

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 25, 2007**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, June 25, 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 June 18, 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
Ms. Norma Larkin
Mr. Donnell Williams, Alternate #1
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Rick Haan
Mr. James C. Allison
Mr. Nelson Morales

Also Present

Mr. Richard Luzzi, 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 May 21, 2007 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-08-07

Thomas & Maria Vasold

Block 4301, Lot 6, 16 Old Mendham Road, RA-130 zone. Section C.

Applicant proposes construction of a first floor 16.8 x 17.8 foot bedroom, bath and closet addition creating a side yard setback of 28 feet and a combined side yard setback of 81.6 feet where as a combined side yard set back of 100 feet is required.

Mr. Luby 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 21, 2007 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Williams	YES
Ms. Larkin	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.

Continuation from the March 26, 2007, April 23, 2007 and May 21, 2007 public hearings, 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 bedroom 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.

Mr. Wolfson entered his appearance and stated that he was informed by the Board secretary that there were six members eligible for voting on the matter however my client is looking for the majority for a vote. Based on the number of eligible voting members my client requests the Board grant an adjournment until July 23, 2007 meeting without further notice. Applicant also granted the Board an extension of time until August 30, 2007.

BA-07-07

William Howard

Block 2304, Lot 40, 5 Raynor Road, RA-15 zone. Section C.

Applicant proposes to extend a previously approved breezeway to 12 x 33.4 foot creating a rear yard setback of 21 foot where 25 foot is required.

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

Mr. Howard entered his appearance, being duly sworn in by the Board Attorney.

The following exhibits were submitted as evidence.

- A-1 Series of photographs
- A-2 Double sided plan

Summary of Testimony – Mr. William Howard, Homeowner

Mr. Howard stated that the purpose of the application is to extend the previously approved breezeway in order to get better use of the space, but in order to do the expansion I would need to get a variance. This addition will not be visible to the neighbors. The only one that will be able to see the breezeway addition will be the neighbor directly behind the property. The reason for adding this addition is related to economics, once I got an estimate to have the breezeway built I was going to have basically a hallway 7 foot wide for a very small cost increase I can have a full functional room. With the extra width and length I can move the stairs to the basement out of the house and into this addition which will give me more room in the kitchen area.

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

Mr. Williams moved, seconded by Mr. Kronk that approval be granted to the application of William Howard thereby permitting on Block 2304, Lot 40 the extension of a breezeway 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 23, 2007 meeting.

Roll Call: (Voting Members)

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

BA-06-07

Edward & Lisa Turi

Block 3501, Lot 15, 18 Jonathan Smith Road, RA-130 zone. Section C.

Applicant proposes the construction of a 15 x 25 foot pool house with a height of 16.5 feet height where a maximum height of 15 feet is permitted for accessory buildings.

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

Mr. Joe Burns, 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.

- Mr. David A. Clark, Licensed Engineer
- Mr. William Burns, Architect

Roll Call: (Voting Members)

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

Recess is taken at 8:37 pm
Meeting reconvened at 8:50 pm

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 public hearing, applicant proposes to convert three existing mechanical bays into a convenience store which includes a Dunkin Donut franchise.

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

Mr. Anthony Wahl, 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 Mehrman, Licensed Engineer
Kamlesh Sha, Licensed Architect

The following exhibits were submitted as evidence.

A-1 Site Plan
A-2 Photographs 1 thru 9 of the neighborhood
A-3 Colored Aerial photo

Summary of Testimony – Mr. Richard Mehrman, Licensed Engineer

Mr. Mehrman stated that he had toured the neighborhood and had taken some photographs of the site. What we are changing on site is exterior changes behind the building the storage container area will be removed and a waste oil facility will be removed. The asphalt will be removed and replaced and re-stripped. The curbing will remain the same. Landscaping will not change including the trees in the back. The entrance on both sides will remain the same. The pylon sign will remain the same with slight modification. The parking will be striped to show 17 parking spaces. We are also proposing a new location for the enclosed dumpster on a concrete pad. Lighting will remain the same. Storm drainage will not change. Grading will be the same. There will be no concrete removal. We are proposing that the exit on Madison Court will be used as an exit for the site. There are no tree removals and no existing wetlands on site. We are also removing on the South side of the property an air compressor that currently exists. The bulk variance that is being considered is the impervious coverage. We are proposing a 78.68% impervious coverage where 75% is required. There is no entrance from the rear of the building, deliveries must enter from the front. Hours of operations will be 6 AM to 10 PM seven days a week. A lengthy discussion was carried regarding garbage pick up, traffic flow and landscaping.

The meeting was opened to the public; for questioning of Mr. Mehrman and the following persons appeared to be heard.

John Picone	1 Madison Court
Tom Crofton	521 Pitney Place
J. Worzicki	406 Pitney Place
Peter De Simone	5 Beechwood Drive
Robert Riker	609 Pitney Place
Gina Martino	522 Pitney Place
Roberta Reddy	407 Pitney Place

Summary of Testimony – Mr. Kamlesh Sha, Licensed Architect

Mr. Sha stated that he is a corporate architect for dunkin donuts; this store is called Non Tradition Operation (NTO). This dunkin donuts will not do any preparation on site. All products will be delivered from other franchises within the area. Mr. Sha proceeded to review exhibit A-4 the proposed floor plan and exterior elevations. What we are proposing is to take the three mechanical bays and convert them into a convenience store with a dunkin donut counter. The facility will have two restrooms that will be accessed from the outside and they will be improved to meet ADA standards. The site will be re-surface and striped. The garage doors will be removed and an awning will be placed with a lighted dunkin donut sign. We are also proposing another free standing illuminated sign on the pylon. There will be water and gas available in the building and security cameras inside and outside of the building. No exterior lighting to the building is being proposed. Garbage will be picked up on a commercial basis.

The applicant was requested to provide a reduction in impervious coverage, lighting analysis for the site, existing dimensions for the side walk along the front of the building, water and electricity impact and to have the Township Police Department review the security system that the applicant is proposing. This application is carried to the August 27, 2007 Board of Adjustment meeting without further notice. Applicant has granted the Board an extension of time until October 31, 2007.

Recess taken at 10:06 pm
Meeting reconvened at 10:12 pm

Other Matters

Master Plan Discussion, a lengthy discussion was carried regarding what the Board thoughts were regarding certain issues to be recommended to the Planning Board. The recommendations were as follows. Review of our wireless communication ordinance to be done by our Radio Frequency Consultant and TCC to ensure that we are current with the latest technology. Current ordinance does not allow tree type camouflaging. The Board recommends it be allowed if the site is suited for that type of installation. The Board requests a copy of the report regarding house size ordinance to see what other towns have done regarding the teardowns. The Board will continue to review the issue and report back to the Planning Board. The Board also recommends changes to the tree removal ordinance to prevent homeowners from clearing homestead lots. Mr. Vitale stated that if any members had any other suggestions to email Sonia or Jim.

Mr. Slate notified the Board that St. Elizabeth and St. Thomas More were coming in with an application; both entities would like to place a sign within the front yard of Madison Avenue. Can one attorney represent both entities? The Board counsel stated yes one counsel can represent both entities.

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 11:10 P.M.

Respectfully submitted,

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