

**TOWNSHIP OF MORRIS  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
APRIL 24, 2006**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, April 24, 2006, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Chairman Allison 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 17, 2006 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. James Allison, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. James C. Allison, Chairman  
Mr. Lawrence C. Vitale  
Mr. Timothy Kronk  
Mr. Joseph Calvanelli  
Mr. George Clark  
Mr. Rich Haan  
Mr. Thomas Luby, Alternate #1

Members Absent

Ms. Norma Larkin

Also Present

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

Oath of Allegiance and Oath of Office administered by Mr. Rich Oller, Esquire to:

- Mr. Thomas Luby

On motion duly made, seconded, and unanimously carried, the minutes of the March 27, 2006 meeting were approved as amended and placed on file in the office of the Board of Adjustment.

**Resolution**

BA-01-06

Kevin E. Taunton

Block 6603, Lot 1, 66 Federick Place, RA-35 zone. Section C.

Construction of a 25 ft. x 12 ft. two car garage addition to be located 15 ft. from the side yard set back where a 30 ft side yard is required and creating a combined side yard set back of 40.3 ft. where a 75 ft. is required.

Mr. Clark moved, seconded by Mr. Calvanelli, 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 February 27, 2006 meeting.

Roll Call: (Voting Members)

|                |     |
|----------------|-----|
| Mr. Clark      | YES |
| Mr. Calvanelli | YES |
| Mr. Kronk      | YES |
| Mr. Allison    | YES |

**Regular Meeting**

BA-19-05

William W. Howard

Block 2304, Lot 40, 5 Raynor Road, RA-15 zone. Section C.

Construction of a breezeway and attached 24 ft. x 24 ft. rear two car garage. The proposed attached garage will create a rear yard setback of 10 ft. where a minimum rear yard setback of 25 ft. is required and creates a side yard setback of 13 ft. where a minimum side yard setback of 20 ft. is required and a combined side yard of 48.9 ft. where a minimum combined side yard setback of 50 ft. is required.

Due to an incomplete notice the application is carried to the May 22, 2006 Board of Adjustment meeting.

BA-02-06

Douglas Dethy & Marianne Kozlowski

Block 5902, Lot 2, 3 & 4, 63 Overlook Road, RA-35 zone. Section C.

Construction of an in-ground swimming pool, pool patio, spa and pool equipment. The proposed in-ground swimming pool, pool patio and spa are shown to be located in the rear yard of the property creating a rear yard setback of 20 ft. where a minimum setback of 50 ft. is required and creating a building coverage of 16.1% where a maximum building coverage of 15% is permitted.

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

Mr. Richard Traynor, Attorney for the applicant entered his appearance and presented the application to the Board members.

Mr. Douglas Dethy, homeowner was sworn in by the Board attorney.

No exhibits were submitted as evidence.

**Summary of Testimony** – Mr. Douglas Dethy, Homeowner

Mr. Dethy stated that they had explored different places in the property to place the pool and we feel that the back of the property would be a better place. Placing it at this location is more accessible and visible from the house. Springbrook golf course is behind the property and it would not disturb anyone in the back. No side yard variance is required for the pool equipment. From an architectural stand point the back of the house seems like the best place. The pool material will be consistent with the house. Landscaping will be done around the pool. We will provide some buffer from the golf course. A lengthy discussion was carried regarding the pool size and lighting. Mr. Traynor asked the Board for an interpretation of pool decking or apron being that this application will exceed the building coverage. Mr. Oller, Board Attorney informed Mr. Traynor that it is the Board's practice to include a pool decking or apron into the building coverage. Mr. Traynor stated that if they would reduce the pool apron they would not need the building coverage variance. Mr. Dethy was asked by a Board member if he was willing to do a deed restriction. Mr. Traynor stated that since the Board was looking for additional information he requested that the Board carry the application to the next available meeting and request the interpretation of the ordinance in order for them to revise the application.

