

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

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, July 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 July 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, Chairman  
Mr. Thomas Luby  
Ms. Norma Larkin  
Mr. Timothy Kronk  
Mr. Rich Haan  
Mr. Donnell Williams, Alternate #1  
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Nelson Morales  
Mr. James C. Allison

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 June 25, 2007 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

**Resolutions**

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.

Mr. Kronk 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 25, 2007 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	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.

Ms. Larkin 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 amended, memorializing the action taken by the Board at the June 25, 2007 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Ms. Larkin	YES
Mr. Kronk	YES
Mr. Williams	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, May 21, 2007 and June 25, 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.

Mr. Peter Wolfson entered his appearance, and presented the application to the Board stating that at the May 21<sup>st</sup> meeting we completed our application; it is a use variance with two new apartments. The proposal will improve the site. This is a mixed neighborhood with various uses in the area. The

applicant has agreed to install sprinklers in both structures to address the request of the Fire Chief and the Board. My client believes that the proposed use is the best for the property. My client seeks a minor parking variance of only one parking space. It's not feasible to provide this one parking space. As a condition he will coordinate parking on site. My client is committed to limiting the tenants in the units. My client provided a survey of on street parking as it is allowed in the neighborhood. We feel that if there would ever be an overflow on site there is extensive off site street parking that is available. Certainly it appears self evident that the parking required will be less if the tavern use. The applicant has agreed to purchase appropriate garbage containers and keep them in an appropriate location. We have received no negative commentary from anyone in the neighborhood. We believe that the site will work as proposed.

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

Comments from the Board and Professionals

A condition of approval will be that parking will be assigned to tenants in their lease. There is also a slight increase of impervious coverage of 1.5% for the driveway widening in which the applicant should amend the application to reflect the variance request for the impervious coverage. Applicant amended the application to request the variance for the impervious coverage. The proposed use of converting the tavern into two apartments will be a great improvement to the site. Increasing the housing stock and adding safety features is a great improvement. There is also a D1 variance because there is a four family structure which is not permitted in the zone a D2 variance for expansion of non conforming use, a D5 for the density and a C variance for the increase of impervious coverage. Applicant is to upgrade the façade of the front building. A road opening is required. Applicant must agree to meet the ADA requirements of the building department.

Mr. Luby moved, seconded by Mr. Woodford that approval be granted to the application of Giovanni Robertelli thereby permitting on Block 10308, Lot 18 the conversion of the tavern into two apartments with conditions as 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 August 27, 2007 meeting.

Roll Call: (Voting Members)

Mr. Woodford	YES
Mr. Luby	YES
Ms. Larkin	YES
Mr. Kronk	YES
Mr. Williams	NO
Mr. Vitale	YES

BA-01-07

Dean & Annamarie Janeway

Block 1805, Lot 16, 4 Homewood Drive, RA-25 zone. Section A.

Continuation from the May 21, 2007 public hearing. Applicant is appealing the determination and/or decision of the Zoning Officer made on December 13, 2006 for the recreational equipment. Applicant feels that this type of playground equipment should not be categorized as a recreational facility and should not be required to meet the setbacks as required for the principal structure as stipulated in the section 95-36(B) of the Zoning Ordinance. The Board determined that the recreational equipment is considered an accessory structure with the exception of the trampoline. The applicant amended the application to request variance relief for the recreational equipment to be located outside of the building envelope.

Mr. Brady entered his appearance and presented the application to the Board stating that at the May 21<sup>st</sup> meeting we presented the application for an interpretation of the zoning ordinance. Mr. & Mrs. Janeway purchased the property in 2005 at the time they bought the property there was a swing set in place and they decided to replace the swing set. In 2006 they also added a playhouse. In December 2006 Ms. Loftin sited them for violating the latest provisions of section 95-36(b) it is important to know that before 2006 that section prohibited any equipment from being in the side and rear yard of a residence. In December of 2006 Township decided to change that section. At the last meeting the Board made three findings which were the swing set and the play house were accessory structures pursuant to 95-38 (a) and the trampoline was not. The Board found that the play house should be treated as a shed under the old ordinance and that it was subject to the five foot requirement. The applicant agreed to amend the application to request the variance required for the swing set. The Board also suggested that we speak to the next door neighbor regarding weather or not a landscaping plan can be put in place that would be acceptable to the neighbor and might mitigate the effect of the swing set.

