

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF SEPTEMBER 2, 2020
VIRTUALLY VIA WEBEX
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 – Present

Annabel Pierce - Present

Deane Driscoll – Entrance Noted

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

VACANCY

James Marinello - Present

Ron Cain (Alt #1) - Present

Owen Weaver (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals –

Stan Omland, 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.

The following applications were carried with notice preserved to 10/7/20:

****ZC07-20– Dream Home Group** – 190 Pine Brook Rd– B: 122, L: 12 – front yard setback for addition to single family home – Carried with notice from 7/1/20, 8/5/20, 9/2/20 ACT BY: 10/8/20

****ZC06-20 McCaul** – 12 Montville Ave – B: 51.02, L: 6 – front yard setbacks for addition to single family home. Notice Acceptable ACT BY: 11/13/20

The following application was rescheduled with notice required to special meeting date of 9/30/20:

****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 ACT BY: 11/25/20

OLD BUSINESS

ZSPP/FDC/ZSOIL16-18-04-20 Mutts on Main Amended 2020 – 235 Main Rd – B: 59, L: 11 – amended pre/final site plan with D & C variances and soil movement for kennel use. Carried with notice from 6/3/20 & 8/5/20 hearings – Eligible: Moore, Pierce, Driscoll, Shirkey, Miller-Sanders, Cain, Weaver, Marinello
ACT BY: 9/10/20

Present on behalf of the applicant: Steven Schepis, Esq; Joseph Mianecki, PE; Jim Cutillo, AIA; Charles Heydt, PP; Nikki Lombardi, applicant

Mr. Schepis reviewed a brief history of the site. We are still under discussions with the County about installing the decorative light at the entrance driveway. If the County allows we will install it, if they do not approve then we are asking for a design waiver.

Joseph Mianecki, PE – previously sworn

Mr. Mianecki indicated that the fire department wanted the driveway expanded to 14.5' wide for better emergency access. We will comply.

Exhibit A-1 – driveway expansion plan

Mr. Mianecki – There will still be an overall reduction in the impervious coverage. Discussed the decorative light that would be installed if the County allows. The site will be improved from what exists today to make a better functioning site. Reviewed soil movement for the Board.

NOTE: Mr. Driscoll enters

James Cutillo, AIA – sworn

The existing property has several buildings and outdoor kennels. Propose indoor kennels only. There will be a residence above the office. Reviewed the floor plans for the Board. The kennels will be completely indoors. The project is very residential in nature. Handicapped ramp will be provided. There is 100% ADA access for the entire building. There will be an outside yard area, which will be entirely fenced. There is also an indoor play area for socialization. The building will have residential style windows and roof. Stone façade proposed underneath the windows. Horizontal siding also proposed.

Mr. Szabo asked why they require an FAR. Mr. Cutillo indicated that the use drives the size of the building. The foundation is already existing. Mr. Omland – There are very few outstanding engineering issues. An operations manual will be required to be filed.

Nikki Lombardi, applicant – sworn

Full service dog fulfillment center. Training and boarding of dogs. Goal is to not have the dogs in kennels for extended periods, want them exercised and happy. Currently the exercise happens outside. Would like them to have the opportunity to be exercised inside during inclement weather. Mr. Szabo – Hours of operation? Ms. Lombardi – 7am-7pm. 90% are transportation service based pickups. Pick up the animals so not as many people come to site to drop off animals.

Charles Heydt, PP - sworn

Reviewed the aerial for the Board and explained the existing conditions. Reviewed the surrounding area for the Board. Showed photos of existing site. These facilities have existed for decades. A Kennel is a conditional Use in the R-27A zone. The applicant is requesting the following variances:

