

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 23, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, June 23, 2006, 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 June 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. Timothy Kronk, Vice Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Timothy Kronk, Vice Chairman
Mr. Thomas Luby
Ms. Norma Larkin
Mr. Nelson Morales
Mr. Donnell Williams, Alternate #1
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. James Allison
Mr. Rick Haan
Mr. Lawrence C. Vitale

Also Present

Mr. Rich Oller, Board Attorney
Mr. James R. Slate, Township Engineer
Mr. Adrian Humbert, Township Planner
Mr. Gordon Meth, Township Traffic Consultant
Ms. Sonia Santiago, Board Secretary

The minutes of the May 19, 2008 meeting were carried to the next Board meeting.

Resolutions

BA-22-07

John Dillon

Block 803, Lot 1, 15 Summit Road, RA-35 zone.

Applicant proposes to construct a 22'6" x 14" open deck which creates a Deer Chase Road front yard setback of 53.5 feet where a minimum front yard set back of 75 feet is required.

Mr. Williams moved, seconded by Ms. Larkin, 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 May 19, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Ms. Larkin	YES
Mr. Williams	YES
Mr. Morales	YES

BA-02-08

John McFadyen

Block 107, Lot 14, 49 Burnham Road, RA-7 zone.

Applicant seeks a use variance to do a major demolition and reconstruction of an existing two family dwelling and construct a 4 ft. x 24 ft. two story addition. This is a pre-existing two family dwelling in a single family zone.

Ms. Larkin moved, seconded by Mr. Williams, 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 May 19, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Ms. Larkin	YES
Mr. Williams	YES
Mr. Morales	YES

BA-08-08

Omnipoint Communications, Inc.

Block 9805, Lot 1, 77 Whippany Road, OS-GU zone.

Applicant proposes to modify the approved 120 foot stealth monopole with internal antennas to provide for a 120 foot monopole with flush mounted antennas as shown on the amended plans submitted. The modification brings the structure into conformance with the lease agreement with the Township.

Mr. Morales 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 May 19, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Ms. Larkin	YES
Mr. Williams	YES
Mr. Morales	YES

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 50 feet is required.

Mr. Woodford moved, seconded by Mr. Williams, 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 9, 2008 meeting.

Roll Call: (Voting Members)

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

Regular Meeting

BA-01-08

Jon & Jennifer Daidone

Block 4402, Lot 17, 40 Wood Road, RA-130 zone. Section C.

Applicant proposes to construct a covered front porch portico and a 13' 10" x 20' 7" two story addition creating a front yard setback of 61.1 feet where a minimum front yard setback of 100 feet is required.

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

Mr. David Scalera, 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.

Richard Schommer, Professional Engineer
Richard Gascoyne, Architect

Summary of Testimony – Richard Schommer, Professional Engineer

Mr. Schommer stated that this property is in the RA-130 zone which requires a three acre lot and this property is less than one acre similar in size to other lots on Wood Road. This property is an under sized lot and requires the RA-130 zone requirements. When applying the RA-130 setback requirements the applicant is left with a very small building envelope and in fact the existing building is entirely outside of the building envelope. The proposed addition consists of approximately 300 square feet and it will be located on an existing patio area. The addition is not proposed towards the rear of the property because the addition would have more exposed foundation resulting in a less pleasing visual environment because the property slopes from front to the rear of the property. Since this is a non conforming lot we

are seeking variance relief. The existing house has a 64 foot front yard setback, the proposed front porch will be 61.1 feet and we are seeking a front yard setback variance for the front porch. we feel what we are seeking is appropriate for the neighborhood and will not have any detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

The meeting was opened to the public for questions to Mr. Schommer; no one appeared to be heard.

Summary of Testimony – Richard Gascoyne, Architect

Mr. Gascoyne stated that the proposed addition will reconfigure the existing first floor and adding a master bedroom with bath, two bedrooms and an additional bathroom on the second floor. The height of the building will be below the Township requirements. The existing square footage of the house is approximately 2700 square feet and with the new addition it will increase to 3700 square feet if the variance is granted. Mr. Gascoyne stated that there was a substantial grading towards the rear of the property and that the proposed addition could not be build to the rear of the home within the available envelope because it would result in an architecturally inefficient design. We are also proposing the air conditioning compressor to be located to the rear of the home behind the existing garage to avoid further intrusion to the front or sideyard setbacks. A discussion was carried regarding the layout of the house with the new addition and the grading toward the rear of the property and how noticeable the addition would be if constructed toward the rear of the property.

