

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF MARCH 1, 2023
7:30pm
In Person**

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 - AE
Ray Giordano- Present
Margaret Miller-Sanders - Present

Ron Cain - Present
James Marinello - Present
Jake Kovalcik (Alt #1) - Present
Victor Canning (Alt #2) - AE

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Jamie Giurintano, PE
John Szabo, PP

Also present: Kelly Carey, Esq & Michael Carroll, 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.

RESOLUTIONS

ZSPP/FDC/ZSOIL05-20– Monarch Communities – 205-207 Changebridge Road– B: 131.02, L: 6 & 7 – pre/final site plan/c&d variances and soil movement – REMAND – Eligible: Moore, Pierce, Giordano, Miller-Sanders, Cain, Marinello

Ms. Carey – A redlined version of changes to the resolution is in front of the members and reviewed the changes for the Board.

Motion to adopt as amended made by: Miller-Sanders; Second by: Cain; Roll call: Yes – Pierce, Giordano, Miller-Sanders, Cain, Marinello

NEW BUSINESS

ZA01-23 - Peerless Coatings, LLC - 2 Como Court – B: 41, L: 1.4 - Appeal of Zoning Officer's decision
ACT BY: 4/18/23

Present on behalf of the applicant: Michael Pasquale, Esq.; Joseph Heyer, applicant; Steve Boswell, PE

Mr. Pasquale – Mr. Petrillo determined that the applicant’s operation that the use was not permitted in the zone. Peerless does metal coating, not metal plating.

Mr. Heyer – sworn

Looking to move my operation from Hawthorne to Montville. We do sand blasting and powder coating. 22 employees.

Mr. Boswell – CWR zone. Zoning officer determined that metal coating and metal plating is the same operation and it is very different. Metal Coating is more like painting. Sandblasting done in an enclosed booth. Cleaning done and dried in an enclosed booth. Then goes into a spray booth which is also enclosed. Powder sticks to metal and then it dries in ovens. Less than 100 gallons a day of overflow wash water that comes out of the facility. Water quality tests done quarterly. No aggressive chemicals. This is nothing like a metal plating operation. Ms. Carey – What is metalizing with wire? Mr. Boswell – Takes place in a sealed booth, hardens quickly. Also does metal fabrication, just cutting and bending metal.

Open to public – none

Mr. Petrillo – The applicant was thorough on his submission. I am concerned with the Aquifer. I discussed this with my department head and our planner. There were red flags and it seemed very close to metal plating. There was a gray area, to me it is still too close to decide. Mr. Marinello – Do you have background on what the Township Committee was thinking about when they chose this use to be excluded as permitted. Mr. Szabo – The physicality of metal plating requires many chemicals. I can understand the distinction because of the concern of the aquifer. It is my opinion that this operation is distinctly different from metal plating as no harsh chemicals are used. Ms. Carey – The ordinance does not have the wiggle room that if it is something like this it would not be permitted. Ms. Pierce – The water will not go into the ground? Mr. Boswell – No it goes into the sewer system. Mr. Giordano – Have there been any accidents since he has been in Hawthorne. Mr. Boswell – No accidents and no violations.

Closed to public

Ms. Pierce appreciated the testimony from the professional about their safety measures and operations. Mr. Marinello - The Township Committee could have specifically permitted metal powder coating and they did not. I do not believe it is prohibited. Ms. Carey – The motion is to either grant the applicant to overturn the Zoning Officers determination or not.

Motion to overturn the Zoning Officer’s decision and permit the coating operation as described by the applicant in this location made by: Kovalcik; Second by: Giordano; Roll call: Yes – Pierce, Giordano, Miller-Sanders, Cain, Kovalcik, Marinello

