

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF MARCH 18, 2021
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=med7cbc53def3eb5548b3d1a176482932>

Meeting number: 132 250 5797

Password: Montville! (66688455 from phones and video systems)

Join by phone +1-415-655-0001 US Toll Access code: 132 250 5797

Link to documents:

https://drive.google.com/drive/folders/1Eso8v9TGy33wAa0jEP_pOLQZz448j7HW?usp=sharing

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 - AE

Deane Driscoll - Present

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

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

Tom Behrens, PP

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

ZC13-20- Dika – 7 Brookwood Rd – B: 101, L: 1 – front setback, side setback, building coverage, impervious coverage variances for addition to single family home – Carried with notice from 1/6/21 – Eligible: Moore, Shirkey, Miller-Sanders, Driscoll, Cain, Weaver, Giordano, Marinello

ACT BY: 3/31/21

Present on behalf of the applicant: Steven Schepis, Esq; Jonathan Babula, Architect; Frank Matarazzo, PE; PP; Lirim Dika, applicant

Mr. Babula – Previously sworn

On the right side of the house we reduced the size of the garage, which brings the combined side yards into compliance. The existing shed is to be removed and a new conforming shed is proposed. Impervious and building

coverages have been updated. Required side yard setback is 20' where 13' is existing and proposed on the left side; on the right side the existing was 26.5' and proposed 15'. Side yard combined variance no longer required. Required combined side yard is 35% or 28 ft. Proposed is 28 ft. which conforms to the ordinance. Existing building coverage is 11.1% where 14% is allowed, and 19.1% is proposed, which requires a variance. Undersized lot at approximately 11,000 s.f.

Mr. Dika – Previously sworn

Exhibit A-4 – March 10, 2021 letter with exhibits from Mr. Schepis

Mr. Dika – Pulled public records from Morris County to find information on surrounding properties. Pulled tax record property cards to find coverages for all of the properties listed in A4. My lot is one of the smallest in the area. Soil testing was done on my property since the last meeting.

Mr. Matarazzo – previously sworn

Created an exhibit showing an addition on the house on lot 5 - showing a similar side setback as requested.

Exhibit A-5 – conceptual addition block 101 lot 2

Mr. Matarazzo - We had dug test pits in the rear yard. We did soil logs. Took a sample at 6' depth to determine permeability analysis. Not very permeable soil, some clay layers, some ground water seepage. Hit rock at about 6'-7' down. The cultec type chamber drywell spread out over a wider footprint will be suitable for this site.

Mr. Matarazzo – Reviewed A5 for the board. Existing non-conforming setbacks on several homes in the neighborhood. Reviewed minimum lot areas and building coverage allowances in several different zones. Various types of smaller homes along Brookwood Rd. near Barney Ln. Further down Brookwood are larger lots and larger homes. No negative impact to the surrounding area. Not out of character with the neighborhood. Pre-existing non-conforming front yard and side yard. Substantial aesthetic improvement to the property. Benefits outweigh the detriments with the granting of the bulk variances requested.

Mr. Behrens – Has the new shed been properly included in the building and impervious coverage calculations? Mr. Matarazzo – It will be at 19.1% building coverage as requested, the plans will be revised. No deck, patio or rear amenities proposed. Mr. Babula – It slopes off quite a bit in the back. My client did not intend to have a deck. Mr. Behrens – can you reduce the garage width any further to be more conforming with the setback? Mr. Babula – It would make it difficult to get a car in if it was narrower. Mr. Behrens – Why were the lots on the chart not closer to the subject property? Mr. Dika – I used Brookwood and Berlin and just expanded to other properties in my overall general research. Mr. Behrens – There were parcels closer to this site that were not on the list.

Mr. Omland – Was the rock you found during test pit at 6' fractured? Mr. Matarazzo – It was 3'-4' wide and solid rock. Mr. Omland – The applicant is asking for relief for driveway turnaround, no testimony heard. Mr. Omland- Is the cut out in the driveway to save the tree? Mr. Dika – The tree was already removed. Mr. Omland – What is the purpose of the cutout? Mr. Babula – It is existing and would increase the impervious coverage. Mr. Omland- Why not taper it and remove some impervious coverage? Mr. Schepis – We can do that.

