

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 24, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, March 24, 2008, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Chairman Vitale 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 March 17, 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. Lawrence C. Vitale, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Lawrence C. Vitale
Mr. Thomas Luby
Mr. James C. Allison
Mr. Rick Haan
Mr. Nelson Morales
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Donnell Williams, Alternate #1
Ms. Norma Larkin
Mr. Timothy Kronk

Professionals Present

Mr. Rich Oller, Board Attorney
Mr. James R. Slate, Township Engineer
Ms. Sonia Santiago, Board Secretary

Professional Absent

Ms. Tirrell Loftin, Zoning Officer

The minutes of the February 25, 2008 meeting were deferred to the April 28, 2008 Board meeting.

Resolutions

Consideration of the following resolution thereby memorializing the action taken by the Board at the February 25, 2008 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.

Mr. Woodford moved, seconded by Mr. Morales, roll call as indicated that resolution of approval, 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 June 26, 2006 meeting.

Roll Call: (Voting Members)

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

Regular Meeting

A Certified Shorthand Reporter was present for the following application.

***see attached transcripts.**

BA-06-06

Madison Gas Mart

Block 8301, Lot 5, 219 Madison Avenue, B-11 zone. Section C & D.

Continuation of the May 21, 2007, June 25, 2007, August 27, 2007, October 22, 2007 and January 28, 2008 public hearings, applicant proposes to convert three existing mechanical bays into a convenience store which includes a Dunkin Donut franchise.

Mr. Anthony Wahl, attorney for the applicant entered his appearance and presented the application to the Board.

The following professionals being sworn in by the Board Attorney appeared to be heard.

Michael Tobia, Professional Planner
Thomas G. Stearns III, Project Engineer

The following exhibits were submitted as evidence.

A-7 Site Plan, revised date of March 10, 2008
A-8 New Floor Plan
A-9 Enlarged photograph of site
A-10 Enlarged photograph of the gas canopy and sign
A-11 Photograph of the Westerly side of the building
A-12 Sample of awning material

Summary of Testimony – Michael Tobia, Professional Planner

Mr. Tobia stated these are relatively minor changes. Changes have been made to this plan to reflect the Board's comments on the January 28th meeting. Mr. Tobia proceeded to review the exhibits submitted with the Board members. As per the Board request he stated that the dumpster has been relocated to parking space number four and the handicapped parking space is now in parking space number five. A

concrete walkway has been added in front of the building with a ramp off the easterly side for barrier free access. The awning has been adjusted to reflect concern about truck movement especially on the east side of the building. Employee's parking will be located at the rear of the property. This building will not be a sit down service it will all be carried out. We have also added electronic sliding doors, this will eliminate the potential conflict of doors swinging out on to the sidewalk and conflicting with pedestrians along the sidewalk. The existing bathrooms will be refurbished, there were some concerns regarding privacy and buffering. We will be providing ten Arborvitae, four to six feet high to buffer the restrooms that are along the westerly side of the site. Mr. Tobia proceeded to review the proposal with the Board. A lengthy discussion was carried regarding the proposal and the traffic impact with the witness and the Board members.

Summary of Testimony – Thomas G. Stearns III, Project Engineer

Mr. Stearns addressed the Board regarding the handicapped parking space, he stated that even though there is 12 feet between the edge of the parking stall number five and the building, parking stall five, a handicapped space, is 16 foot wide space. A lengthy discussion was carried regarding the dimensions of the handicapped parking space and the aisle width between the witness and the Board. Mr. Stearns stated that the purpose of placing the handicapped parking space at its location was for easy access to the ramp at the front door. Mr. Stearns stated that they had pulled the dumpster location forward so the garbage truck won't encounter the building at all or come close to, or go around the building. He stated they wanted to keep the garbage truck in the front of the property so it could circulate much like the gas supply truck circulates around the front of the building.

The meeting was opened to the public for questions; the following appeared to be heard.

Marjorie Wilson	501 Pitney Place
Lee Goldberg	10 Arrowhead Road
Paul DiAntonio	10 Crescent Drive

Recess taken at 9:23 pm
Meeting reconvened at 9:35 pm

Mr. Haan recused himself from the meeting at 9:36 pm

The meeting was opened to the public for comments; the following persons appeared to be heard.

Susan Moran	310 Pitney Place
James Moran	101 Pitney Place
Mark George	43 Fanok Road
Maureen Rhatigan	504 Pitney Place
Lee Goldberg	10 Arrowhead Road
James Ryan	513 Pitney Place
Paul DiAntonio	10 Crescent Drive
Peter DeSimone	5 Beechwood Road
John Picone	1 Madison Court
Scott DeCanio	14 Bennington Road

Mr. Wahl, attorney for the applicant amended the application to request two variances, one for the sign front yard setback and the other for parking aisle width.

Mr. Wahl requested that the Board adjourn at this point. I would like to be able to make a brief closing statement, but I would like to have Mr. Haan and the other members that are not here today to hear the comments as well. Mr. Tobia is to take a look at the existing landscaping to the rear of the property. The application is carried to Monday, April 28, 2008 Board meeting without further notice. Applicant's attorney also granted the Board an extension of time until May 31, 2008

Other Matters

2007 Annual Report – the report was reviewed by the Board members minor changes to be made and carried to the next meeting for further review.

BA-03-03, Verizon Wireless, 230 Mendham Road, Extension of approval. Mr. Oller stated that Mr. Stanzione, attorney for Verizon Wireless application has requested twelve months of extension from May of 2007 due to approval delays from other agencies. A lengthy discussion was carried as to the date of approval and the extension of time.

Mr. Luby moved, seconded by Mr. Woodford that approval of extension be granted to the application of Verizon Wireless at Delbarton, Block 4501, Lot 2 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 April 28, 2008 meeting.

Roll Call: (voting Members)

Mr. Woodford	YES
Mr. Allison	YES
Mr. Morales	YES
Mr. Luby	YES
Mr. Vitale	YES

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 10:46 P.M.

Respectfully submitted,

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