

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 24, 2008**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, November 24, 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 November 17, 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 Vitale, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Lawrence C. Vitale, Chairman
Mr. Timothy Kronk -7:35 pm
Mr. Thomas Luby
Mr. James C. Allison
Ms. Norma Larkin
Mr. Nelson Morales
Mr. Donnell Williams, Alternate #1
Mr. Paul Woodford, Alternate #2

Members Absent

Mr. Rick Haan

Also Present

Mr. Richard Luzzi, Board Attorney
Mr. James R. Slate, Township Engineer
Ms. Tirrell Loftin, Zoning Officer
Ms. Sonia Santiago, Board Secretary

Also Absent

Mr. Rich Oller, Board Attorney

On motion duly made, seconded, and unanimously carried, the minutes of the June 9, 2008 special meeting, June 23, 2008 and August 25, 2008 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-15-08

Linda Marcantonio

Block 206, Lot 5, 3 Willow Spring Drive, RA-15, zone. Section C.

Applicant sought variance relief to allow the pool equipment to remain at its current location creating a side yard setback of 13.5 feet where 20 feet is required.

Mr. Williams moved, seconded by Mr. Woodford, 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 October 27, 2008 meeting.

Roll Call: (Voting Members)

Mr. Woodford	YES
Mr. Williams	YES

BA-16-08

Conor & Kathleen Tully

Block 8104, Lot 32, 11 Cambridge Road, RA-15, zone. Section C.

Applicant proposes to construct an 8 foot x 6.5 foot front entrance portico with a 1.25 foot x 8 foot uncovered front stairs creating a front yard setback of 46 feet where 50 feet is required.

Mr. Williams 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 presented, memorializing the action taken by the Board at the October 27, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Mr. Williams	YES
Mr. Kronk	YES

BA-17-08

James & Elizabeth Brown

Block 6402, Lot 1, 56 Spring Brook Road, RA-15 zone. Section C.

Applicant proposes to enclose existing open space under a 14 ft. x 16 ft. porch which was previously approved by the Board of Adjustment.

Mr. Williams moved, seconded by Mr. Kronk, 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 October 27, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Mr. Williams	YES
Mr. Kronk	YES

BA-20-08

Brian & Michelle Alexander

Block 10303, Lot 23 & 24, 18 Highland Avenue, RA-7 zone. Section C.

Applicant proposes to construct a 12 ft. x 4 ft. front entrance portico creating a front yard setback of 20.8 feet where 25 feet is required and a second story addition creating a front yard setback of 23.8 feet where 25 feet is required.

Mr. Williams moved, seconded by Mr. Kronk, 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 October 27, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Mr. Williams	YES
Mr. Kronk	YES

BA-19-08

Paul Gamerdinger

Block 8409, Lot 21, 63 Canfield Avenue, RA-15 zone. Section C.

Applicant proposes to demolish and reconstruct a single family dwelling creating a combined side yard setback of 40.39 feet where 50 feet is required. Applicant amended the application to provide a combined side yard setback of 43 feet.

Mr. Luby moved, seconded by Mr. Kronk, 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 October 27, 2008 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Woodford	YES
Mr. Williams	YES
Mr. Kronk	YES

Regular Meeting

BA-18-08

Jack Shallow

Block 5403, Lot 6, 238 Mt. Kemble Avenue, RA-15 zone. Section C.

Applicant proposes to construct an in-ground pool, pool decking, pool equipment, outdoor grill station, block walls, paver patio and expand the wood deck. The proposed project will create a side yard setback of 2.3 feet where a 20 feet is required and a combined side yard setback of

5.5 feet where a combined side yard setback of 50 feet is required and a rear yard setback of 21.5 feet where a 25 feet is required and a building coverage of 39.4% where 20% is permitted.

Due to incomplete notice the application is carried to January 26, 2009 Board meeting without further notice. Applicant is to notice the NJ Department of Transportation which was not properly noticed, with the new date and provide the Board secretary proof of notice.

BA-21-08

Gary & Merle Johnson

Block 9805, Lot 3, 73 Whippany Road, RA-25 zone. Section C.

Applicant proposes to construct a 428 square foot detached garage creating a side yard setback of 6.5 feet where a minimum side yard setback of 25 feet is required and creating a combined side yard setback of 22.6 feet where a combined side 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. Johnson entered his 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.

Seth Leeb, Architect

The following exhibits were submitted as evidence.

A-1 Grading Soil Erosion Control Site Plan

A-2 Aerial Photo

Summary of Testimony - Mr. Johnson, Homeowner

Mr. Johnson stated that he and his wife are the owner of the property in question and that they would like to construct a detached garage for the storage of an antique car. There will not be additional trees removed from what has already been removed due to the relocation of the driveway and house addition. The detached garage will have water and electrical utilities only. All materials will be matching the existing house.

Summary of Testimony – Seth Leeb, Architect

Mr. Leeb testified that the homeowners have applied for a grading permit for a new driveway to increase the side line for easy ingress and egress to the property. The proposed detached garage will be located to the left of the house. The proposed garage will be 6.5 feet off the property. The existing house side yard setback is 16.1 feet and the proposed combined side yard setback requires a variance as well as the side yard setback. Mr. Leeb further testified that if they were to place the garage towards the front or rear of the property they would still be required to obtain a rear or front yard setback due to the shape of the property. A lengthy discussion was carried regarding the location of the detached garage.

Mr. Slate stated that the plan shows a front yard setback at 59.7 feet where 60 feet is required, if that is to remain an additional variance would be required.

The applicant's architect agreed to shift it back to meet the 60 foot front yard setback requirement and to maintain the 6.5 foot side yard setback.

The meeting was opened to the public; the following person appeared to be heard.
Christy Cornish 71 Whippany Road

Mr. Morales moved, seconded by Mr. Luby that approval be granted to the application of Gary & Merle Johnson thereby permitting on Block 9805, Lot 3 the construction of a detached garage as amended 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 December 8, 2008 meeting.

Roll Call: (Voting Members)

Mr. Allison	YES
Mr. Luby	YES
Ms. Larkin	YES
Mr. Kronk	NO
Mr. Williams	NO
Mr. Morales	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 8:17 P.M.

Respectfully submitted,

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