Open to the public – none

Mr. Moore – Was the impervious coverage shown to be removed from the driveway shown in the impervious coverage calculation? Mr. Babula – Yes. Mr. Shirkey – If the proposed shed was under 100 s.f. would it be considered in building coverage calculations? Mr. Matarazzo – It would not be counted as building but would be counted as impervious coverage. Mr. Shirkey – Did you consider a 16' garage door and narrow the garage a little to reduce the variances? Mr. Babula – The total width of the garage is 21' where a typical garage width is 24'. Mr. Marinello – You said that the additions bring this into the character of the neighborhood, I am concerned this sets the table for over-building. Mr. Matarazzo – I do not feel it is over-building. We would still be 200 s.f. smaller than #3 Brookwood and the proposed house is narrower. Mr. Marinello – On a smaller lot.

Mr. Schepis summed up testimony. The zoning ordinance has changed so much over the years. Lot size requirements have increased and coverage requirements have decreased, which effects the pre-existing properties.

This is a chance at making an effort to make the transition up the road to the larger homes up the road. It is making a great improvement to the lot and the neighborhood.

Closed to public

Mr. Shirkey – Existing house is a split level that is difficult to redesign. The applicant is looking for a modern day family home. My concern was the building coverage, the impervious coverage complies. Concerned that there is no deck or patio. Mr. Marinello – There is not much use of the yard but any patio or deck would require a return to the board. Mr. Ackerman – The Architect indicated that the back yard would be used as is.

Motion to approve the application, undersized lot, no negative impact, driveway turnaround waiver as well to be granted, as built survey prior to construction of the structure required made by: Moore; Second by: Miller-Sanders; Roll call: Yes – Moore, Shirkey, Miller-Sanders, Driscoll, Cain, Weaver, Marinello

ZMS/D16-20 – Augustus Automotive – 219-221 Changebridge Road– B: 138, L: 9 – use variance and minor site plan for automotive repair use– carried with notice from 1/6/21 – Eligible: Moore, Shirkey, Miller-Sanders, Driscoll, Cain, Weaver, Giordano, Marinello
ACT BY: 3/31/21

Present on behalf of the applicant: Jacqueline Greenburg-Vogt, Esq.; Chris Wolverton, Architect; Figuieredo general manager; Jessica Caldwell, PP

Ms. Greenburg-Vogt – Requesting a D Variance for automotive repair. Existing building is mixed use. Reviewed the 2 phase of the plan proposed.

Christopher Figuieredo, general manager - sworn

Hours of operation will be 9am-6pm Mon-Friday; 9am-12pm on Saturday. Maximum of 6 employees, 10 employees maximum after phase 2 is completed. We have a company that picks up waste oil, anti-freeze and used filters. No parts or equipment to be located in the parking area. 4 spots reserved for vehicles waiting to be repaired. Rear of the site not visible from the street. Would not hear noise from the building. Doors would be closed during operation, even during the summer since it is air conditioned. The front 25% of the building is traditional office space, no change to that section of the building. The rear 25% of the building, shop area, will be continued to be used in its current form. The central 50% of the building is office flex space, completely empty currently and would remain empty during phase 1. During phase 2 it would be turned into the additional shop and automotive repair area.

Mr. Wolverton – previously sworn

The building coverage and impervious coverage calculations have been corrected.

Exhibit A-6 – revised site plan SP-2 revision 4

Mr. Wolverton – The ramp slope was reduced. Added planting areas. Man door and overhead door proposed. We have enough parking on the site, no variance required. Existing shed to be removed. Re-striping parking spaces in front of the building providing 4 compliant ADA parking spaces. Parking chart updated. Updated impervious coverage and FAR schedule.

Exhibit A-7 – SP-3 striping plan revision 3, March 16, 2021

Mr. Wolverton – Reviewed A-7 for the Board. The 4 spots for cars waiting to be worked on will be marked.

