

**MONTVILLE TOWNSHIP
ZONING BOARD
MAY 20, 2021
SPECIAL MEETING MINUTES
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=m4ee8ab5075c74a0d79bc1978809aceef>

Meeting number: 132 051 3615

Password: VJbVpvai854 (85287824 from phones and video systems)

Join by phone +1-415-655-0001 US Toll Access code: 132 051 3615

Meeting materials will be posted online and can be obtained via:

<https://drive.google.com/drive/folders/1NtSMQtmfhBPi68Wzb-DxCujHbEi498qd?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.

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

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 & 3/18/21 – Eligible: Moore,

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Shirkey, Miller-Sanders, Driscoll, Cain, Weaver, Giordano, Marinello Notice for Special Meeting
Acceptable ACT BY: 6/30/21

Present on behalf of the applicant: Jacqueline Greenburg-Vogt, Esq; Mark Bak, Architect; Figueredo
general manager; Jessica Caldwell, PP

Ms. Vogt requested the following exhibits be marked into the record.

A1 as of 5/20/21 - site plan revision 4 as of 5/18/21
A2 as of 5/20/21 - SP2 revised 3/18/21
A3as of 5/20/21 - floor plans revised 4/8/21
A4 as of 5/20/21 – document revised 3/18/21
A5 as of 5/20/21 - document revision dated 4/28/21
A6 as of 5/20/21 - revised business plan as of 5/18/21
A7 as of 5/20/21 - recycling plan

Mr. Bak – sworn

The maximum FAR has been revised along with the maximum lot coverage. The revisions were made in accordance with the Board Professional requirements at the last hearing.

Ms. Vogt reviewed the most recent Burgis report. Mr. Bak – Gooseneck lighting on building will be provided. Streetlights will be on the applicant's property. No building sign proposed.

Mr. Figueredo – previously sworn

Direction sign will be near the entrance and an entrance sign on the lobby door was added to guide the customers where to enter. No customers in rear. Bak – 77 parking spaces proposed in phase 1 where 72 spots are required. The office space shown on the plan will not be used as office space otherwise the parking requirement will increase.

Ms. Caldwell – previously sworn

Reiterated her prior testimony indicating that the revisions make the application more conforming than before. The applicant has agreed to provide the amenities as requested.

Mr. Behrens - The maximum number of vehicles serviced per day is 8 even though there are 8 lifts inside? Mr. Figueredo – Yes. Mr. Omland – The business plan is adequate. The business is not to expand to general auto repair

Open to the public

Mr. Braden – Previously sworn.

Asked if testimony will happen on the business plan. Mr. Marinello indicated that if he has specific concerns he can put them on the record. Mr. Braden - Concerned that if there is no office space then the entire building can turn into an auto repair shop. Mr. Figueredo – Augustus Automotive services are limited to auto alignment specified in the business plan. The site is limited to the number of vehicles based on the size of the location. Maximum vehicles per day is 8. 50% office space and 50% shop space.

Ms. Miller-Sanders asked about the 2 phases. Ms. Vogt explained the 2 phase process and that the Board would be approving phase 2 development. Mr. Weaver asked if the applicant plans to expand the automotive operation in the future. Ms. Vogt indicated that what is applied for is what the applicant is wanting to do.

Closed to the public

Mr. Omland – If the board is to approve, I suggest the business plan be incorporated on the site plan. Mr. Marinello – This was a non-office use previously.

Motion to approve the application, very unique and specific use, sufficient parking, lighting, sound attenuation, pedestrian amenities, subject to all recommendations by the board professionals, and monument sign in conformance with the Design Review Committee comments and business plan to be added to the site plan: Moore; Second by: Cain; Roll call: Yes - Moore, Miller-Sanders, Cain, Weaver, Giordano, Marinello

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 – carried with notice from 9/30/20, 11/19/20, 1/20/21 & 4/7/21– Eligible: Moore¹, Pierce, Driscoll², Shirkey, Miller-Sanders³, Cain, Weaver, Giordano⁴, Marinello⁵
ACT BY: 6/1/21

Present on behalf of the applicant: Antimo Del Vecchio, Esq.; Erik Anderson, Architect; James Graber, Senior Housing Appraiser; Brad Bohler, PE; Richard Preiss, PP.

