

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JANUARY 20, 2021
VIRTUAL
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 - Absent

Deane Driscoll - Present

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

James Marinello - Present

Owen Weaver (Alt #1) - Present

Ray Giordano (Alt #2) - AE

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Stan Omland, PE – Present

Steve Lydon, 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

ZSPP/FDC0/ZSOIL05-20– Monarch Communities – 205-207 Changebridge Road– B: 131.02, L: 6 & 7 – pre/final site plan/c&d variances and soil movement – carried with notice from 9/30/20 & 11/19/20 –

Eligible: Moore¹, Pierce, Driscoll², Shirkey, Miller-Sanders³, Cain, Weaver, Giordano⁴, Marinello⁵

ACT BY: 1/22/21

Present on behalf of the applicant: Antimo Del Vecchio, Esq.; Erik Anderson, Architect; Jon Brody, Appraiser; David Shropshire, Traffic Engineer; James Graber, Senior Housing Appraiser.

Mr. Driscoll certified to the beginning of 9/30/20 and the entirety of the 11/19/20 hearings.

Mr. Del Vecchio – Sent letters to all on the 200' list requesting to be able to go onto the properties to take photos as requested by the public previously. We only received a few responses. Mr. Anderson has added those photos to his exhibits.

Exhibit A-23 – power point presentation on lower sloped rooflines and photos from neighboring properties

¹ Must certify to 1/20/21 hearing - Certified to beginning of 9/30/20 hearing

² Certified to beginning of 9/30/20 & full 11/19/20 hearing

³ Certified to 9/30/20 hearing

⁴ Must Certify to 1/20/21 hearing - Certified to 9/30/20; 11/19/20

⁵ Certified to portion of meeting missed on 11/19/20

Erik Anderson, Arch – Previously sworn

Showed a rendering of the height of the building at 35', which would be a complying height per ordinance. No impact on unit count. Original design best fits Montville Township aesthetically to the neighborhood. Can use shallower roof if Board requires. Reviewed photo renderings of difference between the proposed and the possibility of shallow rooflines that meet the ordinance height. Reviewed photos from 2, 8 & 14 Green Meadows Road toward the proposed development. Reviewed additional landscaping proposed.

Mr. Omland – What would the roof pitch be to make it compliant? Mr. Anderson – 2 on 12 pitch. Mr. Omland – Do you have photos from the Meadows? Mr. Anderson – Mr. Del Vecchio did not receive permission from the residents. Mr. Marinello – It would be 3.9' times the frontage of a massive project as opposed to some single-family homes. How many single family homes would equal that same amount of roofs as proposed?

Mr. Anderson – Are looking into 2 areas where the combined side yard variance would not be required. Mr. Del Vecchio – We will submit revised plans.

Open to the public for this witness

Ann Weissman – previously sworn

What happens to the trees when they die, who is responsible to replace them? How will construction noise be addressed? I am on the Board of the Meadows and we have not been contacted by Monarch for photos to be taken. Mr. Del Vecchio – I have put my email address up in the chat and they can contact me by email so photos can be taken. Ms. Weissman – The back yards are common elements and all of the requests for photos should come through the Association. Mr. Del Vecchio – The trees will be bonded and a 2 year maintenance bond will be required and then the property owner will have to maintain the trees in perpetuity.

Charles Dyak – previously sworn

Concerned with lighting and its effect on my back yard. The bus company already has light that affect my property and this project is only 30' from my property. Mr. Anderson – The lighting on the building will be residential styles lighting.

Katherine Gasper – previously sworn

I requested a picture to be taken from my back yard but I did not receive notice. Would like to know the height of the trees. Mr. Del Vecchio – Contact me by email for the photos. Mr. Anderson – The trees run between 10' and 15'.

Irene Farkas – previously sworn

I have not received any notice for pictures. Mr. Del Vecchio – He will make another attempt to take more photos.

