

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 10, 2007**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, December 10, 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 December 3, 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 C. Vitale, Chairman

Roll call of Board Members and Professionals

Members Present

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

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 closed minutes of the November 26, 2007 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-15-05

Omnipoint Communications

Block 9805, Lot 1, 77 Whippany Road, OS-GU zone. Section C&D.

Applicant seeks a variance for the front yard setback and a conditional use variance for the construction of a 120' high telecommunication monopole with equipment cabinets on the site of Collinsville Fire House.

Mr. Vitale stated that the resolution of approval has not been completed and that this will be memorialized at the January 28, 2008 Board meeting.

Regular Meeting

BA-09-07

Sean & Kathryn

Parkot

Block 9801, Lot 16, 7 Terry Drive, RA-25 zone. Section C.

Applicant proposes the construction of a 28.5 x 26.4 foot two car garage and a 5 x 12.2 foot one story addition. These proposed additions will create a combined side yard setback of 35.6 foot where a minimum combined side yard setback of 60 foot is required.

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

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

Summary of Testimony – Sean Parkot, Homeowner

Mr. Parkot stated that the reason for the request is because he has a 36 year old handicapped daughter in a wheel chair, she has been in a wheel chair since she was eight years old. We converted the ground floor for her living space. She transfers in and out of a full size adapted van. Without a garage we have been doing it outside. She does not tolerate it well and her equipment does not tolerate the inclement weather as well. She uses a computerized communication device which is not on the chair it is essentially an electronic computer grip device and the control for the wheel chair are also sensitive to water and weather. The two car garage will provide access from the ground floor directly into the garage with enough space for her to get around the van using the lift and the wheel chair. The addition to the dining room will allow us to accommodate her at family gatherings; it is very tight right now. We need the variance because of how the house is situated on the lot. The house was built around the 50's. We have looked at other alternatives but because we need the garage to be attached to the house and the addition to include her in our gatherings this is our reason for seeking a variance relief. We plan on placing vinyl siding on the whole house so that it will be all in one color.

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

Mr. Luby moved, seconded by Ms. Larkin that approval be granted to the application of Sean & Kathryn Parkot thereby permitting on Block 9801, Lot 16 the construction of a two car garage 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 January 28, 2008 meeting.

Roll Call: (Voting Members)

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| Mr. Allison | YES |
| Mr. Luby | YES |
| Ms. Larkin | YES |
| Mr. Kronk | YES |
| Mr. Haan | YES |
| Mr. Morales | YES |
| Mr. Vitale | YES |

BA-19-07

Tej Bhatnagar

Block 1801, Lot 1, 248 W. Hanover Avenue, RA-15 zone. Section C.

Demolition of the existing dwelling and placement of a new modular single family dwelling. The proposed dwelling will be attached to an existing 20 ft. x 20 ft. garage, which currently has a nonconforming Second Street front yard setback of 22.3 ft. where 50 ft. is required and an existing non-conforming side yard setback of 19.4 ft. where a 20 ft. is required. The house to be demolished has an existing non-conforming W. Hanover front yard setback of 9.3 ft. where 50 ft. is required. Applicant proposes to maintain the existing front yard setback. On September 12, 2005 the Board granted approval for the demolition of the existing dwelling and placement of a modular single family dwelling. This work did not begin within the required time of commencement.

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

Mr. Paterson, attorney for the applicant entered his appearance and presented the application to the Board members.

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

Mr. Tej Bhatnagar, Applicant

Summary of Testimony – Tej Bhatnagar, Purchaser

Mr. Bhatnagar stated that he decreased the overall footprint of the house from 24.7% to 18% he also increased the side yard setback from 16.9 to 19.4 feet and increased the rear yard setback from 47.5 feet to 53.5 feet. This property is located at 248 West Hanover Avenue. The size of the property is 64.5 feet by 140 feet this is a 9,000 square foot lot where 15,000 square foot is required. The house that is currently on the property was built in the late 1800's and is falling apart. I am looking to build a house that is a modular or a stick built house depending on the cost. I am currently proposing a modular on the foot print but either way I plan to build within the proposed foot print. This house that is proposed will enhance the neighborhood and bring up the value of the houses in the neighborhood. This will be a single family dwelling with four bedrooms, two and half baths and a two car attached garage. The total square footage of the house will be 2,776 including the garage. The entrance to the garage is currently on Second Street and I plan to maintain it.

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

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|------------------|-----------------|
| Nancy Bradshaw | 3 Second Street |
| Burton Liebesman | 69 Pippins Way |

Mr. Haan moved, seconded by Mr. Kronk that approval be granted to the application of Tej Bhatnagar thereby permitting on Block 1801, Lot 1 the demolition and construction of a single family dwelling 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 January 28, 2008 meeting.

Roll Call: (Voting Members)

| | |
|-------------|-----|
| Mr. Allison | YES |
| Mr. Luby | YES |
| Ms. Larkin | YES |
| Mr. Kronk | YES |
| Mr. Haan | YES |
| 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 8:12 P.M.

Respectfully submitted,

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