

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF AUGUST 2, 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 - Present
Annabel Pierce - Present
Jake Kovalcik - AE
Ray Giordano - AE
Margaret Miller-Sanders - Present

Ron Cain - Present
James Marinello - Present
Victor Canning (Alt #1) - AE
Larry Lomrantz (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Eric Keller, PE
Tom Behrens, PP

Also present: Kelly Carey, 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

None

NEW BUSINESS

ZC07-22 – Bain, Robert – 216 Brook Valley Rd - B: 24, L: 16.2 – accessory structure height; accessory structure front yard and unimproved road variances - Notice Acceptable

ACT BY: 9/19/23

Present on behalf of the applicant: Jason Marchetta, Esq; Robert Bain, applicant; Matthew Ryan, PE; Jim Cutillo, PP & Arch.

Mr. Marchetta reviewed the variances requested as accessory structure in the front yard; accessory structure height (18.43' where 14' is allowed) and lot facing an unimproved road.

Mr. Ryan, PE – sworn

A-1 – aerial of the subject property

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Mr. Ryan – The property does not have direct access to Brook Valley Rd, there is a shared access easement with the neighbor. Reviewed the surrounding area for the Board. Existing conservation easement and pond on the property. Located the garage in the flattest portion of the lot. 1,696 s.f. garage. Cannot construct it in the rear yard because of the conservation easement and steep slopes. The driveway is 20' wide. No issue with emergency access. The deck is not enclosed or covered. All footings are pre-existing and outside of the conservation easement.

Mr. Ryan – Reviewed the steep slopes map for the board. Plan to be updated to show compliance with steep slope ordinance. Additional asphalt approximately 1,400 s.f. Stormwater management measures will be put in place. Zero net runoff proposed. Proposing to remove 3 trees in the vicinity of the garage footprint. Garage height 18.24' proposed.

Jim Cutillo, PP & Arch – sworn

Proposed to be consistent with the shape and style of the existing home. Large attic with dormers area will not be used as habitable space nor will it be used for storage. In order to get trucks in there the doors are higher. Wanted the garage to blend in with the architecture of the house. Best location on the property for the proposed garage.

Mr. Behrens – Does the existing home have a garage? Mr. Cutillo – Yes a 2 car garage. Mr. Behrens – Utilities proposed to the new garage? Mr. Cutillo – Just electric, no plumbing.

Robert Bain – sworn

Mr. Behrens – All vehicles will be owned by the applicant? Mr. Bain – Everything will be owned by me. Collect historic cars and work on them myself.

Mr. Behrens – Could the garage be located closer to the house? Mr. Ryan – The only other area would require us to infringe into steep slopes more than 25%. Mr. Behrens – Can you make the side setback larger? Mr. Ryan – The ordinance allows 10' and we provided for 20'. Mr. Behrens – Is any buffering proposed? Mr. Ryan – The area is sufficiently wooded and the neighboring residence is at a higher elevation than the subject property and about 100' away from the proposed structure.

Mr. Keller – How is a vehicle going to get into the 4th door on the side facing the house? Mr. Ryan – No asphalt proposed in the at area, going to store lawn equipment. Mr. Keller – Is the deck in the conservation easement. Mr. Ryan – There is a section that overhangs into the conservation easement but there is no disturbance of soil in that area. Ms. Carey – The Board does not have the authority to approve anything within the conservation easement. The deck is pre-existing and whether it violates the easement, or not, is an enforcement issue for the holder of the conservation easement. It is not part of this application. Mr. Marinello – How are we to be sure that a vehicle will not be driving over the drywell? If you leave it that way you will have to upgrade the drywell cover. Mr. Marchetta – My client will either upgrade the drywell or eliminate the 4th door.

Open to the public – none

Mr. Moore- Truss construction for the attic area so no storage? Mr. Bain – Yes. Mr. Moore – So you agree to just three garage doors and two-man doors? Mr. Bain – Yes. Mr. Marinello – Do you propose a refrigerator in the garage? Mr. Bain – No. Mr. Bain explained the oil change procedures as it relates to storage and disposal. Mr. Marinello – The lights would have to be out in the garage by 11pm if not in use. Mr. Bain – The conservation easement was put in place during the subdivision so no further subdivision could occur. Mr. Marinello – Is there a way to mitigate the shared driveway? Mr. Ryan – Due to the steepness of the property it is not feasible for direct access. Mr. Marchetta summed up testimony.

