

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 28, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, April 28, 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 April 22, 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, Chairman
Mr. Timothy Kronk
Mr. Thomas Luby
Mr. James C. Allison
Ms. Norma Larkin
Mr. Rick Haan
Mr. Donnell Williams, Alternate #1
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Nelson Morales

Also Present

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

On motion duly made, seconded, and unanimously carried, the minutes of the February 25, 2008 and March 24, 2008 meetings were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-03-03

Verizon Wireless

Block 4501, Lot 2, 230 Mendham Avenue, OS-GU zone.

Applicant is requesting a twelve month extension of approval.

Mr. Allison moved, seconded by Mr. Luby, 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 March 24, 2008 meeting.

Roll Call: (Voting Members)

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

Regular Meeting

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, January 28, 2008 and March 24, 2008 public hearings, applicant proposes to convert three existing mechanical bays into a convenience store which includes a Dunkin Donut franchise

Mr. Douglas Henshaw, attorney for the applicant entered his appearance and presented the application to the Board.

Mr. Vitale, chairman informed the counsel that we have had a few changes to the application and we have had questions from the public in regard to the traffic impact and I feel that the Board should have a traffic study done to verify what has been heard. Therefore, I ask that we get a traffic study analysis. Members of the Board stated that an on site analysis needs to be done.

Mr. Henshaw stated that traffic testimony has been done and I understand that this case is four years old based on the initial filing with the Technical Coordinating Committee and a traffic study and testimony were completed and by reading of the transcripts and in attendance at later hearings reveals that there was a dissatisfaction on the counts and they were performed again in the fall because the school was not in session when it was first done. I understand the power of the Board even when the public hearing has been closed to take what I consider an unusual step to obtain an expert at this time. It creates a pretty substantial hardship on the applicant in the sense that our traffic study was performed and submitted with an opportunity to hear that testimony if the Township had an expert at that point in time they could have participated in the

hearings and verified the numbers or done what ever they had to do. Now we are faced with a sense of starting over. What concerns me is the scope of the analysis. What concerns me relates to part of the year, school now ending. I can't imagine a report being generated in less than thirty days. A lengthy discussion was carried regarding the length of time that this application has taken and what the Board would like the traffic expert to review and consider. The traffic report is to be submitted at least ten days prior to the meeting. A resolution for the Township Board of Adjustment to obtain a traffic expert was moved by Mr. Kronk seconded by Ms. Larkin and unanimously carried.

Application has been carried to June 23, 2008 Board meeting without further notice. Applicant's attorney granted the Board an extension of time until June 30, 2008.

BA-17-07

William & Dyanna McGuire

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

Continuation of the February 25, 2008 public hearing, 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 50 feet where 75 feet is required and a height of 16.8 feet where 15 feet is permitted for accessory buildings.

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

The following exhibits were submitted as evidence.

- A-1 photo board with three photographs of the steep slopes of the property
- A-2 photo board with two photographs of the area (Lake & Ketch Road view)
- A-3 Sealed survey

Summary of Testimony – William & Dyanna McGuire, Homeowners

Ms. McGuire stated that the Board had asked for topographical rendering and the Board was concerned with the height and what we intend to do with the shrubs. The Board asked that we provide photographs of the area. Ms. McGuire proceeded to review the exhibits submitted with the Board which consisted of the slopes and the proposed area where the pool house is to be located. Ms. McGuire also stated that landscaping will be added to mitigate the view from Lake and Ketch Road. Mr. McGuire stated that they had their architect review the architectural plans and reduced the size of the pool house by four feet. The average height was another concern that the Board had raised and we had our architect meet with the Township Engineer. Ms. McGuire stated that the pool house will not have any heating only a fire place for cooler days. The pool house will be winterized for the winter months. We are also seeking a front yard set back on Ketch Road of 57.4 feet where 75 feet is required.

Mr. Slate stated that the original height of the structure was 15 feet. The height was lowered somewhat it shows 14.2 feet from the base to the peak of the roof. We still do an average height and a variance will be required based upon the slope dropping away from the pool. A lengthy discussion was carried regarding the height of the structure.

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

The following conditions are stipulated; landscaping plan to be reviewed and accepted by the Township Engineer, construction area to be staked out prior to construction, no use of the facility for living quarters, no heating in the facility and DEP approval is to be obtained.

Mr. Woodford moved, seconded by Mr. Luby that approval be granted to the application of William & Dyanna McGuire thereby permitting on Block 2102, Lot 1 the construction of a pool house with conditions stipulated 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 May 19, 2008 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Luby	YES
Mr. Haan	YES
Mr. Kronk	YES
Mr. Woodford	YES
Mr. Vitale	YES

Other Matters

Draft Copy of the 2007 Annual Report was reviewed by the Board minor changes to be made Mr. Kronk moved, seconded by Mr. Williams and unanimously carried the annual report was approved as amended and the Board secretary is to submit it to the Township Committee and Planning Board for consideration.

BA-11-06, Paul Gamerdinger, 63 Canfield Road, requesting extension of approval – Ms. Loftin stated that the previous homeowner passed away after the approval was granted and the property was sold to Mr. Gamerdinger who would like to continue with the same application that was approved by the Board and he needs time to get his paper work together before starting construction.

Mr. Kronk moved, seconded by Mr. Haan and unanimously carried, the extension of time is granted for a period of twelve months.

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 8:30 P.M.

Respectfully submitted,

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