Mr. Figuieredo – No repair work will be done in the parking lot; it will be done solely inside. No parking of vehicles on site that are in disrepair. The dumpster enclosure was repaired. A front gate will be added to the front of the enclosure to meet the ordinance. Any tires will be removed from the site. Ms. Greenburg-Vogt – A recycling plan will be submitted. An updated landscaping plan has been provided. Will comply with the Design Review Committee comments. An updated lighting plan has been provided.

Exhibit A-8 – Lighting Plan Revised 3/17/21

Mr. Wolverton – Reviewed A-8 for the board. Decorative lighting to be installed along Changebridge Road. Light level contours have been provided. Ms. Greenburg-Vogt – Requesting a waiver from providing pedestrian amenities. Not requesting any wall signage.

Jessica Caldwell, PP – sworn

Requesting waiver from pedestrian amenities necessary on this site. We have a waiting room in the building. Most customers drop off vehicles and leave the property. Reviewed surrounding zones and uses in the area. Minimal improvements to the site proposed. Parking on site is adequate. Access to a County Road. The front of the building will remain the same. Less intense use than other uses that are permitted in the zone. Proposing streetscape building and additional landscaping. No substantial change to the character of the property. No substantial detriment to the public good or zone plan and zoning ordinance. No increase to impervious coverage. Less traffic than prior approved office use. Proposed use is keeping in line with the previous use. Lesser impactful use than other uses permitted in this zone. You can manufacture a vehicle in this zone but you cannot repair one; repair would be a less intensive use.

Exhibit A-9 – Revised Landscape plan by Todd Koenig.

Mr. Wolverton – Reviewed the revised Landscape Plan. Reviewed phase 1 and phase 2 improvements.

Mr. Behrens – The plans will have to be revised to be consistent with the exhibits proposed this evening if this application is approved. Discussion ensued on noise and how it cannot be heard from outdoors.

Mr. Figuieredo – Would agree to a condition that no vehicles will be parked overnight in the parking lot. Mr.

Behrens – Would you agree to a condition of no unregistered vehicles or inoperable vehicles to be stored overnight.

Mr. Figuieredo – Yes. Mr. Behrens – Do you see office and automotive repair to be incompatible uses? Ms.

Caldwell – I do not see them as incompatible and won't negatively affect each other. Mr. Behrens – My concern is that the uses can exist in harmony.

Mr. Omland – It is hard to follow the testimony on the revisions due to the number of exhibits that are to be a form of a revised plan. Need a list of the plans and their revision dates in order to follow the testimony. When partial plans are submitted I do not know if the previous plans are no longer proposed. Mr. Wolverton – I can provide a plan with all the updates to have one coherent plan with a list of the evolution of the plans so far. Mr. Omland – The business plan will grow with the business. Mr. Figuieredo – Yes. Mr. Omland – What will stop this from growing into a use such as a Jiffy Lube which has a high turnover. Mr. Figuieredo – It is projected at this moment, a Jiffy Lube or auto body or detailing business is not what I am looking to do. I am a representative of the owner. Mr. Omland – So your testimony will bind the owner. Mr. Figuieredo – Yes. Ms. Greenburg-Vogt – They will not do auto body or detailing.

Mr. Omland- Are there any controls to limit the time period with which the overhead doors are open so the noise does not impact the surrounding neighbors. Mr. Figuieredo – We intend to open the door, move in a vehicle and close the door. There will be a man door to the rear for employees to go in and out. My intent is to use the proposed rear door even though the side doors will remain operational. Mr. Omland – The landscaping must be installed in phase 1. Mr. Omland – Are the streetscape lights located on the property or in the right of way? Mr. Wolverton – On the property line. Mr. Omland- They must be moved to be on the property itself. Mr. Wolverton – Ok. Mr. Omland- The gooseneck arm is required on the Sternburg lighting fixture. Mr. Wolverton – Will comply. Mr. Figuieredo – There will never be materials left outside and the dumpster will never be left open.