Closed to the public

Mr. Marinello – The building would be sufficiently shielded but in the future it could be easily changed into a business. Mr. Moore- To me this looks like a residential garage. I appreciate the removal of the 4th door. There are no pits on the concrete floor. No commercial business to be permitted on this property.

Motion to approve the application subject to testimony given, compliance with Board professional reports, lights to be shut off by 11pm if not in use, 3 garage doors instead of 4, open truss structure in attic space, not for human habitation, no business to be run out of the garage, no plumbing, the proposal will have no negative impact to zone

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plan or zoning ordinance made by: Moore; Second by: Pierce; Roll call: Yes - Moore, Pierce, Miller-Sanders, Cain, Lomrantz, Marinello

ZC/SOIL12-22 – Kucko, Barbara – 36 Lenape Drive – B: 10, L: 5 – slope variances for new single family residence - Notice Acceptable
ACT BY: 10/4/23

Present on behalf of the applicant: Barbara Kucko, Applicant; Kevin Robine, PE

Ms. Kucko – sworn

Requesting steep slope variances and soil movement for construction of a new home. Proposing 3,000 s.f. house. The board approved 26 Stonybrook Road last year and they asked for more variances than I propose. Located the house in an area that would limit the number of variances and intrusion into the slopes.

Mr. Robine, PE – sworn

Undersized lot for the zone. R-27A zone. Wooded lot. Steeps slopes are over the majority of the property. Variances requested:

Max. Disturbance to Slopes 15% - 19.9%	50% (929 sf)	95.6% (1,777 sf) (v)
Max. Disturbance to Slopes 20% - 24.9%	33.3% (2,048 sf)	72.3% (4,447 sf) (v)
Max. Disturbance to Slopes 25% or Greater	0% (0.0 sf)	56.9% (5,812 sf) (v)

Mr. Robine - A modest home is proposed. 2 car garage. Access off Lenape Dr. 4’ high retaining walls are proposed. 3 drywells proposed. Silt fence to be installed during construction and will remain in place until soil is stabilized and Morris County Soil gives their final approval. Any development on this property would require steep slope variances. Soil movement will be done within the ordinance requirements. 1,480 cy of soil to be moved. Reviewed truck routes for the soil movement process for the Board.

A-1 – Truck route exhibit for soil movement

Mr. Behrens – Tree replacement/landscaping proposed? Mr. Robine – Approximately 60 trees will be removed. Mr. Marinello – Will trees be removed behind the house? Mr. Robine – Yes, to allow for grading and retaining walls. There is a tree replacement plan proposed. Mr. Keller – The landscape plan shows SB but it is not in your chart. Mr. Robine – That would be ivy. Mr. Keller – Would you agree to putting in super silt fence along the northern property line? Mr. Robine – Yes. Mr. Keller – The walls are proposed to be boulder walls do you expect to use boulders on the property? Mr. Robine – Yes. Mr. Keller – Do you propose a fence on top of the walls. Mr. Robine – No. Mr. Robine – No additional kitchen, just a wet bar. Plans will be revised to the Board Engineers’ satisfaction.

Susan Wittner – sworn

Concerned with the quality of the water runoff that will affect our well. Mr. Robine – Most modern wells are cased, and gravel is added. Stormwater runoff should not be affecting the well. Designing stormwater management to have zero net runoff. Ms. Wittner – Is there water testing that can be done? Mr. Keller – That is a health department issue, you should have the well water tested prior to construction and post construction. Ms. Carey – That is a good suggestion to get it tested prior to and after but it is a health department issue not a zoning issue. What the Board can do is require the applicant to meet the state stormwater requirements, and the Board’s professionals will review the plans to ensure they are met. Ms. Wittner – Erosion is a concern. Make sure that there are no trucks turning around in our driveway damaging our landscaping. Mr. Robine – We will have a construction entrance where there will be a turnaround on the property.

O-1 photo showing grade toward neighboring house.

Mr. Cain – Restrict soil movement outside of school bus traffic hours. Mr. Marinello – Blasting? Mr. Robine – No.

