

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 23, 2007**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, April 23, 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 April 16, 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
Mr. Timothy Kronk
Mr. Thomas Luby
Mr. James C. Allison
Mr. Nelson Morales
Ms. Norma Larkin
Donnell Williams, Alternate #1
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Rick Haan

Also Present

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

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

Regular Meeting

BA-18-06

Giovanni Robertelli

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

Continuation from the March 26, 2007 public hearing, 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.

Mr. Peter Wolfson, attorney for the applicant entered his appearance and requests the Board adjourn the application. He stated that he and his client have had a number of discussions with the fire chief and are in need of more time to gather information for this reason we ask that this application be adjourned to the next available meeting without further notice. The application is carried to May 21, 2007 without further notice.

**Mr. Nelson Morales recused himself from this application
Mr. Paul Woodford is seated in his place.**

BA-03-07

James Koons & Janice Smiell

Block 7301, Lot 1, 22 Prospect Place, RA-15 zone. Section C.

Construction of a 28.22 ft. x 46.67 ft. attached garage with a family room addition above creating a front yard setback on Pear Street of 24.5 ft. where 50 feet is required. Also to maintain 225 linear feet of 5 ft. high chain link fence creating a front yard setback on Pear Street of 14 ft. where a minimum of 50 feet is required and 5 feet from an existing stream embankment where a minimum setback distance of 25 ft is required. In addition a 12 ft. x 20 ft. existing shed is located 12 feet from the Whitney Avenue property line where a minimum setback of 25 feet is required.

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

Mr. Koons and Ms. Smiell being duly sworn in by the Board Attorney entered their appearance and presented the application to the Board.

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

Michael Moschella, Architect

No exhibits were submitted as evidence during testimony.

Summary of Testimony – Ms. Smiell, Homeowner

Ms. Smiell stated that they had bought the house back in 1988 and in 2002 they did a rear addition which it didn't required variance. At this time we decide to take care of the severe water problem we had because our basement flooded every time we got an inch of rain or more from the runoff that came down our driveway and into our two car garage which was underneath the house. So when we put in our addition we decide to close our garage. At this

time we decided not to put up the garage. We didn't want to go through the expense and we wanted some time to see if the work that we had done to avoid flooding had worked on our newly remodel home. We moved back into the house in 2003. We feel we have had enough proof now after 5 inches of rain we are no longer flooding. We would like to have a garage there are three drivers in the house and three vehicles and a large driveway and we think we would have a better resale if we put on the garage. We looked into putting a three car garage and that went over the ditch which it only has water when it rains. We thought that structure was a little bit too much. So we asked our architect to redesign a two car garage and still because we have three front yards and the drainage swale we are required to request a variance. Also we have an existing 5 foot fence only to keep our dog in the property. She is a black lab and Australian shepherd who likes to visit the neighbors every time she gets loose and we felt the the safest way to keep in our yard was to put up the chain link fence. We came into Town and ask for the requirement for fencing and we were told that as long as we kept it within our property line. We also have the issue of the shed. The shed originally was near where the addition was put on just to one side of the driveway. So when we did the construction we moved it back and we were told that still needs to be moved away from the stream and we can put it in the back of the property, apparently we are still too close to the undeveloped Whitney Avenue. A lengthy discussion was carried regarding the garage among the Board and the applicant.

Summary of Testimony – Michael Moschella, Architect

Mr. Moschella stated that the width of the addition was based upon the standard minimum width that you expect for a garage. The additional space that we have between the two overhang doors is potentially a foot at best 2 that we can eliminate from the garage pulling it back from the property line. Mr. Moschella stated that because this property has three front yards it is impossible not to trigger a variance because of the shape of the lot.

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

John Weisgerber 20 Prospect Place

Mr. Luby moved, seconded by Ms. Larkin that approval be granted to the application of James Koons & Janice Smiell with conditions stipulated thereby permitting on Block 7301, Lot 1 the construction of the garage, maintenance of an existing fence and shed 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 May 21, 2007 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Luby	YES
Ms. Larkin	YES
Mr. Kronk	YES
Mr. Williams	YES
Mr. Woodford	YES
Mr. Vitale	YES

Mr. Morales is seated at 8:21 pm.

BA-05-07

Daniel & Nicole Lacz

Block 8104, Lot 55, 10 Braidburn Way, RA15 zone. Section C.

Applicant proposes construction of a 4.8 ft. x 8 ft. front entrance portico creating a front yard setback of 47 feet where 50 feet is required.

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

Mrs. Lacz being duly sworn in by the Board Attorney entered her appearance and presented the application to the Board.

No exhibits were submitted as evidence during testimony.

Summary of Testimony – Ms. Nicole Lacz, Homeowner

Ms. Lacz stated that the purpose of the application is to construct a front entrance portico to cover the front entrance door from inclement weather and to add an esthetic appearance to the neighborhood and the house. The construction of the portico will create a front yard setback of 47 feet where 50 feet is required. Ms. Lacz stated that this will not have any detriment to the public good or the neighborhood.

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

Mr. Kronk moved, seconded by Mr. Williams that approval be granted to the application of Daniel & Nicole Lacz thereby permitting on Block 8104, Lot 55 the construction of a front porch portico 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 May 21, 2007 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Luby	YES
Ms. Larkin	YES
Mr. Kronk	YES
Mr. Williams	YES
Mr. Morales	YES
Mr. Vitale	YES

Other Matters

Annual report was reviewed by the Board, Mr. Allison moved, seconded by Mr. Luby and unanimously carried the annual report was approved as circulated and the Board secretary is to submit it to the Township Committee and Planning Board for consideration.

Master Plan Re examination report – Mr. Slate stated that the Planning Board is in the process of reviewing the Master Plan and there is going to be a memo going out to all the Boards and agencies involved in the Township. There will also be copy of the re examination report for review. The Planning Board will be looking for comments and reports such as our annual reports. We need to block some time to discuss master plan issues.

Mr. Slate discussed the application that came in front of the Board for a use variance at the corner of Punchbowl and Old Turnpike Roads it was approved by the Board and they came back for an amended site plan which reduced wall sizes essentially adding a walk out basement and some other changes to the plans which was all approved by the Board. The plans are in for signature but they have no variation between the units. The variation goes by building and not by unit. Before the plans are signed I would like to know if the Board is comfortable with these architectural. The Board stated that the site plan and the landscaping should be held to what was 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 8:50 P.M.

Respectfully submitted,

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