

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
FEBRUARY 12, 2007**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, February 12, 2007, 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 February 5, 2007 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. Timothy Kronk
Mr. Thomas J. Luby
Mr. James C. Allison
Mr. Rick Haan
Mr. Nelson Morales
Mr. Donnell Williams, Alternate #1

Members Absent

Ms. Norma Larkin

Also Present

Mr. Rich Oller, Board Attorney
Mr. James Slate, Township Engineer
Mr. Adrian Humbert Township Planner
Ms. Sonia Santiago, Board Secretary

***Certified Shorthand Reporter (CSR) was present for the following hearing –
see attached transcript of hearing***

Regular Meeting

BA-13-06

James Street, LLC

Block 7101, Lot 1, 250 James Street, OL-15 zone, Section D.

Continuation of the August 28, 2006, September 25, 2006, October 23, 2006, December 11, 2006 and January 22, 2007 public hearing where the applicant seeks approval for a use variance to allow residential dwelling units (age restricted townhomes) in the OL-15 zone where they are not permitted.

Mr. Thomas Hall, Esq. entered his appearance, and presented the application to the Board members. Over the course of the last several months we have wrestled with a number of issues on how to develop the site. In November Mr. Humbert prepare a report. The report raised a number of concerns on how we might develop this site. Mr. Humbert was willing to meet with our architect and engineer and talk about the issues. The discussions were very helpful we were able to crystallize a number of questions and focus on creating real alternatives. We have conceptual site plans that the architect will be presenting.

The following professionals being sworn in by the Board Attorney appeared to be heard.
Mr. Alan Kopelson, Architect

The following exhibits were submitted as evidence.

- A-13 Existing conditions Site Aerial from google map.
- A-14 Concept Site Plan for Stag Flag (high density)
- A-15 Concept Site Plan stack Townhouses
- A-16 Concept Site Plan 102 Townhouses
- A-17 Concept Site Plan 102 Townhouses (option #2)
- A18 Concept Site Plan 102 Townhouse dated 1-30-07
- O-1 Photo Board existing conditions of water runoff
- O-2 Photo Board 1998 House Construction completed
- O-3 Photo Board of existing back yard conditions 9 years later
- O-4 Map of lot 7101, Lot 1 existing conditions

Summary of Testimony – Alan Kopelson, Architect

Mr. Kolpeson stated that he also had met with our Board Attorney and Board Engineer to discuss what the applicant is proposing on the property in question. Mr. Kolpeson proceeded to review with the Board and members of the public previous exhibits submitted. The exhibits showed the site in question with other housing complexes in the neighborhood. A-13 is an existing condition site aerial map from google with adjacent residential to the South of the site. Mr. Kolpeson proceeded to review the concept site plan exhibits submitted with different schemes which included condos, stack townhouses and Townhouses. These schemes included high density and more units in some cases. We concluded with 102 Townhouses and the way we got to this was by establishing a setback that will be acceptable to the neighbors and the professionals. If we can achieve these setbacks we can reduce our density and reduce the total coverage. We have also included the recreational facility still keeping our setbacks. We have placed the clubhouse facing James Street this will improve the visual impact in the

neighborhood. This will provide open space for our residents the units will be smaller than what was previously proposed. We have met all the criteria that the Town has requested. The buffer between the neighbors will remain as it is now. There will be no tree removal to the North of the site. The plan includes the affordable units. A lengthy discussion was carried regarding the COAH obligations. The wetlands that are defined on this application do not impact this site. We don't feel we are going to be negatively impacted by the wetland regulations. This will be part of our next application. Mr. Kolpeson was asked if he knew the amount of trees that were going to be removed and his answer was unknown. He stated that probably there would be more trees than what is there today. A lengthy discussion was carried regarding wetland issues, density and additional parking spaces.

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

Ronald Goldberg	4 ½ Hilltop Circle
Joan Eisen	3 Tennyson Court
Timothy Mullin	11 Victoria Lane
Dr. Carlos Dicenta	8 Victoria Lane
Barbara Gardner	3 Victoria Lane

A discussion was carried in regard to the setbacks among the applicants professionals and the Board. Mr. Kopelson stated that if the Board was to grant an approval to the application that there was a possibility that the applicant would have to request a variance for the setbacks from the OL-15 standards.

Mr. Hall stated that all the testimony has been presented and that Mr. Paragano has been here and stated the conditions with the building. We have a lot of things that are against the use of the building. Our planner indicated there are other OL-15 properties but they are occupied by more modern office space/buildings. We have also indicated that the architectural development of the building is not usable. The kind of usage that is proposed is extremely compatible to similar facilities close to the site. We are looking for a change of use from office building to residential and the number of units per acre.

Recess is taken at 9:18 pm
Meeting reconvened at 9:30 pm.

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

Eileen Calvanelli	12 Victoria Lane
Peter Cliché	4 Victoria Lane
Jack Plaxe	10 Victoria Lane

Mr. Hall stated that as the testimony has come in there is a drainage issue on the property and that they were willing to provide a better stormwater management than what is onsite today. Mr. Kolpeson stated that additional planting will be placed along the Victoria Lane area to create a larger buffer. This will improve the situation in the area. A lengthy discussion was

carried in regard to the buffering and density among the Board and the applicant's professionals.

Mr. Oller informed the applicant's attorney that there were six eligible members to vote and that it was up to the counsel if he wanted the Board to proceed with the vote. The counsel accepted to proceed with the voting process of the Board.

Mr. Morales moved, seconded by Mr. Haan that approval be granted to the application of James Street, LLC thereby permitting on Block 7101, Lot 1 the change of use and density with stipulations 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 March 26, 2007 meeting.

Roll Call: (Voting Members)

Mr. Allison	NO
Mr. Luby	YES
Mr. Kronk	NO
Mr. Haan	YES
Mr. Morales	YES
Mr. Vitale	YES

Mr. Oller informed the applicant's counsel that the motion failed since five affirmative YES votes are required for a use variance.

A motion to deny the application was made by Mr. Kronk and seconded by Mr. Allison.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Kronk	YES

The application of James Street LLC is DENIED.

Other Matters

Resolution in recognition of service to Joseph Calvanelli was read into the record by Mr. Oller on a motion duly made, seconded and unanimously carried the resolution is approved.

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 10:38 P.M.

Respectfully submitted,

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