

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF FEBRUARY 1, 2017  
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 - Present  
Deane Driscoll - AE  
Kenneth Shirkey - Present  
Margaret Miller-Sanders - AE

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

**PLEDGE OF ALLEGIANCE**

Swearing in of Professionals

Paul Ferriero, PE – present  
Ed Snieckus, 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**

Court reporter present for the following application:

**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. Carried with notice from 12/7/16 – Eligible: Shirkey, Moore, Miller-Sanders, Pierce, Dinkelmeyer, Lawrence, Soussa, Marinello.

ACT BY: 2/28/17

Present on behalf of the applicant: John Inglesino, Esq; Scott Fishbone, Representative from Avalon Bay; Jeff Morris, PE; Gary Ascolese, Traffic PE

Mr. Inglesino – Withdrawing request for height variance.

Scott Fishbone, Rep from Avalon Bay - Sworn  
Reviewed the operations of the Avalon Bay company for the Board. Focus on high end apartment communities.  
Self financed.

A4 – Avalon Bay brochure

A-5 – colored rendering of the site plan  
A6 – colored rendering view from Rt. 46

Mr. Fishbone – Trash enclosures inside of the building. 2-3 yard containers are rolled out a garage door, picked up and rolled back inside. Garbage is taken away by a private hauler several times a week. There are compactors and water control systems. Each unit has independent heating/ac/hot water components. Each apartment has full sized washer and dryer. There are no separate laundry facilities. Garage is fully enclosed; resident has a clicker garage goes up then closes. Garage is for residents only no delivery trucks or visitors. Propose 36 studio apartments ; 124 - 1 bedroom apartments; 156 -2 bedroom apartments; 33 - 3 bedroom apartments. Considered a mid-rise product. Recently built one in Wharton. There are others in Wayne and Morris Plains along with many other counties. We have stringent acoustical standards in our buildings. Avalon Bay does not receive noise complaints coming from their complexes. General demographics are young single millennials and 50 and above.

Open to the public for this witness – none

Jeff Morris, PE – Previously sworn

Plans will be revised to show access that meets the RSIS Standards. There will still be one-way in access to the site from Old Bloomfield. One building with 349 units is better than having 12 buildings with 30 units per building because there are wetland restrictions on site, we pushed the building away from Maple Ave and Route 46 for buffering purposes. It is also the highest elevation on site. We did a few studies to try to develop a site that conforms. There would be an increase in the disturbed area of 120% and the impervious coverage area would be increased considerably. Storm Water Management Facilities that would be required would limit the possible building counts down from 12 buildings of 30 units each to 8 buildings or a total of 240 units. An as of right project is impossible to obtain with 9 units per acre based on state requirements for storm water management and fill credits as applied to this site. It would limit the applicant to 109 less units in order to satisfy the legal requirements.

Mr. Morris – The Lowes project had different flood hazard standards apply, being a commercial project. That project was not required to provide parking above the flood hazard area elevation, bringing it well within the fill credit requirements.

Open to public for this witness – none

Gary Ascolese, PE Traffic – Sworn

Reviewed ingress & egress to the site. Reviewed surrounding traffic signals and roadways for the Board. Safe and efficient access to the site. Same improvements as the Lowes project. Apartment complex ingress/egress would be safer than a retail operation.

A7 – comparison of peak hour traffic generated by Lowes & Shopping Center vs Apartments

Mr. Ascolese – Reviewed trip generation of Lowes vs the Apartment proposal. Most uses permitted in the B-6 zone would have higher trip generations than the apartment proposal.

Ed Snieckus – Have you looked at traffic impact from Hook Mountain and Bloomfield Avenue and Hook Mountain and Route 46 intersections. Mr. Ascolese – Those traffic signals are very traffic responsive and there would be minimal impact from the proposal to those intersections. Mr. Snieckus – Do you have any other sites that require remediation? Mr. Fishbone – Yes many sites in New Jersey we have dealt with remediation. Mr. Snieckus – Do you have an exhibit showing the 8 building units as of right proposal? Mr. Morris – No.

Mr. Ferriero – Please submit the updated traffic report to the board. Mr. Ascolese– I did do an updated report and will submit it to the board prior to the next hearing. Mr. Ferriero suggested that Mr. Ascolese submit information to Montville Township regarding the back up that occurs based on the New Road intersection signal that should be reviewed. Mr. Ferriero – Concerned that emergency vehicles would have to take a long detour to access the site in case of an emergency. Mr. Inglesino – We meet the RSIS standards and are not required to improve a bridge that is owned by the County. Mr. Ackerman – Safety is a legitimate concern for emergency services when you are arguing that the site is particularly suitable to this use.

Open to public for this witness - none

Mr. Shirkey asked for a clarification on level of service and Mr. Ascolese clarified. Mr. Shirkey – Concerned that all traffic will be dumped off onto Rt. 46W. What would the travel routes that these residents would take, including Rt. 280; Rt. 80; Bloomfield Ave. etc. Mr. Ascolese – There are flow diagrams in my November report which will be submitted prior to the next hearing. The network of streets can handle this project. Mr. Shirkey requested information on the Wharton site and its demographic breakdown of millennial vs 55 and older residents as it relates to traffic and number of cars. Mr. Inglesino – We will have an expert testify on that issue. Mr. Marinello asked about why the traffic consultant had not plotted route to schools, playground, pizza parlor? Mr. Ascolese indicated that he did not believe it would change his testimony. Mr. Shirkey - Asked about the flood hazard requirements. Mr. Morris – Reviewed the flood hazard and storm water requirements for the Board. The purpose is 2 fold. One is to reduce the amount of storm water runoff from the property and the other is water quality before and after development. You also cannot displace the amount of water that would occupy the site during a flood hazard flood. Mr. Shirkey – That is why you need the 6,000 cubic yards of credits? Mr. Morris – Yes.

