

**MONTVILLE TOWNSHIP
ZONING BOARD
JUNE 17, 2021 MINUTES
VIRTUAL VIA WEBEX
7:30PM**

NOTE: No New Business to be conducted past 10:00 P.M.

Meeting link:

<https://montvilletwp.my.webex.com/montvilletwp.my/j.php?MTID=md61aab60d005520cc553b61c0e1d22b6>

Meeting number: 132 646 8163

Password: VKmh6Tqmd33 (85646876 from phones and video systems)

Join by phone +1-415-655-0001 US Toll

Access code: 132 646 8163

Document link:

<https://drive.google.com/drive/folders/11Ti16vyuxHTFIW5sQDsC6AzruVhyaJBZ?usp=sharing>

**ANYONE INTENDING TO PRESENT TESTIMONY MUST TEST THEIR AUDIO AND VIDEO
CAPABILITY PRIOR TO THE MEETING**

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

Ron Cain - Present
James Marinello - Present
Owen Weaver (Alt #1) - Present
Ray Giordano (Alt #2) – Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Stan Omland, PE – Present

Tom Behrens, 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.

OLD BUSINESS

ZMS/D/C15-20 - Lakeland Bank - 166 Changebridge Road – B: 139.03, L: 7.02 – minor site plan with variance for generator in the front yard – Carried to 2/3/21 with newspaper notice preserved and new 200' notice acceptable - Carried with notice from 5/5/21 – Eligible: Moore, Cain, Shirkeyⁱ, Pierce, Driscollⁱⁱ, Weaver, Giordano, Marinello
ACT BY: 6/30/2021

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Present on behalf of the applicant: Anthony Valenziano, Esq; Gerard O'Neill, Lakeland Bank; Jessica Caldwell, PP; Mark Gimigliano, PE

Mr. Valenziano – Seeking 2 variances at this time. Expansion of a non-conforming use and impervious coverage for installation of a generator. Revised plans to move the generator out of the frontage on Changebridge Road. The Generator is now located in an island in the parking lot so we no longer need a variance for an accessory structure in the front yard. We could not locate the generator in existing parking spaces because there was a parking variance previously approved on this site.

Mark Gimigliano, PE – previously sworn

The generator is now proposed in the rear yard of the property in an island in the parking lot. Mature landscaping along each side at about 6' tall, one foot taller than the generator. Well screened. 1 small tree will be removed, not a mature tree.

Mr. Omland – Are the plantings able to block the view from Horseneck Road? Mr. Gimigliano – Yes the generator is 5' tall and the trees are 6' tall. Mr. Omland – Impervious coverage variance still required. Sound enclosure will still be in place? Mr. Gimigliano – Yes. Mr. Behrens – Will you be putting in Streetscape along Changebridge? Mr. Valenziano – We asked for a design exception but we can put in some trees. Mr. Marinello – Questioned the hours of when the generator will be used, will it be used overnight in a blackout? Mr. Gimigliano – Yes they would want to run it 24/7 during a blackout. The exercising will be on Thursday morning at 8am for up to 30 minutes weekly.

Open to the public – none - closed

Mr. Marinello – Applauded the applicant for going back and rethinking the location of the generator. Mr. Cain did not see the need for the requirement of streetscape based on the minimal nature of the application. Mr. Ackerman brought up the maintenance of the screening.

Motion to approve the application the use and impervious coverage variances, granted the request for design waivers, exercise hours as listed above, may run 24/7 during a crisis, existing screening to be maintained at a height of 6' and to be replaced if something should die, benefits outweigh any detriment, made by: Shirley; Second by: Moore; Roll call: Yes - Moore, Cain, Shirleyⁱⁱⁱ, Pierce, Weaver, Giordano, Marinello

NEW BUSINESS

The following application was rescheduled with notice required to 7/7/21:

****ZC02-21– Guzman, Stephanie** – 9 Millers Ln – B: 72, L: 3 – side setback variance for addition to single family home
ACT BY: 9/7/21

ZC12-20– Galezowski – 5 Cedar Rd – B: 117, L: 5 – variances for addition to single family home – notice acceptable
ACT BY: 9/15/21

Present on behalf of the applicant: Steven Schepis, Esq.; Frank Matarazzo, PE, PP; Patrycja & Tomasz Galezowski, applicants

Frank Matarazzo, PE, PP – sworn

The property is located at Cedar Rd & Liberty Lane. Existing colonial dwelling. R-20A CWR zone district. Undersized lot. Shed in a front yard on Liberty Lane to be removed. Existing front yard setback on Cedar Rd is 32.1' and 31.2' to Liberty Lane. The required front setback is 50'. The house faces Cedar Road. The rear yard is designated on the side of the house since it is a corner lot. Proposing a front porch addition facing Cedar Road. A covered porch on Liberty Lane side, 2nd story addition; driveway asphalt to be removed and replaced with paver and 1' length of driveway to be removed. The curb is to be removed. Existing vegetation along Liberty Lane to be

