

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF FEBRUARY 5, 2020
Montville Municipal Building, 195 Changebridge Road
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 – AE

Annabel Pierce - Present

Deane Driscoll – Present

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

Shelly Lawrence - AE

James Marinello - Present

Ron Cain (Alt #1) - Present

Owen Weaver (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Jamie Giurintano, PE – Present

John Szabo, 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

ZC10-19 Restino, Gregory & Amina – 21 Pennbrook Ct – B: 1, L: 11.06 – variance for pool in side yard
- Notice Acceptable ACT BY: 3/27/2020

Present on behalf of the applicant: Gregory Restino, Applicant; Marc Walker, PE

Gregory Restino – sworn

Marc Walker, PE – sworn

Mr. Walker – Requesting a variance for a swimming pool that is not totally in the rear yard.

A-1 – colorized pool plan exhibit.

Mr. Walker – Reviewed the site for the Board. The property has a conservation easement to the rear. Removing hot tub area, deck and patio area that is currently in the conservation easement. Half of the swimming pool is located in the side of the house. No other place to put the pool. Proposed location is 47.8' from the common property line

where 10' is permitted. The pool equipment is relocated near a boulder to screen it from the neighbor. The fence will be relocated from the center of the drainage easement to the drainage easement boundary line closest to the applicant's residence, not within the drainage easement. Will stake the conservation easement line and will provide an as-built survey to confirm that no construction will occur in the conservation easement. Propose a retaining wall, the pool will be 4' lower than the grade of the front yard making it less visible from the cul-de-sac.

Mr. Szabo – Is there a proposal to address the disturbance within the conservation easement. Mr. Walker – Will propose plantings, no further disturbance of the stone wall. Mr. Giurintano – Did you think about squaring off the deck? Mr. Walker – Possibly, if we do, it will reduce the size of the deck. That will be a consideration during construction. Highlands Exemption already received.

Open to the public – none

Mr. Shirkey – What will be seen from the road? Mr. Walker – It will not be seen from the road since the grade drops about 4'. Mr. Restino – The hot tub will be removed and not replaced.

A2 – photo view from side yard of neighbor's home

Mr. Walker – Lighting shall be low height, low level bollard type lighting, no bright lighting. MC Soil application may be required if soil disturbed over 5,000 s.f.

Closed to public

Motion to approve the application, no other practical alternative based on the conservation easement which restricts development, acceptable alternative; any lighting will be to code and turned off between 11 p.m. and 7 a.m. unless the area is actively being used; "as-built" survey required prior to back filling pool and upon completion; silt and both silt fence and orange construction fencing required at demarcation area; fence to be moved out of drainage easement; made by: Mr. Driscoll; Second by: Mr. Shirkey; Roll call: Pierce, Driscoll, Shirkey, Miller-Sanders, Cain, Weaver, Marinello

ZMN/D01-19-12-19 Kekon Realty 2nd Amendment– 65 Route 46 – B: 184, L: 2 – amended subdivision with D variance - Notice Acceptable
ACT BY: 5/7/20

Present on behalf of the applicant: Michael Sullivan, Esq; Sean Moronski, PP, Dan Meola, PE

Mr. Weaver certified to the 2 previous hearings for this application.

Mr. Sullivan – The previous subdivision was approved in December. There was a small area of land 55'x155' that was determined not to be owned by the applicant so had to be removed from the subdivision. No new bulk variances. No changes to the existing property. Revised application for minor subdivision and for D2 variance required since larger lot was reduced by .07 acre, and smaller lot reduced by .12 acre. Condition 15 of the resolution stated that before the signing of the subdivision deed the residential tenants' leases had to be terminated. We are having difficulties with one tenant. Would like condition modified and replaced with "except for apartment, which tenant shall be noticed according to the law to vacate, applicant shall diligently pursue the removal process, and no site plan application to be approved until all tenants are removed from the site.

Chairman noticed those in attendance regarding the use of prior hearing testimony in this matter, so that if anyone had not attended the prior hearings they should inform the Board. No one in attendance responded.

Dan Meola, PE – sworn

Reviewed the changes to the site plan. No new bulk variances or changes to the use.

Open to the public – none

Closed to the public.
Page 3
2/05/2020

Discussion ensued on the removal of the tenants. Mr. Meola – The lot lines were adjusted to make sure the coverage was not affected.

Motion to approve the application with the stipulation that Mr. Sullivan and Mr. Ackerman are agreeable in the wording of condition 15 as modified by Mr. Sullivan's proposal, made by: Mr. Shirkey; Second by: Mr. Driscoll
Roll call: Yes - Pierce, Driscoll, Shirkey, Miller-Sanders, Cain, Weaver, Marinello

MINUTES

Minutes of January 16, 2020 Eligible: Pierce, Shirkey, Cain, Weaver, Marinello

Motion to adopt made by: Pierce Second by: Shirkey, Roll Call: Yes – Pierce, Shirkey, Cain, Weaver, Marinello

INVOICES

Pashman Stein – O/E: \$375.00 (Avalon Bay Litigation October 2019); **Trust for:** \$120.00 (Abbattista); \$195.00 (Maczuga); \$15.00 (Merko)

Motion to approve made by: Shirkey; Second by: Driscoll; Roll call: Unanimous.

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Liaison report – Completed hearings on Montville Urban Renewal (Avalon Bay)

DRC Liaison report – Reviewed Montville Urban Renewal (Avalon Bay) and Montville 340 Changebridge Urban Renewal (Millcreek)

CORRESPONDENCE

None.

ADJOURNMENT

Motion to adjourn made by: Shirkey; Second by: Cain; Roll call: Unanimous

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of March 4, 2020.