OLD BUSINESS

ZSPP/FDC/ZSOIL02-22 – Diversified Properties (55+) – 259 Main Rd (245 Rt. 202; 263 Rt. 202; Daldunn (Rear); River Rd; 6 Daldunn; 4 Daldunn; 12 River Rd) – B: 59, L: 13, 15, 17, 18, 19, 20, 22 - preliminary and final site plan approval, as well as ‘d’(1), ‘d’(6), and ‘c’ variance relief 266-unit age-restricted residential community consisting of both apartments and townhouses- Carried with notice from 10/20/22, 11/17/22 & 2/1/23 - Eligible: Moore, Pierceⁱ, Driscollⁱⁱ, Miller-Sanders, Cain, Giordano, Kovalcikⁱⁱⁱ, Marinello^{iv} ACT BY: 3/31/2023

Present on behalf of the applicant: Nick Minoia, applicant; Jack Raiker, Architect, Marc Walker, PE; Steven Schepis, Esq; Barton Ross, Historic Architect; Gary Dean, Traffic Engineer

Mr. Schepis introduced the traffic engineer.

Mr. Dean, Traffic Engineer - sworn

Traffic report was dated 3/1/22 and used the 2019 pre-covid traffic patterns in our report. Reviewed how traffic studies are prepared. We have been collecting data on age restricted housing units throughout the state for many years. ITE overestimates the traffic. We find that there is less traffic. The 55 and older communities are not

typically leaving for work in the morning and coming home at night during peak hours. There will be an absence of school age children in this community. If this was a non-age restricted development, it would have twice as much traffic. The County Planning Board has approved the application. As stated by the County, the Township has a Dial a Ride service which will help with lessening the number of car trips out on the road. The County also has such a program. The entrance has a lane for residents and another lane for visitors. There will be no spilling onto Main Road from the project. Most of the parking will be under the buildings. There is some surface parking evenly distributed throughout the buildings. Described the difference between the different level of services. Level of service C in the morning and Level of service B in the evening. We incorporated the recently approved Sterling Properties counts as well in our counts. Mr. Marinello – We need your comparison between the permitted uses in this zone and this development. Non-age restricted apartments are not permitted in this zone. Mr. Dean – Did not have the comparison of trips between 6 to 10 single family homes which would have been allowed and the proposed use. Of course, this proposal will have more traffic than the underlying zoning, but the level of services will not change.

Mr. Dean - No deleterious effects on surrounding roadways like 287 or River or Valhalla. Briefly explained the RSIS standards. Reviewed parking spaces on site as it relates to the RSIS standards. This project follows the non-age restricted parking requirements. Reviewed the location of the entrance and the sight distance for same. All standards have been met. Sufficient queuing at the entrance of the proposed development. The County has no interest in putting a traffic light at Rt 202 and Valhalla Road. The County suggested skid resistant pavement for a short distance in that area. The applicant would be receptive to work with the County to mitigate the impacts of the proposal if the Board requires.

Mr. Giurintano – What is the likely peak visitor demand for the site? Mr. Dean – There is no modeling to determine that, but my expectation would be 2-3 vehicles. We have done studies with a larger development and the maximum was 5 vehicles including landscaping vehicles. Mr. Giurintano – Do you know the average queue time, sometimes the guards take time to fill out paperwork? Mr. Dean – No but there are 2 spaces near the guardhouse that can be used. Mr. Giurintano – Were the sight lines drawn from the driver’s eye? Mr. Dean – If they were not, we will update the plans. There will also be a right of way dedication to the County. Mr. Giurintano – You indicated you would be using the parking at the clubhouse for visitor parking for buildings B & C. Not everyone will be walking from their units to the clubhouse how do you think that effects your numbers. Mr. Dean – There would be more open parking under the building. Mr. Dean to provide the Board Engineer with an exhibit on how he came up with the breakdown for visitor parking.

Mr. Marinello – Is there projects that are comparable to this proposed project where we can visit to see how the traffic flows. Mr. Dean – I have not seen a project that did not require more parking than was built.

Open to public for this witness

Devin Trombley – 62 Washington Ct – sworn

More people at 55 are still working and people are retiring older. Mr. Dean – There will be no children in this development and the minimum age would be 55. What would be the impact to the house directly across from the proposed development entrance? Mr. Dean – The driveway is offset from our proposed driveway to the south, about 40’ apart.

Lucy Tullo – 9 Old Lane Extension - sworn

The houses are close to the road near Valhalla Road, how will an additional 266 cars affect that corner. Mr. Dean – There are already 10,000 cars per day that go down that area, so it will be a minimal change.

