

**MONTVILLE TOWNSHIP  
ZONING BOARD MINUTES**

**October 6, 2021**

**IN PERSON**

**195 Changebridge Road, Municipal Building**

**7:30PM**

**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  
Deane Driscoll - AE  
Kenneth Shirkey - Present  
Margaret Miller-Sanders - AE

Ron Cain - Present  
James Marinello - Present  
Ray Giordano (Alt #1) - Present  
VACANCY (Alt #2)

**PLEDGE OF ALLEGIANCE**

Swearing in of Professionals

Jamie Giurintano, PE – Present  
John Szabo, PP –Present

Also present: Bruce Ackerman, Esq. – Present

**OLD BUSINESS**

None

**NEW BUSINESS**

**ZC/ZSOIL04-21– LaScala** – 28 Capstick Rd – B: 33, L: 44 – variances for unimproved road; wall height and slopes; soil movement - Notice acceptable ACT BY: 12/4/21

Present on behalf of the Applicant: Tyler VanderValk, PE; Joseph LaScala, applicant

Mr. VanderValk, PE – sworn

The lot is split between Montville and Boonton. Landlocked property with no frontage. Reviewed the surrounding properties either as single-family homes or vacant lots. Access to the property is through an easement through lot 46. Site currently contains a single family home. Home is not habitable. There is also an outhouse and a well.

Mr. VanderValk - At the termination of Capstick Road the paved access goes through a 20' wide right of way and then there is a private access easement with a shared driveway with lot 46. Propose to demolish single family home but move it forward closer to Capstick. Proposed footprint 2,121 s.f. 2nd driveway to the rear of the house will be removed and re-vegetated. Septic system proposed. Propose to drill a new well on the property. Catch basins proposed in the rear of the property and roof leaders proposed and recharge system. Increase of 200 s.f. of impervious coverage from what is existing. Variances requested for lot fronting an unimproved road; disturbance into steep slopes over 25% where no disturbance is permitted 1.6% proposed to be disturbed; wall height of 10.6' where 6' is permitted. The wall is not a retaining wall, it is an entrance to the home which is attached to the house.

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Mr. VanderValk – The applicant is willing to expand the driveway for proper access for emergency vehicles.

Mr. Szabo – Requested more testimony on the easement and right of way. Mr. VanderValk indicated it was a public right of way so the applicant would be permitted access through that right of way. Mr. Szabo – How many properties access the easement.

Joseph LaScala, Applicant – sworn  
There are 3 lots with possibly 4 houses.

Mr. Giurintano – When were you last at the site? Mr. VanderValk – A year ago. Mr. Giurintano – I visited the site tonight and the house is no longer there. Mr. LaScala – I applied for a demo permit and the house had to be removed down to the basement. Mr. Giurintano – Is the driveway going to be adjusted to be in the easement area since it currently is outside the easement area. Mr. VanderValk – Will be moving the driveway to have better access for emergency vehicles and into the easement area or we may modify the easement. Will improve the driveway to a minimum of 12'. We agree to improve the driveway since it is in decay. Mr. VanderValk – We will attempt to retain all soil on site. Mr. Giurintano – Tree removal permits will be required and with the additional impervious coverage you may need additional storm water management to reach zero net runoff. Mr. VanderValk – Requesting 882 c.y. for soil movement purposes but hope to get it way under that number.

Mr. Shirkey – Requested truck routes, time of day, number of trucks per day and location of soil to be removed. Mr. VanderValk – We will comply with the township requirements for soil movement. Route will be Capstick to Oklahoma to 287. Mr. Shirkey – Is this a 2.5 story structure or a 3 story structure? Mr. Szabo – The applicant indicates he will comply with the height and they are not asking for a variance so they must comply with an as-built survey.

Mr. Marinello – Will the porch by the 10.8' wall be railed in? Mr. VanderValk – Yes. Mr. Marinello – Will you have a shared maintenance agreement with the neighbors that have access? Mr. LaScala – We do not have one now so no. Mr. Marinello – An agreement would be a good idea otherwise no one would know who would be required to maintain the driveway, unless you intend to maintain it completely. Mr. Marinello – Could the house be moved closer to the easement for safety. Mr. VanderValk – The intent was to put the home in the same location and further away from the slopes.