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removed and replaced with new landscaping. Front porch to be open not enclosed. Covered patio area in rear not to be enclosed. Proposed additions will be in keeping with the houses in the area. Proposed building coverage will be 2,300 s.f. Maximum building coverage permitted is 2,163 s.f. Requesting 137 s.f. over allowable which is 14.89%. Impervious coverage permitted is 28% where 26.81% is requested so we meet the ordinance on impervious coverage. The lot has no side setback, just 2 fronts and a rear. Rear yard setback required is 50' where 21.9' exists and 15.7' is proposed. No other location to build an addition. If this was actually designated as a side yard a 15' setback would be required if not in the CWR zone. The house to the west is about 60' off the property line, so about 80' from the proposed addition. Discussion ensued on the 25' offset requirement in addition to front setback requirement. The front setback to the house remains as exists, it is the proposed open porch that encroaches in the setback to Cedar Road. Unique shaped lot. Based on the current location of the house it makes it impossible to add on. House built prior to the Township Zoning Ordinances. Proposal in keeping with the sizes of the homes in the area.

Mr. Matarazzo – Benefits outweigh any detriments. Creating a nice visual environment, substantial improvement from what exists.

Mr. Behrens – Why can't the applicant comply with the building coverage? Mr. Matarazzo – Can comply if they did not put the roof over the patio. Mr. Marinello – We will need to have more testimony on why that patio needs to be covered because without the roof, the applicant will meet the ordinance. Mr. Matarazzo – The covered patio adds character to the rear façade which fronts Liberty Lane. Mr. Omland's comments have been addressed. Mr. Marinello – Will the addition cause a canyon effect on the street? Mr. Behrens – The house is physically separated from the adjacent home so it should not contribute to a canyon effect.

Patrycja Galezowski – Sworn

A-1 – site photos

Ms. Galezowski reviewed the photos for the Board. Reviewed the condition of the house when they purchased it. Trying to make the house more functional. The brush and shrubs along Liberty Lane will be removed and new landscaping, evergreens, will be installed. Not much space for family recreation. Mother in Law cannot be in direct sunlight due to health issues. Will be more aesthetically pleasing.

Mr. Shirkey – What can be done other than a covered patio? Ms. Galezowski – I do not know. Mr. Marinello – No change to the circulation of the driveway? Ms. Galezowski – No.

Mr. Schepis – The lot exists today as it did in 1935. It was built before the Township Zoning Ordinances. In 2004 the lot size requirement was raised from 20,000 s.f. to 27,000 s.f. The Township Committee at the time stated that the CWR ordinance would not impede people from expanding their homes. The promise held true for 8 years and then it was broken. If the Township kept their promise there would not be an issue with a lot of these lots that now exist today.

Open to the public –

David Kalembe – 7 Liberty Lane – sworn

Will the overall height of the building be increased? Mr. Matarazzo – We will be in compliance with the building height requirements. Mr. Kalembe – How far will the patio be from the street once it is built? Mr. Matarazzo – 25.7' from the existing right of way line.

John Kras – 9 Cedar Rd – sworn

Own lots 51, 52 & 53 on Liberty Lane side. No objection to the variances requested. Welcome the improvements. The previous owners raised dogs in the house and the house went into foreclosure several years ago. Due to the slope on the property, the covered patio will probably not be seen from the street.

Mr. Schepis – The applicant will double the arborvitae to 4' centers on Spring Lane to make it more of a hedge.

Motion to approve the application, no negative impact to zoning ordinance, irregular shaped lot made by: Moore

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Second by: Shirkey

Roll call: Yes - Moore, Pierce, Shirkey, Cain, Weaver, Giordano, Marinello

MINUTES

Minutes of June 2, 2021 – Eligible: Pierce, Shirkey, Miller-Sanders, Cain, Weaver, Giordano, Marinello

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

INVOICES

None

RESOLUTIONS

None

OTHER BUSINESS

Mr. Marinello indicated that we need to set up a subcommittee for the RFP process. Mr. Weaver, Ms. Pierce and Mr. Marinello will review the current RFP, bring the list to the board and review responses and report back to the board.

Motion to appoint Ms. Pierce, Mr. Weaver and Mr. Marinello to the RFP Subcommittee made by: Mr. Shirkey; Second by Mr. Moore; Roll call: Unanimous.

CORRESPONDENCE

None

CLOSED SESSION

Discuss personnel

Motion to instruct RFP subcommittee to investigate a new engineering firm and a new attorney possibly within the same firm made by: Moore, Second by: Giordano; Roll call: Unanimous

ADJOURNMENT

Respectfully submitted,

Jane Mowles, Land Use Administrator

ⁱ Must certify to 5/5/21 hearing

ⁱⁱ Must certify to 5/5/21 hearing

ⁱⁱⁱ Certified to 5/5/21 hearing