Faith Rothenburg – previously sworn

What happens if this does not turn out the way your reports predict, what is our recourse? Mr. Dean – We look at the circumstances and suggest areas to address problems. I have not heard any other problems except Valhalla and we addressed that problem.

Thomas Longo – previously sworn

Over what length of time were the traffic counts taken in 2019? Mr. Dean – June 5th to June 6th 2019. Mr. Longo – What were the counts for those 2 days? Mr. Dean – I do not have the counts at this point. Mr. Longo will submit traffic counts from the County to the Land Use Office for our professionals to review.

Anthony Angiolini – previously sworn

Are the standards based on owner or rental properties? Mr. Dean – No. Mr. Angiolini – Are the counts including deliveries, visitors, etc. Mr. Dean – The machine counts cars, does not decipher between occupants and deliveries or visitors. Mr. Angiolini – Will there be a left turn lane on 202 into the project? Mr. Dean – No, and there is not a safety issue.

Olivia Nasisi – previously sworn

What percentage of the people will be using dial a ride? Mr. Dean – The County acknowledge that there are no public transit options in the area of the development but there will be access to the dial a ride program and the county program MAPS. We comply with the RSIS standards. If the Board thinks the project is overparked we can put in less parking. The 2 recently approved projects traffic studies Sterling and Juve were included in our report.

John Nasisi – sworn

Since your counts were done around covid and everyone is going back to work how does that effect your counts. Mr. Dean – We did our counts prior to covid so it has no effect.

Note: Mr. Kovalcik left the meeting at 9:50pm.

Gerhardt Mayer – sworn

Can the developer put in a left turn lane. Mr. Dean – The question was asked and answered. Mr. Marinello – The County did not want a left turn lane.

Adrian Gil – previously sworn

Asked about the traffic counts. Mr. Dean – Explained the installation and monitoring of the machine that does the counts.

Neil Boyle previously sworn

Asked questions about grade and the effects of sight distance. Mr. Dean – There are no undulations in the road so it would not affect sight distance.

Ralph Fredericks – 240 Main Rd – sworn

Asked if the speed limit can be lowered. Mr. Dean – It is a County Road, and it is up to the Police Department, the Governing Body and the County to determine the speed limit. Mr. Fredericks – Not in favor of a left turn lane.

Judy Ballentine – previously sworn

Will there be sidewalks and crosswalks from the parking areas to the buildings? Mr. Dean – Yes.

The application was carried with notice to the April 20, 2023 hearing with an extension of time to act to May 31, 2022

MINUTES

Minutes of 2/1/23 Eligible: Moore, Miller-Sanders, Pierce, Cain, Giordano, Marinello

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

Minutes of 2/16/23 – Eligible: Moore, Pierce, Giordano, Miller-Sanders, Cain, Marinello

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

INVOICES

INVOICES CARRIED TO APRIL 20, 2023

Carroll – Trust for: \$120.00 (Diversified 55+)

Bowman – Trust for: \$283.00 (Gupta & Patel), \$240.00 (Jusino), \$184.50 (Muller), \$240.00 (Newmark), \$240.00 (Senatore), \$520.00 (Stager), \$793.50 (Wallizadeh)

Burgis – Trust for: \$360.00 (Gupta & Patel), \$80.00 (Jusino), \$680.00 (Kucko), \$240.00 (Newmark), \$80.00 (Patel, Ambar) \$560.00 (Senatore), \$560.00 (Stager)

OTHER BUSINESS

None

CORRESPONDENCE

None.

CLOSED SESSION

None

ADJOURNMENT

There was a motion to adjourn was made by: Miller-Sanders; Second by: Giordano; Roll call: Unanimous.

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of April 20, 2023 hearing

ⁱ Certified to 10/20/22 hearing

ⁱⁱ Needs to certify to 2/1/23 hearing; Certified to 10/20/22 hearing

ⁱⁱⁱ Certified to end of 2/1/23 hearing

^{iv} Certified to 10/20/22 hearing