The following person being previously sworn in by the Board Attorney appeared to be heard.  
Dean Janeway, Homeowner

The following exhibits were submitted as evidence during testimony.  
A-14 Landscape Estimate

**Summary of Testimony** - Dean Janeway, Homeowner

Mr. Janeway stated that if he moves the swing set from the rear of the property into the building envelope it is difficult because his property has a slope to it and requires intensive landscaping and a retaining wall to provide a level area for the swing set. I went out and consulted a contractor for the cost of the relocation of the swing set. Mr. Janeway presented the Board with an estimate from the contractor to relocate the swing set in the amount of \$11,725.00 and it required 55 truck loads of fill in order to fill the slope to relocate the swing set. By relocating the swing set to the left rear of the property it is not visible from inside the house or the family room. At the current location the swing set is visible from both rooms which is where we spend most of our time. I have spoken to the next door neighbor who is adjacent to the swing set and offered to add additional landscaping on their property and they stated they would rather not have landscaping added to their property that they rather see additional trees extended along the homeowners property line. I am willing to add the additional trees to mitigate the noise and provide a buffer. We will also modify the swing set by removing the rope swing.

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

Mr. Frank Felsenstein            8 Manor Drive

Mr. Williams moved, seconded by Ms. Larkin that approval be granted to the application of Dean and Annamarie Janeway thereby permitting on Block 1805, Lot 16 the placement of playground equipment with conditions 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 August 27, 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-11-07

Anne McGrath

Block 7701, Lot 8, 2 Florence Avenue, RA-15 zone. Section C.

Applicant proposes the construction of a 60 square foot addition to the front porch and a side yard addition creating a front yard of 10 feet where 50 feet is required and a side yard setback of 17.28 where a combined side yard setback of 50 feet is required. The proposed addition will also create a building coverage of 23.9% where 20% is required in the zone.

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

Mr. & Mrs. McGrath entered their appearance, being duly sworn in by the Board Attorney.

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

Karl Nichol, Architect

The following exhibits were submitted as evidence.

A-1 Colored rendering rear elevations

A-2 Colored rendering of floor plan

**Summary of Testimony** – Karl Nichol, Architect

Mr. Nichol stated that the proposed addition is to expand from three bedrooms to four. The first floor consists of study room, kitchen and dining room. We are going to create a foyer with a powder room and expand on the dining room to become a family room. On the second floor there is a small room which we will utilize to access the third floor we will expand the other rooms. On the third floor will be the master bedroom with a bathroom. The existing house is approximately 1200 square feet and with the proposed addition we will bring it up to approximately 1850 square feet. The house was built around the 1930's. The building height will be slightly higher. The existing deck will be reduced in size in order to place the proposed addition towards the back.

Mr. & Mrs. McGrath stated that the purpose of expanding the existing house is to make room for the growing family. The proposed addition will match the existing house which is clap board it will be painted to match the existing house.

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

Mr. Haan moved, seconded by Mr. Williams that approval be granted to the application of Anne McGrath thereby permitting on Block 7701, Lot 8 the construction of a front and side addition 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 August 27, 2007 meeting.

**Roll Call: (Voting Members)**

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

**Mr. Paul Woodford recused himself from this application.**

BA-12-07

Alan Stone

Block 2907, Lot 14, 31 Knollwood Drive, RA-15 zone. Section C.

