

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 4, 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 - AE
Jake Kovalcik - Present
Ray Giordano - Present
Margaret Miller-Sanders - Present

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

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Jamie Giurintano, PE - present
Tom Behrens, PP - present

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.

None

OLD BUSINESS

None

RESOLUTIONS

ZSPP/FDC/ZSOIL02-22 – Diversified Properties (55+) – 259 Main Rd (245 Rt. 202; 263 Rt. 202; Daldunn (Rear); River Rd; 6 Daldunn; 4 Daldunn; 12 River Rd) – B: 59, L: 13, 15, 17, 18, 19, 20, 22 - preliminary and final site plan approval, as well as 'd'(1), 'd'(6), and 'c' variance relief 266-unit age-restricted residential community consisting of both apartments and townhouses- Approved - Eligible: Moore, Miller-Sanders, Cain, Giordano, Kovalcik

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

NEW BUSINESS

**ZC08-23– Teresa, Michele – 50 Bellows Lane – B: 41, L: 11 – side setback variance for addition to single family home and a planning variance for unimproved/unapproved road frontage - Notice Acceptable
ACT BY: 12/21/23**

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Present on behalf of the applicant: Steven Schepis, Esq; Joseph Mianecki, PE

Mr. Schepis introduced the application. Requesting variances for side setback and unapproved road. Received report from the Fire Prevention Officer stating that there is adequate access to the site for firefighting apparatus.

Joseph Mianecki, PE – sworn

Mr. Mianecki – R-120 zone. Fronts on Bellows Lane. Irregularly shaped lot. Partially located in Lincoln Park. Property impacted by wetlands transition area. Where the lawn area stops the wetlands starts. Partially located in the Flood Hazard Area. Prime Aquifer. 50' width of property. Propose a 375 s.f. addition and small paver patio. Side setback of 25' required, existing 1.7' and 12.7'. Lot width required 158' where 50' exists. Side setbacks to the addition would be 16.7' and 14.3'. Addition will not be visible from the street. The shed will be relocated to a conforming location. Reviewed the surrounding properties for the Board. The purpose of the addition is for my clients mother.

Mr. Giurintano – How was the wetlands line delineated. Mr. Mianecki – My visual inspection. Mr. Mianecki – Addition is well above the flood elevation. 4' higher than any map. Would prefer to not have to go for Flood Hazard Certification. Mr. Schepis – Can we leave it up to the Township Engineer for a building permit? Mr. Giurintano – The only entity that can say if anything is in the flood hazard area is the DEP. I have no authority to say he is correct in his numbers. Mr. Behrens – We have requested a few minor changes to the plans. Mr. Schepis – We agree to the changes. Discussion ensued on the reasoning behind unimproved/approved road variances. Mr. Marinello – Are the setbacks all over the place down on Bellows Ln? Mr. Mianecki – Yes. Mr. Marinello – Will there be a 2nd kitchen? Mr. Mianecki – No 2nd kitchen. Mr. Schepis – Agreed to have a condition that there will not be a 2nd kitchen. Mr. Behren – There is no stove or oven proposed. Reviewed the definition of a dwelling unit. Ms. Carey indicated that the resolution could be recorded. Mr. Schepis – We will agree to a condition of the resolution that it remain a single-family home. Mr. Canning – Concerned that the DEP should review this application. Mr. Lomrantz – Concerned with the separate entrance. Would be more comfortable with one entry.

Open to the public – none

Mr. Schepis – We will close the one door off and keep the one to the patio. Could we get a comment back from the DEP instead of a formalized flood hazard certification like a confirmation of the elevation? Mr. Giurintano – Yes.

Closed to the public

Motion to approve the application subject to closing the easterly door, relocation of the shed, and recording the resolution with the county to keep this a single-family home, no second kitchen, comment back from DEP on the Flood Hazard elevation, addition is not visible from the street, irregular shaped lot made by: Kovalcik; Second by: Miller-Sanders; Roll call: Yes - Moore, Kovalcik, Giordano, Miller-Sanders, Cain, Canning, Marinello

ZC04-22 – Desir & Polyuko – 7 Cedar Rd – B: 82.05, L: 90 – variances for front yard setbacks, side setback and retaining wall height for improvements to existing single family home. Notice Acceptable
ACT BY: 1/3/24

Present on behalf of the applicant: Steven Schepis, Esq; Waglais Desir, Applicant; Jeffrey Curry, Architect

Mr. Desir, Applicant – sworn

Mr. Desir – Steep hill to get to the front of the property. Corner lot. Small steps to the front of the house.

