

**TOWNSHIP OF MORRIS  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
SEPTEMBER 22, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, September 22, 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 September 15, 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. Lawrence C. Vitale, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Lawrence C. Vitale  
Mr. Timothy Kronk  
Mr. James C. Allison  
Ms. Norma Larkin  
Mr. Nelson Morales  
Mr. Donnell Williams, Alternate #1  
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Thomas Luby  
Mr. Rick Haan

Also Present

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

The minutes of August 25, 2008 were tabled until next meeting.

Regular Meeting



Mr. Kronk                YES  
Mr. Williams            YES  
Mr. Morales             YES  
Mr. Vitale                YES

BA-09-08

Grant & Helen Parr

Block 4202, Lot 3, 75 Picatinny Road, RA-130 zone. Section C.

Applicant proposes to construct a 24 ft. x 28 ft. x 23.5 high pole barn within the front yard setback of Old Mendham Road where accessory structures are not permitted within the front yard setback. Applicant also seeks relief for accessory structure height, 23.5 feet is proposed where 15 feet is permitted.

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

Mr. Kurt Senesky, attorney for the applicant entered his appearance and presented the application to the Board.

No exhibits were submitted as evidence.

**Summary of Testimony** – Grant Parr, Homeowner

Mr. Parr stated that he and his wife are the owners of the subject property; the property is a through lot with frontage on Picatinny Road and Old Mendham Road. This property is approximately 28 acres. Mr. Parr stated that no matter where the barn is located it will be within the front yard and will not be visible from either Picatinny Road or Old Mendham Road due to the wooded area. Mr. Parr further testified that his property is utilized for farming and requires certain farm equipment in which he has no place to store this equipment. The height of the barn is more consistent with the size of the principal structure and it will also allow greater storage capacity of outdoor equipment. The square footage of the barn is less than 900 square feet. There will be no utilities other than electricity installed. The barn will be shielded from both road frontages and neighboring properties by vegetation and by the principal structure. With the addition of the barn the property will remain well within all setback requirements and all limitations for building and lot coverage.

Mr. Slate stated that the applicant must comply with the Township tree removal requirements.

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

Mr. Allison moved, seconded by Mr. Morales that approval be granted to the application of Grant & Helen Parr thereby permitting on Block 4202, Lot 3 the construction of a pole barn with conditions 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 October 27, 2008 meeting.

**Roll Call: (Voting Members)**

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

BA-13-08

W. Michael & Molly Servais

Block 8410, Lot 9, 17 Crescent Drive, RA-15 zone. Section C.

Applicant proposes to demolish existing one story garage and construction of a two story addition creating a front yard setback of 47.2 feet where a minimum of 50 feet is required. Construction of a front porch addition creating a front yard setback of 43.4 feet where 50 feet is required and to maintain the playground equipment creating a side yard setback of 4 feet where a side yard setback of 20 feet is required and creating a combined side yard setback of 20.8 feet where combined side yard setback of 50 feet is required. Also this playground equipment will create a 15 feet rear yard setback where a minimum rear yard setback of 25 feet is required.

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

Mr. & Mrs. Servais entered their appearance, being duly sworn in by the Board Attorney and presented the application to the Board.

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

Jay Petrillo, Architect

No exhibits were submitted as evidence.

**Summary of Testimony** –Michael Servais, Homeowner

Mr. Servais stated that he and his wife are the owners of the subject property and they been living here for the past nine years with their two children. The home is a Cape Cod style single family home with three bedrooms and two bathrooms. Two of the bedrooms have no closets and we would like to have additional living space.

**Summary of Testimony** – Jay Petrillo, Architect

Mr. Petrillo stated that the proposed covered porch was being requested in order to provide safety and protection from inclement weather to the family and guests. The proposed porch will be consistent with other homes in the neighborhood. In regard to the garage addition the chimney will extend into the proposed garage, thereby requiring the garage to be closer to the property line in order to accommodate two cars. Mr. Petrillo further testified that no matter where the garage is placed on the property it would be within the required side or rear yard setbacks. The closest neighbor's home is approximately 24 feet away. Mr. Petrillo further testified that the homeowners would like to maintain the existing playground equipment at the existing location. A discussion was carried regarding the addition layout between the professional and the Board.

