

May 5, 2021  
Board of Adjustment

**MONTVILLE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MAY 5, 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=mc6828d39ca344ecac33f4f8f6ed23b68>

Meeting number: 132 688 2382

Password: sXPRsujD338 (79777853 from phones and video systems)

Join by phone +1-415-655-0001 US Toll Access code: 132 688 2382

Document link:

[https://drive.google.com/drive/folders/1gxhEs9Pe5Cn22xkq5op-B9e4Pt\\_beMmi?usp=sharing](https://drive.google.com/drive/folders/1gxhEs9Pe5Cn22xkq5op-B9e4Pt_beMmi?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 - AE

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 - Present

Tom Behrens, PP - Present

Also present: Bruce Ackerman, Esq. - Present

**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**

None

**NEW BUSINESS**

May 5, 2021  
Board of Adjustment

**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  
ACT BY: 5/31/2021

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

Ms. Miller-Sanders stepped down for this application.

Mr. Valenziano stated that Lakeland Bank is requesting three variances for a generator.

Mr. O’Neill – sworn

We have had several emergencies lately and feel the need to keep the bank open during these natural disasters. It would also be made available to the public to charge phones, etc. as needed.

Mr. Gimigliano - sworn

Gas service and electrical are on the front of the building. Shared parking lot with the building next door. Chose the front of the building in a landscaped area near the utility connections. Will be located by a berm with existing landscaping and additional landscaping will be installed. OB-1 zone, which does not allow the bank use. Existing non-conforming use. Use variance required. Already over impervious coverage due to shared parking. 143 s.f. additional impervious coverage over what is allowed by ordinance. Generator in a front yard is another variance. Corner lot. Generator to be exercised once a week for no more than 30 minutes during business hours.

Jessica Caldwell, PP – sworn

Zone changed in 2004 leaving the bank as a pre-existing non-conforming use. Proposal promotes general health, safety and general welfare. Bank can remain open during power loss. Generator proposed to be screened from view. No negative impact to surrounding properties. No detriment to zone plan or zoning ordinances. Requesting variance for generator in the front yard and impervious coverage. Generator pad will be 143 s.f. Corner lot. Only viable location is in the front yard. Benefits outweigh any detriments.

Mr. Behrens – Are there any alternative locations? Mr. O’Neill – The most practical connection for the generator is in this location because that is the location of the gas service. Will the applicant request relief from the Streetscape requirements? Mr. Valenziano – We requested a design waiver from the Streetscape requirement, the shade tree requirement, site lighting, and the pedestrian amenities. Mr. Omland – No comments.

Mr. Moore – How tall will the generator be? Mr. Gimigliano – 4.8’ tall. Mr. Marinello – How many of those parking spaces are required? Can 143 s.f. be converted to additional landscaping? Mr. Gimigliano – This location would cause the least destruction on site.

Open to the public - None

Mr. Valenziano requested the application be carried to June 17, 2021 with an extension of time to act to June 30, 2021.

**ZSPP/FCD11-15-17-20– Morris Animal Inn** - 117 Boonton Ave – B: 3, L: 39.1 – amended site plan with variances – Notice Acceptable  
ACT BY: 6/10/21

Present on behalf of the Applicant: Larry Calli, Esq; Mark Gimigliano, PE

Mr. Calli – Before the board for 2 minor changes that occurred during construction. The Hot Box and the Sign. There is an insulated box in the front yard and the monument sign will be slid over from the original location.

Mr. Gimigliano – Sworn

Reviewed the previous approval for the Board as an Animal Inn. The sign was approved near the driveway. A variance was granted for sign in a residential zone. Propose the sign in the center of the property, same sign, no changes. Landscaping around the base with ground mounted lights. Hot Box is a heated enclosure for the back flow

May 5, 2021  
Board of Adjustment

preventers on the water system. Located where the water service comes in. Water Department required the hot box. The County had no issue with the Hot Box location. 6.3' tall. Another Hot Box is down the road at the Marotta site. Plan to landscape around it and paint it green to lessen the visual impact.

Mr. Behrens – Inconsistencies in the plans. Mr. Gimigliano – The plans will be updated accordingly. Evergreen shrubs to screen the Hot Box proposed. Mr. Omland – Concerned with sight distance after landscaping is added.

Mr. Marinello – Is there any mitigation for the height? Mr. Gimigliano – I do not know why that particular Hot Box was selected but it was selected with the Water Department. It has to be in that area of the property. Ms. Mowles indicated that a required reports list was requested but no reports have been received to date.