Mr. DelVecchio requested the following exhibits be marked in:

- A-39 – Mr. Priess updated Socio Economic Memo 5/2021
- A-40 – Mr. Priess Updated Planning report 5/10/21
- A-41 – Boswell remedial actions outcome 5/6/19
- A-42 – Boswell preliminary assessment phase 1 report 7/27/17
- A-43 – Bohler 4/27/21 letter
- A-44 – PowerPoint Presentation prepared by Mr. Preiss

Mr. Preiss – sworn

I have attended all of the previous hearings, reviewed the Master Plan and Zoning ordinances. Reviewed the existing site and surrounding properties and uses for the Board. Multi-level facility, Congregate Apartment Housing, Assisted Living and Memory Care. Reviewed the breakdown of units within the facility. Reviewed the services and amenities at each level of service. Congregate housing is different from Independent Living housing, less active adults (mid 80's and older) live in Congregate Living. Allows residents to age in place with 3 levels of care. Inherently beneficial use. Reviewed the Affordable Housing set aside. 15% set aside. 165 units overall, 25 credits required (9 Medicaid bedrooms, very low income, in assisted living section, 4 low income bedrooms (can be in the Congregate Apartments) 12 bedrooms to be moderate income (can be in Congregate Apartments). There are 2 bedroom units with shared living area, kitchen and bathrooms to be shared by unrelated individuals in the Congregate Apartments. Affordable housing units will be deed restricted. All rental units. Will comply with affirmative marketing procedures.

Mr. Preiss – This project helps meet the unmet need within the Housing Element and Fair Share Plan. Mr. Behrens – No objections to the calculation of percentages. 3rd round obligation 850 units. The township has a plan to meet the unmet need within the settlement agreement. This property is not included in the HEFSP. There is a project proposed in the Rt. 202 overlay zone that will bring around 30 units. The Township is required to make a good faith effort to achieve the unmet need but is not required.

Open to public –

Kathy Gasper – previously sworn

This site was not a part of the senior housing overlay zones that were approved. Mr. Preiss – This project is an inherently beneficial use and would be an emerging opportunity to satisfy the unmet need with an additional 25 units.

Discussion ensued on inherently beneficial uses. Site is 8 acres. Reviewed surrounding uses in the area. Changebridge Road has a variety of uses. R-20A zone. D1 use variance required. C variances requested: Maximum building coverage 17.% where 16% permitted; maximum impervious coverage of 40.2% where 30% allowed; maximum of 2.5 stories where 3 stories is proposed. 35 ft. height requirement is met with the flat roof option but if the steeper roof with appurtenances option is chosen it would be 36 ft. +/- in height and the applicant would request a variance for same. Parking variances; parking setback of 12.6' at its closest distance where 15'

¹ Certified to beginning of 9/30/20 hearing

² Certified to beginning of 9/30/20 & full 11/19/20 hearing

³ Certified to 9/30/20 hearing

⁴ Certified to 9/30/20; 11/19/20

⁵ Certified to portion of meeting missed on 11/19/20

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required; parking setback from street 50' required 29.3' proposed at closest distance. Fence height variance requested 8' around memory care garden area and the refuse area where 6' allowed. Monument sign not permitted in a residential zone where a monument sign is proposed. Parking requirements from RSIS as interpreted by the Board professionals 194 spaces required where 117 spaces are proposed. Recent update from RSIS so I believe a parking space variance is not required. If the board agrees with their professionals, applicant will ask for that variance. Design exception from installation of a bikeway along the frontage of Changebridge Road. Design exception from steep slope disturbance.

Mr. Marinello – Has anyone looked at a reduction in building and impervious coverage. Testimony on why a 8' fence is better than a 6' fence. Where are we going with bike lanes? How many people on 8 acres is too many?

Open to the public for questions

Mr. Braden – Requested a copy of Mr. Burgis' previous reports.

Mr. DelVecchio – The County indicated that they would not approve a bike lane along the applicant's frontage.

Carried with notice preserved to 6/2/21

NEW BUSINESS

None

MINUTES

None

INVOICES

Burgis Associates - Trust for: \$1,987.50 (Augustus Automotive), \$1,237.50 (Augustus Automotive); \$487.50 (Dika), \$375.00 (Dika); \$900.00 (H.G. Martin); \$1,237.50 (Monarch); \$525.00 (Vodlakonda)

Pashman Stein PC - Trust for: \$630.00 (Augustus Automotive); \$225.00 (Boonton Properties); \$405.00 (Dika); \$45.00 (Donohue); \$420.00 (H.G. Martin); \$15.00 (Mutts on Main); \$60.00 (Vodlakonda)

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

RESOLUTIONS

None

OTHER BUSINESS

Miller-Sanders and Moore to work with Land Use office on protocols on returning to in person meetings.

CORRESPONDENCE

None

CLOSED SESSION

Motion to go into closed session to discuss litigation made by Ms. Miller-Sanders; Second by Mr. Moore; Roll call: Unanimous.

Upon returns from closed session, the board unanimously adjourned.

ADJOURNMENT

Respectfully submitted,

Jane Mowles, Land Use Administrator