Exhibit A-1 – 16 photos

Mr. Desir – We need a safe staircase to access the house. Propose to cover an existing deck. The octagon side of the deck. Putting a covered entry way in for safety and weather on the side of the house. Cannot park in the street.

Jeffrey Curry, Architect – sworn

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Started off with the repair of the front porch. Now enlarging the front porch and adding a cover for the rain. Making the front of the house have more character. The side porch, wanted to break down that mass that faces Jilson Road propose a covered porch. Adding dormers to make the house look more interesting. Covered porch on side of house would be only a couple of steps in where there are far more in the front of the house making it easier to bring in groceries. R-27A zone undersized lot for the zone. Front yard setback existing 46.7' proposed 43.21' where 50.15' required. Setback to Jilson 28.2' where 50' required and 32.87' existing. The covered deck will remain open. Replacing the retaining walls in the exact same spot and the exact same height. The foundation area of the porch is not a retaining wall. Mr. Curry – The proposal will enhance the character of the neighborhood.

Mr. Cain – Will the property remain heavily landscaped? Mr. Desir – Yes. Mr. Marinello asked about a driveway turnaround per the ordinance. Mr. Curry – Can do a single wide driveway with a loop, which would increase the lot coverage and grading. I would recommend to the owner to leave it as is. Mr. Giurintano – You can bump the driveway out towards the south you would be dealing with less topography. Mr. Schepis – We will install the 150 s.f. turnaround to the south side of the property. Mr. Curry -The other houses in the neighborhood are colonial revival, not as in depth as this proposal. Mr. Schepis – The neighbor redid his property not too long ago and it is similar to the proposed. Discussion ensued on a turnaround on the Cedar side. Mr. Giurintano -That would be an engineering nightmare with the retaining wall and the steepness of the lot.

Open to public – none

Mr. Schepis – Is a slope variance required even though it was previously disturbed? Mr. Giurintano – You will be disturbing around the wall by the garage and that area slopes down. There will probably need a 3' cut area. Mr. Curry – There would be a 3'-4' disturbance area. Mr. Behrens – Will the attic space be habitable? Mr. Curry – No there is no more than 7' high ceilings and it will not be furnished, no bathroom.

Mr. Schepis – Would like to use some of the existing driveway to create the turnaround on Jillson Side. Applicant agreed to provide sight triangles at the corner and each driveway.

Closed to the public

Motion to approve the application, corner lot, undersized, benefits outweigh any detriment made by: Moore; Second by: Giordano; Roll call: Yes – Moore, Giordano, Miller-Sanders, Kovalcik, Cain, Canning, Marinello

MINUTES

Minutes of September 6, 2023 – Eligible: Moore, Pierce, Miller-Sanders, Cain, Giordano, Kovalcik, Marinello

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

INVOICES

Bowman – Trust for: \$280.00 (Bain), \$240.00 (Kucko)

Carroll – Trust for: \$2,240.00 (Diversified 55+)

Colliers – Trust for: \$625.00 (Teresa), \$480.00 (Stager), \$320.00 (Patel), \$675.00 (Patel, Ambar), \$80.00 (LaScala), \$440.00 (Jusino/Kotbi), \$740.00 (Gupta & Patel), \$1,680.00 (Diversified 55+), \$680.00 (Desir & Polyuko), \$690.00 (Dauch), \$755.00 (Crimi)

Suburban – Trust for: \$324.00 (Diversified 55+)

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

CORRESPONDENCE

None

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OTHER BUSINESS

None

CLOSED SESSION

Discussion re: pending litigation

Upon return from closed session the Board made a motion to authorize counsel to enter a stipulation of dismissal if the Plaintiffs, both Monarch Communities and JMC Investments, agree to dismiss counts 3, 4, 5 & 6 , which are all remaining counts in the litigation. Motion made by: Moore, Second by: Cain; Roll call: Yes - Moore, Kovalcik, Giordano, Miller-Sanders, Cain, Lomrantz, Marinello; Abstain – Canning.

Mr. Marinello asked the members to contact the Land Use Office if they felt the need for RFP's as it relates to the Board Professionals.

ADJOURNMENT

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

Respectfully submitted,

Jane Mowles, Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of November 1, 2023 hearing