The Board asked if the applicant was willing to move the playground equipment two feet into the property, applicant agreed to relocate the playground equipment to be at least 6 feet off of the property line.

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

Mark Gleckner            12 Crescent Drive

Mr. Williams moved, seconded by Ms. Larkin that approval be granted to the application of Michael & Molly Servais thereby permitting on Block 8410, Lot 9 the construction of a two story addition and to maintain the playset equipment with conditions 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 October 27, 2008 meeting.

**Roll Call: (Voting Members)**

Mr. Allison                    YES

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

**Mr. Woodford recused himself from the following application.**

BA-07-08

Thomas & Maria Vasold

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

Continuation from the July 28, 2008 public hearing, applicant proposes the reconstruction of a single family dwelling creating a side yard setback of 24.65 feet where 50 feet is required and construction of a 20 ft. x 40 ft. in-ground 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 in-ground swimming pool and patio will also create a building coverage of 14.7% where a maximum building coverage of 10% is permitted.

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

The following professional being sworn in by the Board Attorney appeared to be heard.  
Jeffrey Careaga, Professional Engineer

No exhibits were submitted as evidence.

**Summary of Testimony** – Jeffrey Careaga, Professional Engineer

Mr. Careaga stated that this application had received approval for the construction of an addition and the applicant was seeking approval to locate a pool and patio to the rear of the home. Mr. Careaga stated that all water runoff would be controlled with the appropriate dry wells and that the existing trees at the rear of the property line would present a sufficient buffer to the homes to the rear of the property. This is a modestly size pool that will not have substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. A lengthy discussion was carried regarding the placement of the pool and patio among the applicant's professional and the Board. Applicant has agreed to amend the application to relocate the pool and patio 10 feet closer to the dwelling so that the rear yard setback shall be no less than 77.3 feet measured to the patio. Applicant also agreed to relocate the pool equipment between the garage addition and the patio to reduce any off site noise.

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

The Board stipulated to the applicant that if the Township Engineer determines that additional drainage is required in order to alleviate any drainage issues, then an appropriate swale should be constructed to the rear of the property, all to the satisfaction of the Township Engineer.

Mr. Kronk moved, seconded by Mr. Williams that approval be granted to the application of Thomas & Maria Vasold thereby permitting on Block 4301, Lot 6 the reconstruction of a single family dwelling and the in-ground pool with conditions 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 October 27, 2008 meeting.

**Roll Call: (Voting Members)**

Mr. Allison	NO
Ms. Larkin	YES

Mr. Kronk                YES  
Mr. Williams            YES

Other Matters

A. 2009 Draft Calendar – Mr. Slate stated that he had reviewed the calendar along with Sonia and had looked at all the holidays but, would like to have the Board review the calendar prior to submission to the administration office for publication. The Board discussed the November meeting and decided to hold the meeting before the Thanksgiving holiday.

B. BA-03-03, Verizon Wireless, 230 Mendham Avenue, requesting extension of approval. Mr. Slate informed the Board that the applicant has requested an extension of approval. Mr. Oller stated that the State of New Jersey has passed a new permit extension act. Any application that has been approved since January 1, 2007 is tolled through July 1, 2010. There are some exceptions for Highland Act approvals and Environmental approval through DEP. Since the application was approved prior to the act an extension of approval is granted until July 1, 2010.

Mr. Kronk moved second by Ms. Larkin and unanimously carried the extension is granted to the application of Verizon Wireless.

C. BA-05-06, Sprint Spectrum LP, 11 Old Turnpike Road, requesting extension of approval – Mr. Oller stated that according to their paper their approval was granted on March 26, 2007 and published March 30, 2008 and their approval expired on September 30, 2008. I recommend that the Board grant them an extension until July 1, 2010.

Ms. Larkin moved seconded by Mr. Kronk and unanimously carried the extension is granted to the application of Sprint Spectrum LP until July 1, 2010.

Mr. Slate informed the Board that the attorney for the Madison Gas Mart will not be available for the October 27, 2008 and has requested a special meeting; I would like to see if the Board would grant the request. The Board has granted the request; applicant is to re notice for the November 10, 2008 special meeting as soon as possible.

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