Open to the public – none – closed

Motion to approve the application subject to approval from the County for the hot box to be placed in the right-of-way, landscaping plan to be submitted and approved to the appropriate township officials in order to adequately screen the hot box and to not affect the sight lines with grown shrubbery; if the Water and Sewer Department can suggest a less intrusive alternative location, the applicant will return to the Board with their recommendation, made by: Moore; Second by: Miller-Sanders; Roll call: Yes - Moore, Pierce, Miller-Sanders, Cain, Weaver, Giordano, No - Marinello

**ZC10-20– Donohue** – 35 Buckingham Cr – B: 149.01, L: 3 – front, side & rear setback variances for addition to single family residence. Notice Acceptable ACT BY: 7/2/21

Present on behalf of the Applicant: Patricia Donohue, applicant; Brian Murphy, Architect

Mr. Marinello stepped down for this application.  
Mr. Moore chaired the meeting.

Mr. Murphy - sworn

Reviewed the property for the Board. R-27A zone. Slightly undersized lot. Corner lot, 2 front yards. 44.6' existing non-conforming 42.6' and 42.1' proposed. Rear yard proposed 39.7' where 50' required. Side setback 15' required where existing 7.7' and proposed at a lesser encroaching setback than existing at 10'. 16.45% building coverage requested where 16% allowed. Home is outdated. Proposing to add a 1 car garage. Existing garage is not large enough to hold a car. Propose a garage, mudroom, front portico and master bedroom suite. Adjacent property is woods and the Manchester Park. The house was skewed from the building envelope and property lines when it was built in 1965.

Mr. Murphy reviewed the interior alterations. Reviewed photos of the site and surrounding area for the Board. No issues with sight triangle. Vast majority of homes in the neighborhood are 2 story homes. This is a ranch house. Meets objective of maintaining and improving existing housing stock. Keeping light, air and open space by keeping this a ranch style home. No detriment to the public.

Mr. Behrens – C1 or C2 variance requested? Mr. Murphy – Can be C1 or C2 variance. Undersized lot, house set askew and close to the side property line, corner lot. Keeping ranch houses intact is keeping open air in the neighborhood. Proposed portico provides safety during the weather. Mr. Behrens – Did you consider going vertical? Mr. Murphy – We spoke to contractors and moving a master bedroom to the second floor is not good for people as they get older and cannot put the garage on the 2<sup>nd</sup> floor.

Mr. Omland – Does the shed belong to the property in question? It is not shown on the survey and will increase the building coverage. Mr. Murphy – I am not sure. Mr. Omland – It appears it is on the property and will add ½% of building coverage. Will it be removed if it is on the subject property?

Ms. Donohue – sworn

We have been told that the shed is on town property but it will be coming down, it is dilapidated.

Mr. Omland- Will drywells be installed? Mr. Murphy – Yes, we will hire an engineer to handle that.

May 5, 2021  
Board of Adjustment

Mr. Weaver – Any discussion to reduce the size of the master bedroom to mitigate the variance requested? Mr. Murphy – This is a very small master bedroom. Mr. Weaver – Intend to expand deck? Mr. Murphy – No.

Open to the public – closed

Motion to approve the application, unique shaped lot, subject to soil testing confirmed by Board Engineer, location of the drywells in a front location to not have an effect on immediate neighbors, removal of the shed made by: Miller-Sanders; Second by: Giordano; Roll call: Yes - Pierce, Miller-Sanders, Cain, Weaver, Giordano, Moore

## **MINUTES**

Minutes of April 7, 2021 – Eligible: Moore, Pierce, Driscoll, Miller-Sanders, Cain, Weaver, Marinello

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

## **INVOICES**

**Burgis Associates - Trust for:** \$225.00 (Augustus Automotive); \$1,312.50 (Boonton Properties), \$450.00 (Donohue); \$112.50 (Lakeland); \$75.00 (Monarch); \$412.50 (Mutts on Main)

**Omland Associates - Trust for:** \$825.00 (Augustus Automotive); \$450.00 (Dika); \$112.50 (Donohue); \$712.50 (H.G. Martin); \$2,437.50 (Monarch)

**Pashman Stein PC - O/E:** \$390.00 (Board Business January 2021); \$180.00 (Board Business February 2021)  
**Trust for:** \$150.00 (Augustus Automotive); \$1,590.00 (Boonton Properties); \$15.00 (Donohue); \$315.00 (Monarch); \$15.00 (Morris Animal Inn)

Motion to adopt made by: Moore; Second by: Miller-Sanders; Roll call: Unanimous

## **RESOLUTIONS**

None

## **OTHER BUSINESS**

None

## **CORRESPONDENCE**

ZC01-21 Vodlakonda, Naveen – 7 Ellerhausen Dr – B: 75, L: 12 – dismiss without prejudice per applicant’s request

Motion to dismiss without prejudice made by: Moore; Second by: Miller-Sanders; Roll call: Yes - Moore, Pierce, Miller-Sanders, Cain, Weaver, Giordano, Marinello

## **ADJOURNMENT**

Respectfully submitted,

Jane Mowles, Land Use Administrator