David Shropshire, Traffic Engineer – previously sworn

Reviewed RSIS Standards for congregate living units and the parking ratio. Total parking requirement is 83, we are proposing significantly more than that. Low volume use so the circular driveway area should operate in a safe manner.

Mr. Omland – Are you indicating that the independent living units are the same as the assisted living units as it relates to parking? Mr. Shropshire – Yes. Mr. Omland – Do you believe that there is a major difference in trip generation between Independent Living, Assisted living and Dementia units trip generation? I do not agree that the independent units can use the .5 space allocation. Mr. Shropshire – We have more than ample parking on site. Mr. Omland – During peak events will there be a shuttle system for overflow parking? Mr. Del Vecchio – We agreed that the applicant would be prepared to enter into an arrangement if needed for overflow parking, possibly with the Bus Company and maybe Town Hall.

Mr. Weaver – What was the basis for 10 vehicles in/out. Mr. Shropshire – We evaluated it with the ITE numbers.

Charles Dyak – previously sworn

Would the parking proposed include residents and employees? Mr. Shropshire – Yes. Mr. Dyak asked for the number of employees. Mr. Del Vecchio indicated that he would look it up and answer at a future time.

Tim Braden – previously sworn

Requested that the parking numbers be rechecked. The bus company may not be a bus company forever. It is zoned residential.

Mr. Jon Brody, Appraiser – sworn

Exhibit A-24 – Appraisal report

Mr. Brody – Reviewed his appraisal report for the Board and how he got to his end values. The Paramus project had no effect to the values of the surrounding single-family homes. After construction of the Old Tappan site the overall property values in the area were not impacted, some values increased. The Randolph project had flat sales ratios. Property values will not be diminished by this project. No negative impact to the properties close to the proposed project. Discussion ensued on property values in Montville over the past 6 years.

Mr. Lydon – Your Randolph study based on 3 sales before construction and 3 sales after, if you had 10 sales would the numbers remain the same per your testimony? Mr. Brody – Yes. Mr. Omland – Would you agree that the projects are smaller in scale than the proposed? Mr. Brody – Yes. Mr. Omland – Would a more massive building change your values? Mr. Brody – No. Discussion continued on the effects of property values as it relates to these type of projects.

Mr. Marinello and Mr Shirkey acknowledged methodology but pointed out the common public perception that anything other than single family would slow up or otherwise affect salability, even if OVER TIME data said otherwise.

Open to public for this witness

Ms. Weissman – Will the property values decrease during the 18 months of construction? Mr. Brody – If it was single family homes instead, the same question would apply. There will be noise either way.

Tom Mazzaccaro – 4 Moore Rd – sworn

Would you consider this project more residential or commercial? Mr. Brody – Residential.

Kathy Gaspar – previously sworn

The complexes discussed are much smaller than the proposed facility. How many of these facilities were built on residential properties. Mr. Brody – The properties were residential and scale of the projects are similar.

James Graber, Senior Housing Appraiser - sworn

Prepared a Market Study Report for this project.

Exhibit A-25 – Market Study Report dated 11/5/20

Mr. Graber – Reviewed how a market study is prepared. Reviewed the difference between CCRC's and Direct Admit Rental projects. Reviewed that the occupancies of the Chelsea was used in the market analysis. There is a demand in this area for this type of project. There is a local need for this type of project.

Carried with notice preserved to 4/7/21 with an extension of time to act to 4/9/21.

Mr. Lewis spoke kind words about Mr. Visco who was lost last month to COVID-19.

NEW BUSINESS

None

MINUTES

Minutes of January 6, 2021 – Eligible: Moore, Shirkey, Miller-Sanders, Driscoll, Cain, Weaver, Giordano, Marinello

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

INVOICES

None

RESOLUTIONS

None

OTHER BUSINESS

None

CORRESPONDENCE

None

CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made by: Miller-Sanders; Second by: Shirkey; Roll call: Unanimous

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of February 3, 2021.