Mr. Shirkey – What is the new proposed height since the height variance is withdrawn? Mr. Inglesino – We do not have those numbers at this time but that does not preclude us from coming back at site plan and ask for a height variance at that time. We are before this board for a bifurcated application and withdraw the request for height variance for this application. We reserve the right in another application to make a request for a height variance at that time.

Mr. Moore- This seems like a zone change, shouldn't it be before the Township Committee? Mr. Ackerman – It is up to the Board whether a use variance is required or if this would effectively be a rezoning application. That is always a consideration for the Board in the context of a D use variance. Mr. Moore- Duly clarified. Mr. Marinello – What permitted uses would have a lower impact than proposed? Mr. Ascolese– Parks and Recreation; Municipal Buildings etc. Mr. Marinello – Was this site flooded during or after Super Storm Sandy? Mr. Morris – It was not flooded.

Mr. Marinello – Have you looked at an evacuation plan for 349 units? Mr. Ascolese – They would probably use both accesses on site. Mr. Marinello – Did you evaluate a 4 story garage and separate buildings? Mr. Morris – No. Mr. Marinello – How is the parking garage vented? Mr. Fishbone – It has natural ventilation, it is an open air structure. Mr. Ackerman – Seeking clarification as to testimony on the conforming development vs proposed development. Mr. Morris – 11 buildings with 30 units and 1 building with 19 units cannot conform to State regulations. The maximum build-able development here is estimated to be 8 buildings with an approximate 30% increase of impervious coverage. Mr. Ackerman – Would a variance be required for impervious coverage on either the proposed development or the build out of 8 conforming buildings? Mr. Morris – No. Mr. Ackerman – How much fill credits would be required for the 8 building conforming layout you said could be built? Mr. Morris – I do not have those numbers. Mr. Ackerman – That would be important if you could get that for a future hearing. Mr. Ackerman question to Mr. Ascolese – what amount of development on the allowable uses did you include when you concluded that most uses would cause less trip generation? Mr. Ascolese – I did not calculate the size of such allowable development, just the general trip generation factors.

Mr. Dinkelmeyer – Do you have counts on number of parking spaces required? Mr. Fishbone – It is my experience that even though RSIS requires a certain amount, my experience is that there will be empty parking spaces. Mr. Dinkelmeyer asked about access by emergency services. Mr. Inglesino – Avalon Bay will not restrict the route the emergency vehicles access the site, any way they require. Mr. Ferriero – The bridge has a weight limit requirement. What is the weight limit versus the safety equipment weight? Mr. Inglesino – It would be up to the emergency services to decide how to access the site. Mr. Marinello – Would like to hear testimony on safety of 1 structure vs 8 structures and difference between families and age restricted residents. Mr. Soussa – How would we be able to visit the other sites? Mr. Ackerman – If the Board sought to have a site visit elsewhere, it would have to be done as an organized group as a noticed meeting but no discussion can be held on this application. You can go on your own and you can observe what happens in one of the developments, just as you can make a site visit here. You need to decide the application based upon the four corners of the application presented during the hearings..

Public portion closed.

Carry with notice preserved to 3/16/17 and an extension of time to act granted to 4/30/17

## **NEW BUSINESS**

None

## **MINUTES**

Minutes of January 4, 2017 Eligible: Dinkelmeyer, Driscoll, Shirkey, Soussa, Miller-Sanders, Marinello

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

## **INVOICES**

Bowman Engineering – Trust for: \$550 (AMJM); \$244.81 (JLJ&J); \$280 (Stonybrook Boutiques)

Pashman Stein – O/E for: \$182.25; \$135; Trust for: \$47.25 (Morris Animal Inn);

Burgis Associates – Trust for: \$727.50 (Sunrise Properties); \$67.50 (Zaccagnino); \$641.25 (New Montville Realty); \$405 (Avalon Bay)

Ferriero Engineering – Trust for: \$337.50 (Avalon Bay)

Dorsey & Semrau – Trust for: \$30 (Stonybrook Boutiques)

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

## **RESOLUTIONS**

None

## **OTHER BUSINESS**

Planning Board Liaison report – no report

DRC Liaison report – Met on Schoolhouse Plaza, Trax Car Wash; Van Schaik applications. Gave a brief description for the Board.

## **CORRESPONDENCE**

**ZEXT01-17 Morris Animal Inn** – 117 Boonton Ave – B: 3, L: 39.1 & 40.1 – request for extension of approval to January 6, 2018

Mr. Snieckus – They are now subject to the new development fee ordinance adopted 1/1/17 since there was no CO received prior to 1/1/17. No other zoning changes that affect this site.

Motion to grant extension of approvals to 1/6/18 made by: Shirkey; Second by: Moore; Roll call: Yes – Moore, Pierce, Dinkelmeyer,, Shirkey, Soussa, Marinello

General discussion ensued on the proposed Wawa application on Bloomfield & Rt. 46.

Motion to adjourn, unanimously voted upon.

Respectfully submitted,

---

Jane Mowles-Rodriguez, Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of March 1, 2017.