Open to the public for questions of Mr. Gascoyne; no one appear to be heard.

Mr. James Slate stated that we received a report from PK Environmental in reference to the wetlands issues in the rear of the property. The stream in the back of the property is a C1 stream and according to NJDEP a 300 foot special water resource buffer is required. We would like to have a wetland permit or wetland absence from the DEP if required.

Mr. Luby moved, seconded by Ms. Larkin that approval be granted to the application of Jon & Jennifer Daidone thereby permitting on Block 4402, Lot 17 the construction of a front porch and a two story addition 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. Luby	YES
Mr. Woodford	YES
Mr. Morales	YES
Ms. Larkin	YES
Mr. Williams	YES
Mr. Kronk	YES

**Certified Shorthand Reported (CSR) was present for the following application
See attached transcript.**

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, March 24, 2008 and April 28, 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. At the last meeting the Board requested the services of a license professional traffic expert to review the traffic data collect by the applicants experts. We would like to hear his findings so that the public can hear his report. We are prepared tonight with revised plan incorporating the suggestions and following the guidance provided by Mr. Meth the Boards traffic expert.

The following professionals being sworn in by the Board Attorney appeared to be heard.
Gordon Meth, Director of Traffic from RBA

The following exhibits were submitted during testimony
A-13 Site Plan with a revision date of June 20, 2008

Summary of Testimony – Gordon Meth, Traffic Expert

Mr. Gordon stated that he had reviewed the traffic reports that were submitted to the Board he also contacted the professional who had prepared the traffic report for the applicant and that he had also done a traffic study of his own at the site so that he would get a sense of what the traffic would be. He stated he concurs with the trip generation distribution used by the applicant's professionals. I also concur with the fact that the morning peak hours will be the time for most conflict. He stated that he recommends the applicant explore making access to the rear parking two way, and have the driveway on Madison Court at the rear an inbound driveway only. In that way, traffic would not really be directed on to Madison Court. All traffic from the site would be directed to the Route 124 Madison Avenue driveways. A lengthy discussion was carried regarding traffic flow on site.

Summary of Testimony – Michael Tobia, Professional Planner

Mr. Tobia stated that they had made changes to the plan to reflect Mr. Meth's recommendations and enhanced landscaping as a reaction to comments from the public and the Board at the last hearing. We have changed the driveway on Madison Court to inbound only with a sign indicating "do not enter". This will prevent people from using the driveway for outbound purposes. We have now widened the aisle to 20 feet instead of 12 feet. In order to achieve this we had to reduce the amount of parking spaces to 13 spaces not including the six fueling positions around the gas pumps in front of the building. Employees are to park towards the back of the property. We are also proposing additional evergreen planting and a six foot fence in the area of the parking space nearest the homes to the rear. A lengthy discussion was carried regarding traffic flow and the two way lane on the southeast side of the building.

**Meeting recess at 9:09 pm
Meeting reconvened at 9:25 pm.**

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

Brian McDonald	11 Easley Terrace
Mark George	23 Fanok Road
Robert Miller	12 Bradley Road
Lee Goldberg	10 Arrowhead Road
Steve Brunskill	518 Pitney Place
Eileen Witkowski	11 Crescent Drive
Mary Bentzlin	19 Cadence Court
Paul DiAntonio	10 Crescent Drive
Keith Merl	3 Old Glen Road
Amy Merl	3 Old Glen Road
Maureen Lint	10 Canfield Road
Margaret Wilson	105 Pitney Place
Tom Meyers	33 Bradwahl Drive

Peter Desimone

5 Beechwood Drive

Applicant has agreed to modify the plan to reflect a 24 foot aisle towards the rear of the site.

Due to the late hour of the night the application is carried to the August 25, 2008 Board meeting. Applicants attorney has granted the Board an extension of time until September 30, 2008.

Other Matters

None 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 11:02 P.M.

Respectfully submitted,

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