

**TOWNSHIP OF MORRIS  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
FEBRUARY 25, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, February 25, 2008, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Vice Chairman Kronk issued the following:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Board of Adjustment by preparing a notice dated February 19, 2008 specifying the time, date and place of this meeting, posting such notice on the bulletin board in the Municipal Building; filing said notice with the Clerk of the Township of Morris; forwarding the notice to the Morris County Daily Record and the Morris News Bee, and forwarding, by mail, the said notice to all persons on the request list, and I hereby hand a copy of such notice to the Secretary of the Board of Adjustment for inclusion in the minutes of this meeting, all of the above actions being in accordance with N.J.S.A. 10:4-6, et seq., Open Public Meetings Act."

The Pledge of Allegiance was led by Mr. Timothy Kronk, Vice Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Timothy Kronk, Vice Chairman  
Mr. James C. Allison  
Mr. Paul Woodford, Alternate #2  
Mr. Nelson Morales  
Mr. Rick Haan

Members Absent

Mr. Thomas J. Luby  
Mr. Lawrence Vitale  
Ms. Norma Larkin  
Mr. Donnell Williams, Alternate #1

Also Present

Mr. Rich Oller, Board Attorney  
Mr. James Slate, Township Engineer  
Ms. Tirrell Loftin, Zoning Officer  
Ms. Sonia Santiago, Board Secretary

On motion duly made, seconded, and unanimously carried, the minutes of the November 26, 2007 regular meeting and January 28, 2008 re-organization meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

**Resolutions**

Consideration of the following resolution thereby memorializing the action taken by the Board at the January 28, 2008 meeting.

BA-04-07 William Farley Development Corp.  
Block 3301, Lot 51, 41 Mendham Avenue, RA-25 zone. Section C&D.

Applicant proposes to relocate and maintain a 10.5 x 22.8 single face billboard on the existing single family residential property creating a front yard setback of 7 feet where a minimum front yard setback of 60 feet is required.

Mr. Allison moved, seconded by Mr. Woodford, roll call as indicated that resolution of denial, attached hereto and by reference made part of the official minutes of this meeting, be adopted as presented, memorializing the action taken by the Board at the January 28, 2008 meeting.

Roll Call: (Voting Members)  
Mr. Allison            YES  
Mr. Haan                YES  
Mr. Morales            YES

**Regular Meeting**

BA-21-07 John & Annemarie Casey  
Block 4801, Lot 24, 38 Rolling Hill Drive, RA-15 zone. Section C.

Applicant proposes to construct a 5 ft. x 12.4 ft. covered front porch addition creating a front yard setback of 45.83 feet where a minimum front yard setback of 50 feet is required. Also to maintain a 7 foot high deer fence which extends beyond the front building line of the dwelling and exceeding the maximum permitted height of 6 foot.

Proof of Publication and Affidavit of Service filed and approved by the Board Secretary and Board Attorney.

Mr. John Casey entered his appearance, being duly sworn in by the Board Attorney.

The following professionals being sworn in by the Board Attorney appeared to be heard.  
Mr. Saab Leeb, Architect

The following exhibits were submitted as evidence.

A-1 Photograph from the neighborhood.

**Summary of Testimony** – Mr. Saab Leeb, Architect

Mr. Leeb stated that there was no need for the fence variance because the fence has been relocated. What we would like to achieve is a covered entrance. What we are proposing is to cover the existing stoop and expanding it slightly to make it architecturally compatible to the existing house. The existing house front yard setback is approximately 50.83 feet. What we would like to do is a covered entry to protect the front door, family and guest from inclement weather. Mr. Leeb proceeded to review the exhibit

submitted. Mr. Leeb stated that in the immediate neighborhood approximately a third of the neighborhood has a covered entry. The improvements will not have any detriment to the public good or neighborhood.

The meeting was opened to the public; no one appeared to be heard.

Mr. Morales moved, seconded by Mr. Woodford that approval be granted to the amended application of John & Annemarie Casey thereby permitting on Block 4801, Lot 24 the construction of an enclosed front porch addition and that the Board Attorney be authorized to prepare a formal resolution memorializing the action taken by the Board, same to be presented for consideration at the March 24, 2008 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Woodford	YES
Mr. Haan	YES
Mr. Morales	YES
Mr. Kronk	YES

BA-17-07

William & Dyanna McGuire

Block 2102, Lot 1, 47 Buckley Hill Road, RA-35 zone. Section C.

Applicant proposes to construct a 20 ft x 27 ft x 16.8 ft pool house creating a front yard setback on Ketch Road of 55 feet where 75 feet is required and a height of 16.8 feet where 15 feet is permitted for accessory buildings.

Proof of Publication and Affidavit of Service filed and approved by the Board Secretary and Board Attorney.

Mr. William McGuire & Mrs. Dyanna McGuire entered their appearance, being duly sworn in by the Board Attorney.