Applicant proposes to maintain the existing front porch portico which is creating a front yard setback on Knollwood of 43 feet where 50 feet is required, the construction of a deck creating a front yard setback on Sussex Avenue of 39 feet where 50 feet is required and also to maintain a 4 foot high chain link fence on the Sussex Avenue front yard which is located beyond the principal building setback.

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

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

The following exhibits were submitted as evidence.

- A-1 Picture of the front of the house
- A-2 Picture of the rear of the house
- A-3 Picture from the left side of the house towards Sussex Ave.

**Summary of Testimony** – Mr. Alan Stone, Homeowner

Mr. Stone stated that he was seeking relief to maintain the chain link fence which requires a variance because it is beyond the principal building setback which faces Sussex Avenue. The front porch portico is to cover the front stairs from inclement weather and it creates a front yard setback of 43 feet where 50 feet is required. The deck is a replacement of what was there which was in poor condition.

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

Mr. Luby moved, seconded by Mr. Kronk that approval be granted to the application of Alan Stone thereby permitting on Block 2907, Lot 14 to maintain the front porch portico, existing fence and to replace the deck 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 August 27, 2007 meeting.

**Roll Call: (Voting Members)**

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

**Mr. Woodford and Mr. Luby recused themselves from this application.**

BA-03-06

St. Thomas More/St. Elizabeth

Block 8503, Lot 1, 340 Madison Avenue, OS-GU zone. Section C & D

Applicant proposes the construction of 572 sq. ft. two car garage and placement of a 45 and a 32 square foot sign. Also to maintain a 154 square foot sign for the Academy of St. Elizabeth in the front yard.

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

Ms. Carlotta Budd, attorney for the applicant entered her appearance and presented the application to the Board.

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

Sister Mary Aires, Representative of Sisters of Charity of St. Elizabeth  
James Bressi, Representative of St. Thomas

The following exhibit was submitted during testimony.

A-1 picture of St. Thomas More signs

**Summary of Testimony** – Sister Mary Aires, Representative of Sisters of Charity of St. Elizabeth

Sister Aires stated that the property once belong to the Sisters of Charity and was sold to St. Thomas More by the Diocese of Patterson and we retained an interest by a deed in having a sign on the front of the property. We had other properties in other areas that were sold as well. It is important that we keep this sign at this location for identifying the location of the property. The original sign is long gone and there was no application to replace the sign. The sign was placed approximately 10 to 12 years ago it was done in cooperation with the two administrators at that time. We have replaced it with a new one that is larger and lighting has been added and it was brought to our attention that a variance is needed in order to replace the sign being that is located on someone else's property and front yard setback requirement is not met.

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

**Summary of Testimony**–James Bressi, Member of the Finance Committee of St. Thomas More

Mr. Bressi stated that the purpose of the application is to place two 45 square foot signs on each corner of the property. The purpose of placing the signs on the property is to identify the Church from the street. We also would like to construct a 22 x 26 foot two car garage that was previously approved by the Board and it was never built due to lack of funding. The garage will not be brick it will be a dark vinyl with shingle roof to match the existing church. Evergreens will be added to buffer the garage.

Mr. Haan moved, seconded by Ms. Larkin that approval be granted to the application of St. Thomas More & St. Elizabeth thereby permitting on Block 8801, Lot 1.01 the placement signs and the construction of a two car garage 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 August 27, 2007 meeting.

**Roll Call: (Voting Members)**

Ms. Larkin	YES
Mr. Kronk	YES
Mr. Haan	YES
Mr. Williams	YES
Mr. Vitale	YES

**Mr. Woodford and Mr. Luby are seated at 9:19 pm.**

Other Matters

Master Plan Discussion – Mr. Slate informed the Board that a special meeting has been scheduled for August 20, 2007 for further discussion on the re-examination report and it will be open to the public for comments and recommendations. After the August 6, 2007 Planning Board meeting the document will be available for public review.

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 9:22 P.M.

Respectfully submitted,

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