

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF MARCH 6, 2019
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 – Entrance noted

Deane Driscoll - Present

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

Shelly Lawrence – AE

James Marinello - Present

Ron Cain, Rd. (Alt #1) - Present

Mark Wechsler (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

ZC18-18– Royce, Joseph – 46A Taylortown Road – B: 15.02, L: 16 – C variance for pillar height; gate height and fence height - carried with notice from 2/6/19 – Eligible: Moore, Miller-Sanders, Driscoll, Pierce, Cain, Shirkey, Wechsler, Marinello
ACT BY: 5/7/19

Present on behalf of the applicant: Joseph Royce, applicant.

Mr. Royce –previously sworn

I was able to find 3 variances similar to what I am asking for in my project. My engineer revised the plan to setback the gate at 25' and propose a turnaround area. The rock/boulder is to be removed. The Fredericks application was a flag lot on Route 202 like mine and asked for a greater gate/fence height for security. The Masticcio application was approved for gates 7.5'. The Diorio application on Waughaw Road was approved a gate of 6.75' based on security reasons.

NOTE: Ms. Pierce enters.

Mr. Szabo – This is a flag lot so there is no clear view from street, so there are security reasons. Mr. Giurintano – There is a 1' elevation change from one side to the other, if you have to raise the panel you would have to request a higher variance. Mr. Royce – It is a flat driveway.

Open to public – none.

Mr. Moore – How will UPS trucks turn around? Mr. Royce – A UPS truck is 23’ long; the gate is set back 25’ and there is a turnaround now proposed. The Traffic Safety Officer indicated that the proposal was acceptable. Mr. Marinello – Home based business or commercial vehicles parked behind the gate? Mr. Royce – No.

Closed to public.

Mr. Marinello – The Waughaw Road resolution granted previously seems very similar to this application, while the others are distinguishable. Mr. Shirkey – Flag lots do have some need for acknowledgment of a car coming up the driveway.

Motion to approve the application, previous approvals in the past, no detriment to zoning laws, added the turnaround, unusually laid out flag lot, subject to Traffic Safety Officer’s comments made by: Mr. Moore; Second by: Mr. Driscoll; Roll call: Yes – Moore, Miller-Sanders, Driscoll, Cain, Shirkey, Wechsler, No - Marinello

NEW BUSINESS

ZC21-18– Dostal, Bruce – 33 Forest Pl – B: 109, L: 29- variance for pool/pool equipment in front yard –
Notice Acceptable ACT BY: 5/14/19

Present on behalf of the applicant – Bruce Dostal, applicant

Bruce Dostal, applicant - sworn

I would like to put a pool in my back yard which is technically a front yard because it fronts on a unimproved road. There was a variance granted for a garage in the past on this property. Mr. Szabo – Was information provided on the dedication? Mr. Dostal – I intend on providing the dedication as part of this application which was required as part of the previous application. Mr. Giurintano – Will the right of way dedication put you into a variance situation? Mr. Dostal – No. Will provide the information on the pavers as requested in the Omland report. Grass to be put in the vegetative area which is overgrown weeds at this time. Replacing shed in a conforming location.

Open to the public – None.

Mr. Shirkey – Pool equipment to be verified in correct location prior to gummitte. The cul-de-sac ends on private property.

Motion to approve the application subject to prior to the installation of pool equipment/pool the location of the pool/equipment should be surveyed to prove pool equipment is located in the correct location; right of way dedication prior to issuance of building permit; working with the board engineer on drywells and silt fencing, no impact on general public, private land behind and on the side of him, paper road will never be developed, benefits outweigh negative impact on the public made by: Mr. Shirkey; Second by: Mr. Driscoll; Roll call: Yes – Moore, Miller-Sanders, Driscoll, Shirkey, Pierce, Cain, Wechsler, Marinello

MINUTES

Minutes of February 6, 2019 Eligible: Moore, Miller-Sanders, Driscoll, Pierce, Cain, Wechsler, Marinello

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

INVOICES

Burgis Associates – Trust for: \$573.75 (Chang); \$337.50 (Kulik); \$1,282.50 (Mutts on Main); \$438.75 (Royce); \$202.50 (Tillyros); \$1,215.00 (Tommaso Bros.); \$405.00 (Virk); \$270.00 (Youssef)

Omland Associates – Trust for: \$67.50 (Alexander); \$337.50 (AMJM-2018); \$202.50 (AMJM-2018); \$33.75 (Mutts on Main); \$187.50 (Royce); \$438.75 (Tommaso Bros.); \$135.00 (12 Main Rd)

Pashman Stein – O/E: \$243.00 (Board Business Oct.); \$148.50 (Avalon Bay Lit Oct.); \$94.50 (Avalon Bay Lit Nov); **Trust for:** \$229.50 (Virk); \$364.50 (Virk); \$391.50 (Youssef); \$162.00 (Youssef).

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

RESOLUTIONS

ZC20-18– Tillyros, Ilias & Evangelina – 22 Vista Road – B: 15, L: 6 – C variance for deck setback – Approved – Eligible: Moore, Miller-Sanders, Driscoll, Shirkey, Pierce, Cain, Wechsler, Marinello

Motion to approve made by: Mr. Driscoll; Second by: Mr. Moore; Roll call: Yes- Moore, Miller-Sanders, Driscoll, Shirkey, Pierce, Cain, Wechsler, Marinello

OTHER BUSINESS

Planning Board Secretary Report – 29-46E LLC (Woodstack) approved for outdoor eating area/bar; additional parking and small addition. Masterplan Subcommittee meeting 3/14/19 at 6pm.

DRC Liaison report – DLS Contracting 2nd hearing; Tommaso (Mixed use) were reviewed; PBNJ application for a Wawa was not reviewed because of a lack of quorum for this applicant.

The second meeting in March on the 21st will be canceled.

CORRESPONDENCE

None.

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of April 3, 2019.