Mr. Oller reviewed the ordinance and Mr. Vitale motion, seconded by Mr. Haan and roll call as indicated that the pool patio/apron be included with the building coverage.

**Roll Call (Voting Members)**

|                |     |
|----------------|-----|
| Mr. Vitale     | YES |
| Mr. Clark      | YES |
| Mr. Kronk      | YES |
| Mr. Luby       | YES |
| Mr. Haan       | YES |
| Mr. Calvanelli | YES |
| Mr. Allison    | YES |

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

|                   |                     |
|-------------------|---------------------|
| Hughes Sutherland | 78 Overlook Road    |
| Paul Nash         | 4 Westminster Place |
| Connie Rosenberg  | 79 Overlook Road    |
| David Budd        | 80 Overlook Road    |
| Jay Hellstrom     | 75 Overlook Road    |
| Stuart Thomas     | 70 Overlook Road    |
| Linda Hellstrom   | 75 Overlook Road    |
| Penelope Wise     | Westminster Place   |
| Andrew Gregg      | 9 Westminster Place |

The application was carried to May 22, 2006 Board meeting without further notice. Extension of time is granted to the Board until June 30, 2006.

Meeting recess at 9:09 P.M.  
Meeting reconvened at 9:23 P.M.

BA-04-06

Antonio & Marie Poto

Block 5902, Lot 6, 71 Overlook Road, RA-35 zone. Section C.

Demolition of an existing home and construction of a new single family home creating a front yard setback of 50 ft. where a minimum front yard setback of 75 ft. is required

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

Christine Miseo, Licensed Architect, being duly sworn, presented the application to the Board.

The following exhibits were submitted as evidence.

- A-1 Colored existing Site Plan
- A-2 Colored proposed Site Plan with proposed house
- O-1 Possible foot print within required setbacks
- O-2 Photos of backed up sewer
- O-3 Sewer Bill for clean-up
- O-4 Two photos of Poto back yard

**Summary of Testimony** – Christine Miseo, Licensed Architect

Ms. Miseo stated that this property was a .61 acre and that the zone requirement was a 35,000 sq ft and that the existing lot was 26,920 sq ft which is a non conforming lot. The proposed structure will be approximately 5400 sq ft. Ms. Miseo stated that if they were to built a house to the standards they would have an awkward house. Ms. Miseo was asked if she was to built this house on a RA-25 zone standard would she need the variance requested she stated she would not need any variance on the RA-25 zone. Mr. Poto was asked if he was willing to add a deed restriction to the property. Mr. Poto stated if he was granted the variance he was willing to do the deed restriction so long as he had the ability to add a shed to the property.

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

|                    |                     |
|--------------------|---------------------|
| Jay Hellstrom      | 75 Overlook Road    |
| Linda Hellstrom    | 75 Overlook Road    |
| Connie Rosenberg   | 79 Overlook Road    |
| Clinton Curtis     | 68 Overlook Road    |
| David Budd         | 80 Overlook Road    |
| Paul Rosenberg     | 79 Overlook Road    |
| Jacqueline Hinshaw | 90 Overlook Road    |
| Judy Baynard       | 37 Overlook Road    |
| Stuart Thomas      | 70 Overlook Road    |
| John McNamara      | 3 Longwood Road     |
| Paul Nash          | 4 Westminster Place |
| Susan Budd         | 80 Overlook Road    |

Jane Thomas

70 Overlook Road

After a lengthy discussion Ms. Miseo requested the Board carry the application to reconsider the proposal. The application was carried to the June 26, 2006 Board meeting without further notice. Mr. Poto granted the Board an extension of time until July 31, 2006

Other Matters

Resolution in recognition of service to Thomas Zelante was read for the record by Mr. Rich Oller.

Mr. Vitale moved, seconded by Mr. Kronk, and unanimously carried that the resolution of service is granted to Thomas Zelante for the years of service provided to the Township of Morris Board of Adjustment.

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 11:00 P.M.

Respectfully submitted,

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