

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 26, 2007**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, March 26, 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 March 20, 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 Vitale, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Lawrence C. Vitale, Chairman
Mr. James C. Allison
Mr. Thomas Luby
Ms. Norma Larkin
Mr. Timothy Kronk
Mr. Rick Haan
Mr. Paul Woodford, Alternate #2
Mr. Donnell Williams, Alternate #1 8:00 pm

Members Absent

Mr. Nelson Morales

Also Present

Mr. Rich Oller, Board Attorney
Ms. Tirrell Loftin, Zoning Officer
Ms. Sonia Santiago, Board Secretary

Professional Absent

Mr. James R. Slate, Township Engineer

On motion duly made, seconded, and unanimously carried, the minutes of the February 12, 2007 special meeting and February 26, 2007 regular meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-13-06

James Street, LLC

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

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. Kronk moved, seconded by Mr. Allison, roll call as indicated that the resolution of **Denial**, 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 12, 2007 meeting.

Roll Call: (Voting Members)

Mr. Kronk	YES
Mr. Allison	YES

BA-05-06

Sprint Spectrum LP

Block 8608, Lot 15, 11 Old Turnpike Road, OL-40 zone Section C & D.

Applicant proposes to construct a wireless telecommunications facility consisting of a 120 foot monopole tower with 12 antennas and a 10 x 20 equipment shelter to be located at the base of the tower. A "d" conditional use variance is required from the requirement for a 40-acre lot in the OL-40 zone. A front, rear and side yard setback is also being requested due to the OL-40 setback requirements. Application amended to reduce overall tower height to 100 feet.

Mr. Allison moved, seconded by Mr. Haan, 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 26, 2007 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Luby	YES
Mr. Haan	YES
Mr. Vitale	YES

BA-16-06

AHS Hospital Corp.

Block 5605, Lot 7, 102 Mt. Kemble Avenue, RA-15 zone. Section C & D.

Applicant proposes expansion of the existing parking area to add nine additional spaces at the rear of the site in a residential zone. A variance is requested to permit parking space size of 9 x 18 where a minimum of 9 x 20 is required and a aisle width of 22 feet where 25 is required. Also a variance is being requested to permit continuation of an existing non-conforming two-way driveway of 14 feet to the rear parking area where a minimum width of 25 feet is required.

Mr. Luby moved, seconded by Mr. Woodford, 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 26, 2007 meeting.

Roll Call: (Voting Members)

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

BA-17-06

Chris Volinsky

Block 8906, Lot 2, 50 Olmstead Road, RA-11 zone. Section C.

Construction of a 150 sq. ft. mudroom addition creating a front yard setback on Woodside Road of 11.32 feet where 35 feet is required and 18.49 feet is the existing setback. A variance is also being request to maintain the shed at the existing location.

Mr. Haan moved, seconded by Mr. Allison, 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 amended, memorializing the action taken by the Board at the February 26, 2007 meeting.

Roll Call: (Voting Members)

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

BA-19-06

Jenna Smith

Block 4401, Lot 21, 17 Wood Road, RA-130 zone. Section C.

Construction of a 10'4" x 8' covered front porch portico creating a front yard setback of 56 feet where 100 foot front yard setback is required.

Mr. Luby moved, seconded by Mr. Woodford, 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 26, 2007 meeting.

Roll Call: (Voting Members)

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

Regular Meeting

BA-18-06

Giovanni Robertelli

Block 10308, Lot 18, 253 Martin Luther King Avenue, RB-7 zone. Section C & D.

Applicant seeks a "D-5" density variance for multi-family dwellings. The proposal is to convert the first floor of the front building to a one-bedroom and three bed-room apartment. A "C" variance is also being requested for parking requirements.

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

The TCC report dated December 7, 2006 was read into the record by Board Attorney.

Fire chief report dated January 16, 2007 was read into the record by the Board Secretary.

Mr. Peter Wolfson entered his appearance, and presented the application to the Board.