| Conditional Use Regulations – Kennels | R-27A | Existing | Proposed | Ordinance § |
|---|----------|-----------------|-----------------|-----------------|
| Min. Lot Area (ac) | 3.0 | 0.556 (e) | 0.556 (v) | 230-165.A |
| Min. Setback: Enclosures Housing Animals (ft) | 100 | 0 (e) | 0.5 (v) | 230-165.B |
| Min. Lot Area: Kennel + Dwelling (ac) | 4.0 | 0.556 (e) | 0.556 (v) | 230-165.C |
| Max. Number of Animals | 40 | 80* (e) | 80* (v) | 230-165.D |
| Animals Indoors from 9pm to 8am | Required | Complies | Will Comply | 230-165.E |
| Min. Landscaped Buffer Width (ft) | 50 | 0 (e) | 0 (v) | 230-165.F |
| Board of Health Approval | Required | Complies | Will Comply | 230-165.G |
| Min. Number of Parking Spaces | 18 | 8 (e) | 13 (v) | 230-165.H |
| Conditional Uses in Residential Zones | | | | |
| Max. Impervious Coverage (%) | 55 | 64.36 (e) | 60.42 (v) | 230-162 |
| Max. Floor Area Ratio (%) | 25 | 15 | 33 (v) | 230-162 |
| Additional Area & Bulk Regulations | | | | |
| Min. Front Yard Setback: Residence/Office (ft) | 53.2** | 57.2 | 57.0 | 230-130.A |
| Min. Rear Yard Setback: Residence/Office (ft) | 50 | 75.9 | 75.9 | Schedule D |
| Min. Side Yard Setback: Residence/Office (ft) | 20 | 14.9 (e) | 14.9 (v) | Schedule D |
| Accessory Building Regulations | | | | |
| | R-27A | Existing | Proposed | Ordinance § |
| Min. Rear Yard Setback: Storage Shed (ft) | 10 | 1.8 (e) | 5.0 (v) | 230-128.A(5) |
| Min. Side Yard Setback: Storage Shed (ft) | 10 | 8.8 (e) | 10.0 | 230-128.A(5) |
| Additional Parking/Drive Aisle Regulations | | | | |
| Pavement of Parking Areas | Require | Pave ment/ | Pave ment/ | 230-80.A |
| Curbing of Parking Areas/Driveways | Require | Partial Curbi | Partial Curbi | 230-80.B |
| Striping of Parking Spaces | Require | Partial Stripin | Partial Stripin | 230-80.F |
| Min. Drive Aisle Width for 90° Parking (ft) | 24 | <24 (e) | 20 (v) | 230-80.D(1) |
| Min. Drive Aisle Width for 2-Way Traffic (ft) | 24 | 10.8 - 11.1 (e) | 12 & 20 (v) | 230-80.D(3) |
| Min. Parking Drive Aisle Setback – Building (ft) | 10 | 14.7 | 4.5 - 5.5 (v) | 230-80E |
| Min. Parking Drive Aisle Setback – Lot Line (ft) | 25 | 0 (e) | 0 & 4 (v) | 230-80E |
| Min. Parking Drive Aisle Setback – Res Zone (ft) | 25 | 0 (e) | 0 (v) | 230-80E |
| Parking in Front Yard – Route 202 | Prohibi | Existin g (e) | Propo sed | 230-97.D(2) |
| Monument Sign Regulations | | | | |
| Max. Sign Area (sf) | 20 | 21.7 (e) | 21.7 (v) | 230-214.F(2)(a) |
| Max. Sign Height (ft) | 4 | 4 | 4 | 230-214.F(2)(b) |
| Min. Setback from Curblin e (ft) | 15 | 37 | 54 | 230-214.F(2)(c) |
| Max. Number of Sign Colors | 4 | N/A | 4 | 230-211.C |

Mr. Heydt – There is a reduction in impervious coverage proposed. Reviewed “D” variances requested. There will be a reduction in storm water runoff. Proposed look is in keeping with the residential neighborhood. The FAR improves the housing of the animals. Reviewed ‘C’ variances requested. The storage shed is proposed where the current structure exists. Circulation and parking issues have been rectified. Benefits outweigh any detriment. No detriment to zone plan or zoning ordinance.

Mr. Miannecki – The impervious coverage proposed is now 14,860 s.f. or 61.4%.

Open to the public

Laura Cohen, 7 Valhalla Rd. – sworn

Are you currently boarding dogs in your facility? Ms. Lombardi – Yes. Ms. Cohen – Will you have soundproofing in the walls? Ms. Lombardi – The dogs will be fulfilled so there will be minimal barking since we are mostly a training facility. Ms. Lombardi – The previous approval was for dogs to be outside 2 hours in the morning and 2 hours in the afternoon. Ms. Lombardi – The dogs go out 2 hrs. in the morning and 2 hrs. in the afternoon and the dogs spend the majority of the day on an outdoor farm.

Ms. Cohen – needs answers regarding soundproofing waiver; was a traffic study done; can soundproofing be added to the outdoor pen?