Summary of Testimony – Dyanna McGuire, Homeowner

Ms. McGuire stated that the purpose of the pool house is for entertaining purposes. At the present time when we have company and if people need to use the restroom they have to go through the kitchen which is a tile floor and onto our hard wood floor. We have had some incidents were people would slip on the wet tile floor and have found chlorine stains on our hard wood floors. This is the reason we thought of placing a bathroom closer to the pool area. We also felt that we would like to have an area for people to gather outside so that they are not out in the back yard. The place were we plan to place this pool house is to the side of the property where it would not be visible to the neighbors. The purpose of this location is because this area is a more flat area. On the other side of the property is a sloped area where it would require for us to do a retaining wall and it would be more costly. Ms. McGuire stated that the purpose of the height variance is because of the heat issue. We try to build it as tall as we can so that the heat will rise. We plan to place fans to remove the heat. Ms. McGuire also stated that they will be placing evergreens to buffer the pool house. A lengthy discussion was carried regarding the height of the pool house. Ms. McGuire testified that this pool house was not going to be used for habitat that it was for recreational purposes only.

The chairman stated to the applicant that there was additional information needed and that they needed to go back to the architect and consider some landscaping, reducing the height of the

structure and reducing the pool house size. Applicant was instructed that the following information is required for the next meeting; a wetland certification letter from a wetland expert, photographs to show where the garden room is located and also the steep slopes of the property and to have the architect at the next meeting so that he may testify regarding the height of the structure.

The meeting was opened to the public; no one appeared to be heard.

Application was carried to Monday, April 28, 2008 Board meeting without further notice. Applicant granted the Board an extension of time until May 30<sup>th</sup>, 2008.

### **Other Matters**

#### **Mr. Kronk recused himself from the following discussion Mr. Allison is seated as Chairman for the following discussion**

Mr. Oller stated that this is an informal hearing and he had informed Mr. Stanzione that no notice would be required. If it was determined that if it was something different than what was approved then an amended application would be required and it would have to be noticed.

**Verizon Wireless at Delbarton** - Mr. Stanzione, attorney for the applicant entered his appearance and presented the issue to the Board.

Anthony Suppa stated that since we received our BOA approval we have gone through the zoning compliance stage with the Township Engineer and the Township Planner and part of that process is taking the actual drawing from Stealth and sending it to the Township Engineer for his review to show the actual dimensions of the pole with the branches and how the antennas are going to look inside the branches. Over the past several months we have taken the same elevations of our actual drawings and modified them to reflect the actual dimensions that the tree is going to have on the branches on the top and bottom as well as the antennas on the top. The branches are going to start at 4 feet and taper down to 6 feet, 8 feet and 10 feet. A lengthy discussion was carried regarding the length that was approved and what is proposed. Mr. Oller read into the record condition number 10 from the resolution of approval "the antennas to be utilized by the applicant shall be low profile cluster antennas" Mr. Stanzione stated that the proposal is to place the antennas 28 inches from the pole and 6 feet branches which will bury the antennas inside the branch. Mr. Suppa stated that this is the closest they can get the antennas to the pole. A photograph of an existing monopole was presented to the Board. A discussion was carried regarding the photograph presented. Mr. Slate stated that his concern was the taper of the branches and that his recommendations would be 20 foot section of

10 foot diameter branches, 20 foot of 8 foot diameter branches and 20 foot of 6 foot diameter branches which will provide more of a taper than what is being proposed. The attorney stated that was not a problem to provide Mr. Slate's recommendations. A lengthy discussion was carried regarding the antenna distance from the pole. Mr. Stanzione stated that the more you bring the antennas in the more you lose antennas and then you have to go one level down. I would like the Board to approve this proposal that will look like a tree. Mr. Villecco stated that when you flush mount antennas essentially it allows 3 antennas per level; one antenna per direction. Verizon has two different frequencies, cellular frequency and PCS frequency they

need separate antennas for both. If you pull those antennas in at 18 inches from the pole you will get one antenna per direction. This means that to make up for the other frequency you have to go up or down and use two levels. In order to accommodate the amount of carriers that was discussed before the Board and if all this was pulled in flush mounted, the pole would have to increase in height. A lengthy discussion was carried regarding the clustering of the antennas.

The Board accepts the proposal presented by the applicant on the antenna spacing, with the tree tapering recommendations and sock antenna cover from Mr. Slate.

**Mr. Kronk is seated as chairman at 9:08 pm.**

**Draft of the 2007 Annual Report** - was reviewed with Board members. A lengthy discussion was carried regarding the number of applications disposed of for the year 2007. The Board recommended some changes. Changes are to be made and the annual report is carried to the next Board meeting for consideration.

With no further business for consideration by the Township of Morris Board of Adjustment, on motion duly made, seconded and unanimously carried, the meeting was adjourned at 9:44 P.M.

Respectfully submitted,

Sonia M. Santiago, Secretary  
Township of Morris Board of Adjustment