

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
JUNE 9, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, June 9, 2008, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Acting 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 June 2, 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. James Allison, Acting Chairman

Roll call of Board Members and Professionals

Members Present

Mr. James C. Allison, Acting Chairman
Mr. Thomas J. Luby
Mr. Nelson Morales
Mr. Donnell Williams, Alternate #1
Mr. Paul Woodford, Alternate #2

Members Absent

Ms. Norma Larkin
Mr. Lawrence C. Vitale
Mr. Timothy Kronk
Mr. Rick Haan

Also Present

Mr. Rich Oller, Board Attorney
Ms. Sonia Santiago, Board Secretary
Mr. Dave Hansen, Assistant Engineer

Also Absent

Mr. James Slate, Township Engineer

Other Matters

Mr. Allison stated that he had received a phone call from the Chairman Vitale indicating that he is ill and that he would not be able to attend the Board meeting this evening and possibly several other meetings during the course of the summer and early fall. We look forward to Mr. Vitale return as soon as possible. Mr. Oller stated that in the meantime there is an action that the Board should appoint an acting chairman by resolution until the return of Mr. Vitale by form of a motion.

Mr. Luby nominated Mr. James Allison as acting chairman, seconded by Mr. Williams and unanimously carried Mr. Allison is appointed as acting Chairman of the Board of Adjustment.

Regular Meeting

BA-11-08

Christopher Hillebrecht

Block 3805, Lot 34, 20 Fairmount Avenue, RA-15 zone.

Applicant proposes to demolish existing one story single family dwelling damaged by fire and build a two story single family dwelling creating a front yard setback of 36.9 feet where a 50 feet is required, a 5.25 foot side yard setback where 20 feet is required and a combined side yard setback of 17.6 feet where a 50 feet is required.

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

Mr. Christopher Hillebrecht entered his appearance and presented the application to the Board.

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

Jeffrey McEntee, Architect

The following exhibits were submitted during testimony

- A-1 Photograph of the subject property
- A-2 Photograph of the adjoining neighbor's property
- A-3 Photograph of single family home at 7 Fairmount Avenue
- A-4 Photograph of single family home at 11 Fairmount Avenue
- A-5 Photograph of single family home at 24 Fairmount Avenue
- A-6 Photograph of single family home at 26 Fairmount Avenue
- A-7 Structural engineering report prepared by Applied Engineering & Technology

Summary of Testimony – Christopher Hillebrecht, Homeowner

Mr. Hillebrecht stated that he and his wife have owned the subject property for approximately twenty years. The family home had suffered a fire which has left the home with severe fire and water damage beyond repair. Our intention is to rebuild the house on the pre-existing foundation with certain modifications, thereby requiring variances. Mr. Hillebrecht also testified that there is a mix of one story and two story homes already existing in the neighborhood which he referred to the exhibits submitted. He also stated that there is an underground oil tank located on the premises and that they have not determined if the oil tank will be excavated and relocated above ground, in the basement, or entirely eliminated.

Summary of testimony – Jeffrey McEntee, Architect

Mr. McEntee stated that the proposed plan is to build a two story single family home on the existing foundation and that part of the porch area will be made smaller, thereby creating a lesser sideyard impact than previously existed. The proposed single family dwelling will consist on the first floor of a family room, kitchen, living area, breakfast area and foyer with stairs to the second floor. The second floor will consist of four bedrooms with two full baths and laundry facility. Mr. McEntee further testified that the property is level at the proposed construction area, but then slopes upward toward the neighbor's house on 22 Fairmount Avenue, which is a two story home. The property is adjacent to a 25 foot vacant lane owned by the Township of Morris. He further testified that despite the undersized lot in comparison to the zone requirement, building coverage is less than that required by ordinance. There will be no tree removal or additional lighting proposed. The proposed two and half story home will be a visual improvement to the neighborhood and will not create any substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Ms. Loftin testified that there are no plans for the municipality to utilize the 25 foot lane in the foreseeable future. Ms. Loftin further testified that the fire official might require that the oil tank be certified that is in good condition or if the owner wishes to place the tank above ground.

During the course of the hearing it was noted that the play set equipment is encroaching within the Township 25 foot lane and the applicant was asked to move the equipment within the property line. Applicant has agreed to move the play set within the property line.

Mr. Hansen, Township Assistant Engineer testified that in regard to drainage what we normally do with new homes or construction in excess of 500 feet, it is requested that they put a section of the roof drainage into drywell system either in the front or the rear of the property and provide drainage calculation to the Township Engineer for review. If the applicant is to increase the size of the water line a road opening permit will be required.

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

Marilyn O'Connor	1 W. Lake Boulevard
Scott Sweet	22 Fairmount Avenue
Craig O'Connor	1 W. Lake Boulevard

Mr. Luby moved, seconded by Mr. Williams that approval be granted to the application of Christopher Hillebrecht thereby permitting on Block 3805, Lot 34 the construction of a single family dwelling 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 July 28, 2008 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Luby	YES
Mr. Woodford	YES
Mr. Morales	YES
Mr. Williams	YES

Other Matters

No other matters to be heard.

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 8:22 P.M.

Respectfully submitted,

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