Ralph Fredericks – previously sworn

Questions for next hearing: commercial vehicles are being parked on the property, has this been considered with the application; sports physical therapy vehicles are parked overnight; will the owners live on site; why are parking spaces being added since 90% of the building is a pickup service; why is no soundproofing proposed; concerned with removal of large tree to widen driveway.

Doreen Deckenbach 215 Main Rd – sworn

Questions about the outside exercise in the morning and the afternoon.

Mr. Marinello – Needs testimony as to number of parking spaces, can applicant reduce the number of dogs; will a canyon effect occur with the 2nd story addition; use the 2nd floor for the office and have the dogs on the first floor; if the dogs are taken off site why do you need such a large play area. Mr. Weaver – are the dogs being taken off site by company cars or personal cars and will they be parked on site overnight.

Carry with notice preserved to 11/4/20 with an extension of time to act to: November 11, 2020.

NEW BUSINESS

ZC11-19– D’Agosto – 9 Highland Ave – B: 47, L: 5 – front and side setbacks and impervious coverage (45.8% existing; 45% proposed) for 2nd floor addition to single family home Notice acceptable – rescheduled from 8/5/20
ACT BY: 9/3/20

Present on behalf of the applicant: Lou D’Agosto, applicant; Steven Schepis, Esq; Steven Coppa, AIA

Mr. D’Agosto - sworn

Purchased the home a year ago. Variances requested for side and front setbacks and impervious coverage for 2nd story addition. The addition will not be over the porch. There is a freestanding garage in the back of the property. There is an existing unfinished basement and no bathroom on the second floor currently. The footprint of the house is not expanding.

Mr. Steven Coppa AIA – sworn

Trying to make the home to be more consistent with the neighborhood. The existing bedrooms are very small. Expanding 2nd floor only. The house will be approximately 1,300 s.f. with the additions. New windows, roof, gutter, siding. The covered porch will remain. The house is about 18' wide and 40' deep. The house will be an improvement to the neighborhood. Cannot put on an addition to the right side since it would block access to the garage. Highland is a normal residential street. The site does not allow for a 150 s.f. driveway turnaround. Front yard setback is existing non-conforming. Side setback is existing non-conforming at 4.9'. Reduced impervious coverage from 45.8% to 45%.

Mr. Szabo – Will building over the front porch make the building appear dramatically closer to the street. Mr. Coppa – No.

Open to public –
None

Mr. Marinello – Significant impact to light and air to the next-door neighbor. Mr. Shirkey – Is there a 2' cantilever over the open porch? Mr. Coppa – The house next door goes beyond the proposed house extension. The 2nd floor does cantilever to get the rooms to a more modern size. Need to add a bathroom to the 2nd floor. The total expansion is 285 s.f.

Mr. Schepis – Very narrow property. House was built in the 1930's. Pre-existing non-conforming conditions. Very tiny house.

Public portion closed

Motion to approve based on overall narrowness of the lot, setbacks are existing non-conforming, turnaround cannot be put on this property made by: Shirkey; Second by: Miller-Sanders; Roll call: Yes - Moore, Pierce, Shirkey, Driscoll, Miller-Sanders, Cain; No - Marinello

ZC03-20– Pool Town, LLC (Ref: Newton Kirk) – 8 South Rd – B: 27, L: 1 – impervious coverage for pool 33.9% requested where 24% is allowed - Notice Acceptable – rescheduled from 8/5/20
ACT BY: 9/3/20

Present on behalf of the applicant: Hershel Rose, Esq.; Martin Miller, PP, PE; Lawrence Murphy, PE

Mr. Rose – As built survey for a pool built with board approval ended up with more impervious coverage than approved. No negative impact to surrounding lots because the property is relatively secluded.

Martin Miller, PE; PP – sworn

The house is at the end of a cul-de-sac and there is a circular driveway. The area is generally wooded.

Exhibit A-1 – aerial photo

Exhibit A-2 – resolution from the Newton Kirk approval

Mr. Miller – 33.9% is existing currently due to miscalculation of the paver driveway, which is higher than previously approved. A raingarden was proposed to take care of additional runoff. It was brought to our attention today that the raingarden must be 50' away from the septic field, so we propose to put an infiltration system adjacent to the paver driveway near the turnaround parking area.

Mr. Lawrence Murphy, PE – sworn

Provided coverage calculations. Indicated that, as built coverage is actually 33.9%. Do not see any detrimental impact on adjacent properties with storm water runoff. Mr. Omland – Zipper drain or grate that goes across entire driveway? Mr. Miller – a grate with a drain across the pavers. Mr. Omland – Concrete chamber or pit? Mr. Miller – agreed to a concrete chamber. Mr. Omland – Can you reduce impervious coverage elsewhere on site?