Closed to public

Mr. Moore – Applicant to work with the engineer on stormwater management and enhanced soil conservation during construction and additional measures if needed.

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Motion to approve, no detrimental impact on zoning code, no deck, patio only MC soil approval, no blasting, additional review of 26 Stonybrook as conditions exist today because modification may be needed to apply to this project for construction made by: Moore; Second by: Miller-Sander; Roll call: Yes - Moore, Pierce, Miller-Sanders, Cain, Lomrantz, Marinello

RESOLUTIONS

ZC06-23 – Crespo, Jennifer – 148 Konner Ave – B: 139.7, L: 10 – 6’ fence in front yard – Approved – Eligible: Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Lomrantz

Motion to adopt made by: Miller-Sanders; Second by: Cain; Roll call: Yes - Moore, Miller-Sanders, Cain, Lomrantz

MINUTES

Minutes of 6/20/23 Eligible: Moore, Miller-Sanders, Cain, Giordano, Kovalcik, Lomrantz, Marinello

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

INVOICES

Bowman – Trust for: \$448.50 (Bain), \$695.00 (Diversified 55+), \$200.00 (Abbattista), \$368.50 (Bain), \$960.00 (Diversified 55+), \$638.00 (Kucko), \$208.50 (LaScala), \$120.00 (Muller), \$240.00 (Newmark), \$403.25 (Stager), \$640.00 (Diversified 55+), \$600.00 (Diversified 55+)

Burgis – O/E for: \$120.00 (Monarch Lit. May 2023) **Trust for:** \$880.00 (Bain), \$280.00 (Boonton Prop. – Café Club), \$360.00 (Crespo), \$2,560.00 (Diversified 55+), \$80.00 (Guzman), \$240.00 (Kucko), \$280.00 (Muller), \$160.00 (Patel), \$40.00 (Abbattista), \$360.00 (Bain), \$200.00 (Crespo), \$120.00 (Desir & Polyuko), \$1,720.00 (Diversified 55+), \$1,352.00 (Diversified 55+), \$760.00 (LaScala), \$120.00 (Mutts on Main), \$40.00 (Newmark), \$200.00 (Stager), \$560.00 (Teresa)

Carroll – Trust for: \$840.00 (Diversified 55+), \$5,520.00 (Diversified 55+),

Pashman – O/E for: \$1,844.80 (Monarch Lit. May 2022), \$464.00 (Monarch Lit. Nov. 2022), \$192.00 (Board Business Nov. 2022), \$96.00 (Board Business Dec. 2022), \$80.00 (Board Business Feb. 2023), \$80.00 (Board Business March 2023), \$32.00 (Board Business April 2023), \$48.00 (Board Business May 2023) **Trust for:** \$160.00 (Dauch), \$80.00 (Guzman), \$128.00 (Guzman), \$96.00 (Monarch), \$4,448.00 (Monarch), \$240.00 (Monarch), \$560.00 (Monarch), \$448.00 (Monarch), \$288.00 (Monarch), \$96.00 (Muller), \$200.00 (Muller), \$800.00 (Peerless Coatings), \$320.00 (Peerless Coatings), \$864.00 (Stager), \$48.00 (Boonton Properties [Café Club])

Suburban – Trust for: \$1,038.00 (Diversified 55+), \$310.00 (Monarch)

Motion to approve made by: Moore; Second by: Cain; Roll call: Unanimous

CORRESPONDENCE

ZEXT10-23 Ries, Edward – 9 Crane Dr – Request for Extension of approvals to 9/7/2024

Motion to grant the extension made by: Lomrantz; Second by: Moore; Roll call: Moore, Miller-Sanders, Cain, Lomrantz, Marinello

OTHER BUSINESS

None

CLOSED SESSION

Discussion personnel

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Discussion pending litigation

Motion to go into closed session made by: Moore; Seconded by: Miller-Sanders; Roll call: Unanimous

Upon return from closed session the Board made a motion to adopt the professional services agreement for James Giurintano, Colliers Engineering to be the Board Engineer for the remainder of 2023 and adopted a resolution confirming same.

Motion to adopt made by: Moore; Second by: Cain; Roll call: Unanimous

ADJOURNMENT

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

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of September 6, 2023 hearing