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

Mr. John McDonough, Professional Planner

Mr. Giovanni Robertelli, applicant

The following exhibits were submitted as evidence.

A-1 Aerial photo of property in question

A-2 Aerial photo of neighborhood

A-3 Ground photographs of the site taken 3-26-07 by Mr. McDonough

A-4 Ground photographs of the site taken 3-26-07 by Mr. McDonough

A-5 Copy of the Easement

Summary of Testimony – John McDonough, Professional Planner

Mr. McDonough reviewed the exhibits submitted with the Board. The property in question is in the RB-7 zone this area is mixed in character. The proposed condition is to remove the non conforming use of the tavern and substitute it with two residential dwellings. The applicant is proposing 11 parking spaces for the two units where 12 spaces are required. Mr. McDonough proceeded to explain the positive and negative criteria for the property in question. Mr. McDonough stated that the applicant has agreed to provide adequate fire protection. From a planning point I see positive criteria can be met. A lengthy discussion was carried regarding parking and fire issues with the Board.

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

Summary of Testimony – Giovanni Robertelli, Applicant

Mr. Robertelli stated that his plan is to improve the property in question. The rear dwelling has vinyl siding and I plan to remove the front façade of the front building to match the existing rear dwelling. As to parking my plan is to assign two parking spaces to the tenants. The limit of occupant is based on two occupants per bedroom. Mr. Robertelli stated that the access lane behind the property is another way to access the property in question. With regard to street parking Martin Luther King is not a street that you can park. However there are several streets that you can park such as Cory Road, Walnut

Street, street behind Cleveland Avenue and Emmet Avenue in case visitors need to park. A lengthy discussion was carried regarding apartment size and parking among the Board and the applicant.

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

Mr. Bernard Weiss

4 Glen Arlee Ct.

There was no further testimony to be heard. Due to the Board concerns' regarding the parking and fire issues the Board has requested that the fire chief be present at the next Board meeting to answer some of the Board concerns and the applicant is to do a parking study in the neighborhood. For this reason the application is carried to the April 23, 2007 Board of Adjustment meeting without further notice.

Recess taken at 9:05 pm
Meeting reconvened at 9:20 pm

BA-02-07

Rabbi Yaakov & Naomi Zirkind

Block 2802, Lot 1, 384 Sussex Avenue, RA-15 zone. Section A.

Applicant is appealing the determination and/or decision of the Zoning Officer made on January 15, 2007 for alleged violations of sections 98-1 A and 98-2 of the Township Ordinance for housing and keeping goats on the aforementioned property.

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

Mr. Rettie entered his appearance, and presented the application to the Board.

Mr. Oller informed the Board that he had reviewed the application file from the applicant which is for an appeal from the determination of the Administrator Officer as well as the notice of violation from Kevin Breen, Health Administrator and he reviewed Ms. Loftin's notice where she is attempting to enforce parts of the animal code sections 98-1a and 98-2 of the Township code. He determined the Board has no jurisdiction to enforce the codes of the Township of Morris with respect to animal code under section 98. We have jurisdiction under chapter 95 zoning ordinances of the Morris Township. However, we do not have jurisdiction in respect to the applicant's application in front of us tonight. Mr. Oller suggested that this matter be referred to the Health Administrator for further proceeding. Mr. Rettie, attorney for the applicant requested the Board have Ms. Loftin withdraw her violation to the applicant since she has no jurisdiction to enforce the codes under section 98. For the reasons stated Ms. Loftin then withdraw the violation to the applicant for the record. Mr. Oller informed the public that the Board only has jurisdiction to determine zoning matters under chapter 95 and doesn't have jurisdiction over the animal code which is section 98 of the Township Code. That has to be referred to the Health Department who issued the violation notice.

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

Dr. James Shaw

34 Valley View St.

Other Matters

Draft Board of Adjustment 2006 Annual Report was distributed and discussed some changes were suggested, another draft will be submitted for consideration at the next Board of Adjustment meeting.

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 9:48 P.M.

Respectfully submitted,

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