Mr. Dinkelmeyer – How much space is required by ordinance for open public meeting area? Ms. Petrou – About 3,100 s.f. Mr. Dinkelmeyer – You are providing some sidewalks and benches? Ms. Petrou – Yes. Mr. Dinkelmeyer – Wouldn't smaller apartments encourage people to get out more than larger town homes? Ms. Petrou – Based on the lack of visibility commercial with apartments in the rear would not be feasible.

Mr. Marinello – Can you give me an example of a project like this where there is parking in the front and rear and benches in the front where people gather and it works well? Ms. Petrou – The Westmont Development in Woodbridge located off State Street where there is a significant amount of retail. Mr. Marinello – It would seem that if they are going to park in the rear they would need something to do. Mr. Marinello – A single family home stands alone so it does not seem as massive as compared to a town home development at 30' in height. Mr. Shirkey – Where is the public open space available for the town home dwellers? Ms. Petrou – There are patio areas to the rear of the town homes. The type of demographic catered to is empty nesters and young couples. Mr. Burgis – The residential is supposed to be a small part to support a larger area of commercial.

Marc Walker, PE – previously sworn

Sidewalks are proposed to connect the TC-2 zone with the TC-1 zone. Have proposed a welcoming sign to Towaco center, benches, bike racks, trash receptacles. We have a limited amount of frontage to add additional public open area. The gathering area is within the NJ Transit Center where they have the Octoberfest and the Farmers Market. There is more area to gather in that area.

Mr. Omland- Concerned with the availability of parking based on only having a 1 car garage and 1 space in the driveway. Mr. Schepis – The Association will require no overnight parking of vehicles by residents in the visitors parking areas. Mr. Omland – I find that very difficult to control.

Mr. Schepis – I have more testimony from Mr. Miletto, Mr. Walker and the Affordable Housing issue for a future hearing.

Michele Caron – 2 Brook Lane – previously sworn

Concerned with the elevation and looking at tall buildings. Concerned with additional lighting because we can now see the rail station lights. The neighbors were told all these years that nothing could be built there. NJ Transit may make their lot a “by permit only” lot. Where would all of the parking for these lots go if they cannot use the NJ Transit lot? Who would pay for expensive town homes without amenities like a gym or a pool? How will the existing neighborhood be protected?

Claire Coleridge – 55 Pine Brook Rd – sworn

Concerned that less intense uses were denied in the past in this area.

Mr. Marinello – How much open public area would be required if there was 1 less town house unit? Mr. Walker – Would need to scale that out. Mr. Schepis – We will come back next month with that calculation. Mr. Dinkelmeyer asked about the impervious coverage variance. Mr. Walker indicated that there was a variance granted previously and now it is a little more, 8/10ths of a percent, than previously granted. Mr. Walker – The open space lot area is allowing for a 200' buffer area. There will be an easement on the wetlands lot with the municipality and the DEP. The buffer will remain in perpetuity. Ms. Lawrence – I requested information on the garages at the last meeting. Mr. Schepis – He did submit the information and will be at the next hearing to provide testimony. Mr. Soussa – Why not keep the 2 lots together so they can comply with impervious coverage? Mr. Schepis – It would be easier for sale, finance and refinance purposes to subdivide them.

Carried with notice to 8/3/16 with an extension of time to act granted to: August 31, 2016

MINUTES

Minutes of June 1, 2016 Eligible: Driscoll, Shirkey, Miller-Sanders, Dinkelmeyer, Lawrence, Marinello

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

INVOICES

Bowman Engineering – Trust for: \$405 (In Creations); \$371.25 (Kirk)

Burgis Associates – Trust for: \$50 (Forge Hill); \$301.25 (Forge Hill); \$135 (In creations); \$101.25 (Kirk); \$135 (Sabatino); \$135 (Stonybrook Boutiques); \$540 (Towaco Station)

Dorsey & Semrau – Trust for: \$240 (In Creations)

Motion to approve made by: Shirkey; Second by: Miller-Sanders; Roll call: Yes – Unanimous

RESOLUTIONS

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 – Eligible: Driscoll, Pierce, Miller-Sanders, Shirkey, Dinkelmeyer, Lawrence,

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

OTHER BUSINESS

Planning Board Liaison report. – no report

DRC Liaison report – (Pierce, Soussa, Lawrence) – No report

ADJOURNMENT

Respectfully submitted,

Jane Mowles-Rodriguez Assistant Secretary.

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

ⁱ Certified to 8/5/15 & 2/3/16 hearings

ⁱⁱ Certified to 8/5/15 hearing

ⁱⁱⁱ Certified to 10/7/15 hearing

^{iv} Certified to 12/2/15 & 2/3/16 & 6/1/16 hearings