

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 22, 2007**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, October 22, 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 October 15, 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. Rich Haan
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Donnell Williams, Alternate #1
Mr. Timothy Kronk
Mr. Nelson Morales

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 September 24, 2007 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-14-07

Kristen & Matthew Byrne

Block 8403, Lot 7, 50 Old Turnpike Road, RA-15 zone. Section C.

Applicant proposes the construction of a 25' x 3'4" covered front porch with 7'3" x 2'6" uncovered stairs creating a front yard setback for the porch of 47.08 feet where 50 feet is required and the uncovered stairs creates a front yard setback of 44.58 feet where a front yard setback of 48 feet is permitted for uncovered stairs.

Mr. Luby 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 September 24, 2007 meeting.

Roll Call: (Voting Members)

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

Regular Meeting

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, June 25, 2007 and August 27, 2007 public hearings, applicant proposes to convert three existing mechanical bays into a convenience store which includes a Dunkin Donut franchise.

Mr. Wahl, attorney for the applicant entered his appearance and requests the Board an adjournment for the evening due to that they had not received approval from Exxon until last week and we did not have enough time to complete the plans and submit to the Board for their review prior to the meeting. Also the traffic Engineers have updated their traffic study, the report is forthcoming; we do not have it yet. We will have both of the reports prior to the next meeting for the Board to review. Unfortunately Exxon had a change in personnel, the new people didn't know of this application approval by previous personnel and we were back to square one. The Chairman of the Board informed Mr. Wahl that the November meeting was closed and that he could carry the application to January of 2008 meeting. Mr. Wahl agreed to the January meeting and granted the Board an extension of time until February 28, 2008. The application is carried to January 28, 2008 without further notice.

BA-16-07

Eugene Albanese

Block 9002, Lot 5, 5 Green Knoll Road, RA-35 zone. Section C.

Applicant proposes the construction of a 9'6" x 4' front entrance portico creating a front yard setback of 47 feet where 75 feet is required.

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

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

Summary of Testimony – Eugene Albanese, Homeowner

Mr. Albanese stated they had added a master bedroom above the dining room and the plans have a front porch portico over our existing steps increasing into the front yard setback. This will be an aesthetic improvement and for weather and safety protection. This improvement will not have any detriment to the public good or neighborhood.

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

Mr. Luby moved, seconded by Mr. Woodford that approval be granted to the application of Eugene Albanese thereby permitting on Block 9002, Lot 5 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 November 26, 2007 meeting.

Roll Call: (Voting Members)

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

Mr. Albanese asked the Board if he could start the work. Mr. Albanese was informed that he could start the process of submitting his building permit but the work cannot start until the resolution is approved.

BA-18-07

Eugene & Cynthia Spiegle

Block 307, Lot 1, 29 Bromleigh Way, OS-GU zone. Section C.

Applicant proposes the construction of a 29'8" x 20' rear deck maintaining the pre-existing nonconforming side yard setbacks of 20.3 ft. & 19.2 ft. and creating a rear yard setback of 90 feet where 100 feet is required.

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

Ms. Spiegle and Mr. Arner entered their appearance, being duly sworn in by the Board Attorney.

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

Gregory Arner, Architect

The following exhibits were submitted as evidence.

A-1 Photo Board of existing conditions and survey of the property

A-2 Plan of proposed deck

Summary of Testimony – Ms. Spiegle, Homeowner and Mr. Gregory Arner, Architect

Ms. Spiegle stated that what they wanted to do is to replace the existing deck on the house. We have a rear yard setback issue. We are required to have a 100 foot rear yard setback and with the proposed deck we will be encroaching into the setback by 10 feet. The proposed rear yard setback will be 90 feet where 100 feet is required. Mr. Arner stated that they had looked into other possibilities in order to maintain the 100 feet rear yard setback. The property is in the OS-GU zone all the adjacent properties are in the RA-15 zone and are allowed a 25 feet rear yard setback. Mr. Arner reviewed the exhibits submitted with the Board. This property for some reason historically has been placed in the OS-GU

zone and is required to comply with the zone requirements. On the South side is the vacated Route 24 ROW and on the North side is a wooded area. I see no detriment to the property or to the area. The proposed deck has two levels. The reason for the double deck is because Ms. Spiegle has small children and Mr. Spiegle's mother has a prostate leg and is more beneficial and practical to the family. This is a very unusual lot but it is a handsome lot and is surrounded by the RA-7 and RA-15 zone as you know requires a 25 feet rear yard setback. It is reasonable to say that this variance will not have any detriment to the public good or to the zoning ordinance.

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

Mr. Haan moved, seconded by Mr. Allison that approval be granted to the application of Eugene & Cynthia Spiegle thereby permitting on Block 307, Lot 1 the replacement of 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 November 26, 2007 meeting.

Roll Call: (Voting Members)

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

Other Matters

None to be heard.

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 8:21 P.M.

Respectfully submitted,

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