Open to the public.

Rod Galek – 38 Capstick Rd – sworn  
In the spring, 5 roll off trucks came up the road for the demo. My father owns the road and it has, since the spring, been broken apart. The fire department says it is impassible. We have lived 6 months with this damage and nothing has been done to date.

O-1 – photo board of condition of driveway and water issues.

Mr Galek – Have endure hardship as it relates to the damage of the driveway.

Mr. Moore and Mr. Shirkey indicated that they did not have enough information to vote this evening. Questions on emergency vehicle access and conditions of easement. Mr. VanderValk – We have submitted adequate testimony as it relates to the variances and if we cannot meet the conditions imposed, then we do not have an approval. Mr. Ackerman – You have not submitted a driveway plan so the Board engineer cannot determine the storm water management requirements. Mr. Marinello – Please allay the boards concern about emergency vehicle access; bring the schematic of the fill around the basement area to meet the 2.5 stories; fire department feedback; soil removal plan with specificity; schematic for agreement with adjacent property owners with driveway back in easement area or revised easement; const4ruction plan for safety of the road during construction; proof of who will maintain shared driveway; maintenance manual per Mr. Giurintano's review and agreement;

Carried with notice preserved to 11/18/21

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**ZC08-21- French** – 27 Douglas Dr – B: 89, L: 5 – side and rear setback variances for deck expansion –  
Notice Acceptable ACT BY: 12/29/21

Present on behalf of the Applicant: George French, applicant

Mr. French – sworn

Requesting a side and rear setback variances for replacement of my deck. Minimal increases in depth. There is currently a jut out and we are just adding 2’ to square off the deck. The jut out is 7.6’ from the property line to the side where 25’ is required. Not going any further into the rear setback. The existing deck is 47 years old and I believe the neighbors would be happy to see a more aesthetically pleasing deck. The deck is 9’ off the ground. The new deck will be safer. Mr. Marinello – Did you receive a variance for the initial jut out? Mr. French – It was existing.

Open to the public – none - closed

Motion to approve the application, corner lot, not a deep lot, not an unacceptable exacerbation of existing variance conditions, unique shaped lot made by: Moore; Second by: Shirkey; Roll call: Moore, Cain, Shirkey, Giordano, Marinello

**MINUTES**

Minutes of 9/1/21 Eligible: Shirkey, Moore, Pierce, Miller-Sanders, Marinello

Motion to adopt made by: Moore; Second by: Shirkey; Roll call: Yes - Shirkey, Moore, Marinello

**INVOICES**

**Bowman Engineering - Trust for:** \$135.00 (French); \$303.75 (Klele); \$405.00 (LaScala); \$270.00 (Megaro); \$270.00 (Ries); \$168.75 (Schroth)

**Burgis Associates - O/E:** \$75.00 (Board Business July 2021); **Trust for:** \$225.00 (Bilenski); \$487.50 (Megaro); \$900.00 (Monarch); \$187.50 (Morris Animal Inn)

**Pashman Stein PC – Trust for:** \$15.00 (Augustus); \$540.00 (Bilenski); \$120.00 (Boonton Properties); \$30.00 (French); \$30.00 (Klele); \$15.00 (LaScala); \$15.00 (Megaro); \$1,185.00 (Monarch); \$15.00 (Schroth)

**Suburban Consulting Engineers – Trust for:** \$77.50 (Morris Animal Hospital)

Motion to adopt made by: Shirkey; Second by: Moore; Roll call: unanimous

**RESOLUTIONS**

None

**OTHER BUSINESS**

None

**CORRESPONDENCE**

None

**CLOSED SESSION**

Discussion pending litigation

Motion to go into closed session made by: Shirkey; second by: Moore; Roll call: Unanimous

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Upon return from closed session there was a motion to instruct Mr. Ackerman (Pashman Stein) to prepare an answer on the pending litigation made by: Shirkey; Second by: Moore; Roll call: Unanimous

**ADJOURNMENT**

Respectfully submitted,

Jane Mowles, Land Use Administrator