Mr. Marinello – There will not be a key drop where a car can be dropped off after business hours. Mr. Figuieredo – No cars to be parked on site overnight. Mr. Marinello – How is this not a high pedestrian area, with a day care, pizza place, etc. in the area. Ms. Caldwell – I do not believe that benches on this property should be installed for a pizza place down the street. Mr. Marinello – The goal is to make this a walkable town where currently it is not.

Open to the public –

Charles Dyak – previously sworn

If you are doing 10 cars a day now will you be doing 25 cars after phase 2? Mr. Figuieredo – I do not expect to do 10 cars a day now, maybe 5 in phase 1. Mr. Dyak – I see this project expanding greatly in the next couple of years.

Tim Braden – previously sworn

What percentage of the work will be alignments and what percentage will be oil changes and other services? It would be helpful to know how the customers will be entering the building and leaving the building. Why do you need a 12' overhead door for a light duty vehicle?

Ms. Greenburg-Vogt – Primary use is alignment. Repairs would only be done attendant to the alignment of the vehicles. Mr. Figuieredo – Not proposing a general auto repair shop such as Valero & RAR on Changebridge Road. Mr. Figuieredo – The size of the bay door is proposed to be consistent with the existing bay doors. There will be an additional wall, during phase 2, that will be between the office space and the shop for noise attenuation. The focus is not to be doing oil changes.

Mr. Driscoll – Need cohesive plans. Mr. Shirkey – What is the difference between an alignment shop and an automotive repair shop? Mr. Marinello – We need a resubmission of plans. There will be no further questions/comments from the public. No additional testimony. Mr. Moore- Needs more details on the tools to be used in the shop. Mr. Weaver would like to know the percentage of lift space vs open space. Mr. Miller-Sanders – There can be time controlled bay doors. Mr. Cain – How would I be directed to the rear door. Concerned with access to the hydrant. Mr. Driscoll – Floor plan to show how they will stack cars if not picked up on time. Mr. Shirkey – Submission of specifics on business model. Mr. Marinello – Be specific as to if any vehicle over 2 axles will be worked on.

The secretary will look for a special meeting prior to the June meeting and the applicant will re-notice.

Carried with notice to June 2, 2021 with an extension of time to act until June 30, 2021

NEW BUSINESS

None

MINUTES

Minutes of March 3, 2021 – Eligible: Moore, Shirkey, Pierce, Cain, Giordano, Marinello

Motion to adopt made by: Shirkey; Second by: Moore; Roll Call: Yes – Moore, Shirkey, Cain, Giordano, Marinello

INVOICES

Burgis Associates - Trust for: \$1,387.50 (Augustus Automotive), \$600.00 (Augustus Automotive); \$112.50 (Boonton Properties), \$750.00 (Boonton Properties); \$487.50 (Dika); \$37.50 (H.G. Martin), \$862.50 (H.G. Martin); \$37.50 (Lakeland); \$1,050.00 (Monarch); \$1,762.50 (Monarch); \$75.00 (Morris Animal Inn), \$712.50 (Morris Animal Inn)

Omland Associates - Trust for: \$968.75 (Augustus Automotive); \$262.50 (Augustus Automotive); \$450.00 (Boonton Properties); \$262.50 (Dika); \$562.50 (H.G. Martin); \$825.00 (Monarch), \$75.00 (Monarch)

Pashman Stein PC - O/E: \$165.00 (Board Business, December 2020) **Trust for:** \$ 255.00 (Augustus Automotive); \$30.00 (Boonton Properties); \$345.00 (Dika); \$855.00 (Monarch)

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

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Liaison report – Started hearings on Juve Group 465 Main Rd – 70 Units, 14 of which will be affordable units. Part of the Affordable Housing Settlement Agreement.

Board of Adjustment
3/18/21

DRC Liaison report – Reviewed **PSPP/FC/PSOIL21-0 – Catbridge Machinery** – 115 Main Rd – B: 51, L: 28.01
and **PSPP/FC/PSOIL20-12– Juve Group** – 465 Main Rd – B: 87, L: 1

CORRESPONDENCE

None.

ADJOURNMENT

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

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of April 7, 2021.