Mr. Rose – We only have control over the pool. Mr. Marinello – How many pavers need to be removed to meet that last impervious coverage approval? Mr. Miller – 387 s.f. would have to be removed. Mr. Marinello – How big is the dogleg at the rear of the driveway? Mr. Omland – Approximately 100 s.f. Mr. Omland – If they can mitigate more that would help with the variance request.

Mr. Marinello – Why are there no other alternatives to reducing impervious coverage on site. Mr. Rose – The owner is not permitting us to remove additional impervious coverage not related to the pool. Mr. Murphy – South Road is a cart way that is not wide enough to park in the street and allow for emergency vehicles so the turnaround in the front is required. Minimal walkways to the pool. We can re-size the recharge pit to allow benefits to grant the variance.

Mr. Shirkey – Concerned about how an adequate system can be made without further review by the Board Engineer.

Carried with notice preserved to 11/4/20 with an extension of time to act until 11/5/20.

ZC08-20– Jones 7 Habberstad Ct – B: 3, L: 59.02 – pool in side yard - Notice Acceptable – rescheduled
from 8/5/20 ACT BY: 9/30/20

Present on behalf of the applicant: Steven Schepis, Esq.; Beryl Jones, Applicant; Joseph Miannecki, PP; PE

Mr. Schepis – Requesting a pool in the side yard.

Mr. Miannecki, PE; PP – sworn

Habberstad Ct. ends on a cul-de-sac. Long, deep lot. Topographically challenged property. Rock cliff on northerly side of the property as well as the easterly side of the property. 40’ of rise from the road to the house. The house is setback 302’ from Habberstad Ct. There is a septic system on the property in the front yard. Cannot put the pool in the rear yard since there is a rock face that runs off into that area which would flood the pool and create runoff toward the house. The pool would be 80’ from the property line and 80’ below the other neighboring property. The pool itself will not be visible from the cul-de-sac. Pool located next to the walk out basement access. Easterly neighbor will not see the pool and the northerly neighbor may possibly see a portion of the pool. No detriment to neighboring properties or zoning ordinance or zone plan.

Mr. Szabo – Is lighting proposed? Mr. Miannecki – I suspect there will be lighting. It would have to be low voltage. Mr. Schepis – We agree to soft bollard lighting no higher than 3’. Mr. Szabo – Why was landscaping not submitted for Board review? Mr. Miannecki – The landscape plan is not yet completed.

Mr. Miannecki - Fence will not be closed vinyl, it will be an open fence with landscaping. Landscaping plan to be reviewed by the Board Planner.

Motion to approve due to topography of the lot, location not visible by neighbors subject to low voltage lighting; no lighting after 11pm if the pool is not in use; additional landscaping to be reviewed by the Board Planner made by: Pierce; Second by: Shirkey; Roll call: Yes - Moore, Pierce, Shirkey, Driscoll, Miller-Sanders, Cain, Marinello

MINUTES

Minutes of August 12, 2020 - Eligible: Driscoll, Moore, Miller-Sanders, Pierce, Cain, Marinello

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

INVOICES

Burgis Associates – Trust for: \$300.00 (Dream Home); \$262.50 (Pool Town); \$562.50 (Vidovich)

Omland Associates - Trust for: \$187.50 (Donohue); \$150.00 (Dream Home); \$225.0 (McCaul);
\$75.00 (Vidovich)

Pashman Stein - Trust for: \$195.00 (Dream Home)

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

RESOLUTIONS

ZC09-20– Vidovich 18 Rathbun Rd – B: 39, L: 50 – front yard and side yard setback variances for addition to single family residence – Approved - Eligible: Driscoll, Moore, Miller-Sanders, Pierce, Cain, Marinello

Motion to adopt made by: Driscoll; Second by: Pierce; Roll call: Yes - Driscoll, Moore, Miller-Sanders, Pierce, Cain, Marinello

OTHER BUSINESS

Planning Board Liaison report – Approved an amended site plan for a new handicapped ramp and main door at 25 Riverside Drive.

DRC Liaison report – no meeting

CORRESPONDENCE

None.

ADJOURNMENT

Motion to adjourn made by: Driscoll; Second by: Weaver; Roll call: Unanimous

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of October 7, 2020.