

**MONTVILLE TOWNSHIP  
MASTER PLAN SUBCOMMITTEE**

3:30 p.m. start time

VIRTUAL October 19, 2023

**ROLL CALL**

Mr. Gary Lewis, Chairman - Present

Mr. Adam Adrignolo - Present

Mr. Russ Lipari - Present

Township Staff: Jane Mowles, Land Use Administrator

Professionals: Joseph Burgis & Robyn Welch, Planners

**PLANNING BUSINESS**

Ordinance revising Partial Demolition or Partial Destruction as it relates to Development Fees:

“Any act or process that destroys or removes part of an existing principal or accessory building or structure, where minimally the foundation and two walls along the full dimension (horizontally and vertically) of the front, side or rear elevations of the building or structure remain intact. Any destruction or removal which surpasses this minimum threshold shall be considered total demolition or destruction, and any new construction shall be subject to Chapter 132, Development Fees.:

Robyn the intention as to allow for a 2-story building be allowed to be a 1 story building. Will change it to “2 walls that are minimally 1 story”. If they went beyond the threshold they will be required to meet all of the zoning requirements which is under an existing ordinance. Mr. Lewis – I think it would affect a lot of redevelopment in the township. I think we need a little broader input with the Board and possibly the Governing Body. Ms. Welch – In the meantime, we can take this definition out and put it only in the development fee ordinance section of the ordinance.

Consensus: Take out of this ordinance and put it into an ordinance related to the development fee ordinance.

Accessory Structures to be amended as follows:

“Twenty percent of the gross area of dry-laid pavers over a crushed stone gravel subbase (ASTM -D 2940) which serve single- or two-family residential dwellings shall be excluded from the calculation of impervious coverage, provided that such exclusions shall not be applied where there is a concrete or other impervious base underlying said pavers.

(a) When individual plot plans are submitted and the applicant elects to apply the paver reduction factor, the applicant shall be required to provide a table depicting the various impervious coverage components, including but not limited to building, accessory structures, driveways, walkways, patios, pools, etc., and any applicable reduction factors for each of the proposed impervious coverage components shall be identified as to their square footage and percentage of requested reduction.

(b) When individual plot plans are submitted and the applicant elects to apply the paver reduction factor, additional stormwater management measures may be required to be reviewed and approved by the reviewing engineer.”

Ms. Welch - Jamie did review this and believes it gives some latitude for the residents, but he did not relate it to the impact of the latest storm water management ordinance.

Consensus: Jamie Giurintano to review this proposed ordinance as it relates to the stormwater management ordinance.

Amendment to private swimming pools:

“D. The water surface area of a private swimming pool shall be included when calculating total impervious coverage on a parcel. However, the water surface area of a private swimming pool shall be excluded when determining compliance with §230-128.A.(6), which limits total coverage by accessory structures to no more than 5% of the lot area.

Ms. Welch – The intent was to limit the water surface to not be a part of the 5% but somewhere along the way various departments were excluding the water surface from impervious coverage. The intent was to include it in the impervious coverage calculation but if you want to leave it as not part of the coverage calculation can we make it explicit in the ordinance to exclude it from impervious coverage and 5% of accessory structure calculation.

Consensus make the changes to make it explicit in the ordinance to exclude water surface from impervious coverage and 5% accessory structure calculation.

SECTION 13. Chapter 230, “Land Use and Development Regulations,” Section 230-159, “Fences and Walls,” Subsection M., “Retaining Walls,” shall be amended to include a new Paragraph (6), which shall read as follows:

(6) A safety fence shall be constructed atop any retaining wall that is 2.5 feet in height or greater. The safety fence, where required, shall be 48 inches in height and shall not be considered part of the retaining wall height when determining compliance with §230-159.M.(1) and (2).”

Robyn - We do not typically see chain link as a safety fence but the code only allows chain link in the rear yards, not in front yard or street frontages. Still subject to those regulations.

Consensus: No chain link in front yard for retaining walls.

Move the residential driveway regulations into the zoning ordinance and out of the design standards. Mr. Lewis – Reference it in both sections.

Consensus – Put a reference in both zoning and design standards as it relates to residential driveways.

Property Maintenance section:

New ordinance Small Cell Wireless

Ms. Welch – We can give a full presentation before the board. There are 2 bills pending in the State Legislature about Small Cell Facilities. Many municipalities are trying to get a procedure in place on how these things will be enforced along with a fee mechanism in place. It might have to be amended with the State bills get adopted but getting something in place as soon as possible will allow the Town to have controls. We reviewed the adopted ordinance of Verona and Brick as well as a draft ordinance that was prepared for Summit is scheduled for adoption on November 21<sup>st</sup>. The fees in the draft ordinance are in line with other town ordinance but can be changed at the Township’s discretion.

Mr. Lewis – I generally do not favor jumping ahead of State legislature but having nothing would be an issue. Mr. Burgis spoke with someone today that said do not fall for the cell company sample ordinance. Tom Behrens to do a small cell presentation at the 10/26/23 hearing of the Planning Board.

Mr. Lewis – Would like to add the gas station ordinance, so review the ordinance again and make sure nothing needs to be changed. Ms. Welch to review the ordinance.

**ADJOURNMENT**

Respectfully submitted,

Jane Mowles