

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JULY 28, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, July 28, 2008, 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 21, 2008 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. Timothy Kronk, Vice Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Timothy Kronk
Mr. James C. Allison
Mr. Thomas Luby
Ms. Norma Larkin
Mr. Donnell Williams, Alternate #1

Members Absent

Mr. Lawrence C. Vitale
Mr. Nelson Morales
Mr. Rick Haan
Mr. Paul Woodford, Alternate #2

Also Present

Mr. Paul Selitto, Board Attorney
Mr. James Slate, Township Engineer
Ms. Tirrell Loftin, Zoning Officer
Ms. Sonia Santiago, Board Secretary

Professionals Absent

Mr. Rich Oller, Board Attorney

On motion duly made, seconded, and unanimously carried, the minutes of the May 19, 2008 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-01-08

Jon & Jennifer Daidone

Block 4402, Lot 17, 40 Wood Road, RA-130 zone. Section C.

Applicant proposes to construct a covered front porch portico and a 13' 10" x 20' 7" two story addition creating a front yard setback of 61.1 feet where a minimum front yard setback of 100 feet is required.

Mr. Luby moved, seconded by Ms. Larkin, 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 26, 2006 meeting.

Roll Call: (Voting Members)

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

Regular Meeting

BA-04-08

Matthew & Laura Davis

Block 2103, Lot 10, 27 Stonehedge Road, RA-35 zone. Section C.

Applicant proposes to construct an 8 ft. x 5 ft. front entrance portico creating a front yard setback of 55.9 feet where a minimum front yard setback of 60 feet is required.

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

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

No exhibits were submitted as evidence during testimony.

Summary of Testimony – Matthew Davis, Homeowner

Mr. Davis stated that the house has no cover for the front entrance and they had to replace the siding because of water damage to the house. He then decided to do a front entrance portico to protect the front door, family and guests from inclement weather; when he was notified by the zoning officer that he had to get a variance for the proposed portico. The proposed improvements will not have any detriment to the public or neighborhood.

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

Mr. Luby moved, seconded by Mr. Williams that approval be granted to the application of Matthew & Laura Davis thereby permitting on Block 2103, Lot 10 the construction of a front entrance 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 August 25, 2008 meeting.

Roll Call: (Voting Members)

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

BA-06-08

David & Kathleen Weeks

Block 5303, Lot 15, 98 Skyline Drive, RA-15 zone. Section C.

Applicant proposes to construct a 10 ft. x 6 ft. front entrance portico creating a front yard setback of 46.88 feet where a minimum front yard setback of 50 feet is required.

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

Mrs. Weeks entered her appearance, being duly sworn in by the Board Attorney.

No exhibits were submitted as evidence during testimony.

Summary of Testimony – Kathleen Weeks, Homeowner

This is a Dutch colonial house which has no inclement weather protection over the front stoop and we would like to construct a front entrance portico to protect the front door, family and guests from inclement weather and for safety issues. The proposed construction will not have any detriment to the public good or neighborhood.

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

Ms. Larkin moved, seconded by Mr. Williams that approval be granted to the application of David & Kathleen Weeks thereby permitting on Block 5303, Lot 15 the construction of an front entrance 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 August 25, 2008 meeting.

Roll Call: (Voting Members)

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

BA-07-08

Thomas & Maria Vasold

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

Applicant proposes the reconstruction of a single family dwelling creating a side yard setback of 24.65 feet where a 50 feet is required and construction of a 20 ft. x 40 ft. inground swimming

pool and patio creating a rear yard setback of 67.5 feet where a minimum rear yard setback of 100 feet is required. This inground swimming pool and patio will also create a building coverage of 14.7% where a maximum building coverage of 10% is permitted.

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

Ms. Maria Vasold entered her appearance, being duly sworn in by the Board Attorney.

No exhibits were submitted as evidence during testimony.

Summary of Testimony – Maria Vasold, Homeowner

This is an application for an inground pool for family enjoyment. The plan for the pool was prepared by our engineer, which I find to be adequate.

The chairman of the Board informed Ms. Vasold that she needed to provide additional information regarding the reasons of the location chosen for the pool and the reasons for the variance being requested, the design of the pool and the building coverage exceeding the 15%.

Ms. Loftin, Township zoning official sworn in by Board Attorney stated that she had issued the applicant a denial letter on January 21, 2008 for the pool. The pool does not meet the zoning requirements for setbacks and building coverage. This is the third appearance that the Vasold's have made in front of the Board. Initially they were here in October 2006 for an addition to the existing house. Then they had come back to the Board for approval of an expansion to the addition. Approximately August of 2007, I happen to drive by the neighborhood and noticed that they had demolished the entire house which was not part of the Board approval. I am here to make sure that zoning approvals are followed and the Board will need to grant an approval for the demolition and reconstruction of the existing single family dwelling that did not meet zoning and they are also proposing the construction of an in-ground pool.

The Chairman informed Ms. Vasold that in regard to the variance for the pool, the denial letter outlines the issues that need to be discussed in front of the Board. This is testimony that is required to justify the variances you are requesting. Due to additional information needed by the Board this application is carried to September 22, 2008 Board meeting without further notice.

BA-05-08

Craig & Connie Hagelin

Block 2304, Lot 16, 38 North Star Drive, RA-35 zone. Section C.

Applicant proposes a pool patio expansion for the construction of a 23 ft. x 3 ft. outdoor kitchen creating a rear yard setback of 22.20 feet where 50 feet is required. Also to maintain an existing 300 sq. ft. cabana creating a rear yard setback of 28.6 feet where 50 feet is required and to maintain an existing 120 sq. ft. shed creating a side yard setback of 19.2 feet where a minimum of 30 feet is required and creating combined side yard setback of 33.2 feet where a 75 feet is required.

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

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Allison	YES
Ms. Larkin	YES
Mr. Williams	YES
Mr. Kronk	NO

Other Matters

Mr. James Slate informed the Board since we have been having quite a few applications for front entrance portico, should we consider this matter to add to the annual report for possible front yard exceptions. Ms. Loftin stated she would rather have it the way it is because once you have a roof over the porch, in the future if they wanted to enclose or expand it things have a way of growing so I would make them come in front of the Board for the portico then I will have more control in the future if they decide to come back to enclose the area. The Board stated that the engineer or the architect should spend more time and consideration into the design when the application is coming in front of the Board.

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 9:05 P.M.

Respectfully submitted,

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