

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 23, 2009**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, November 23, 2009, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Chairman Kronk 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, 2009 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, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Timothy Kronk
Mr. John Christensen
Mr. Thomas Luby
Mr. Donnell Williams 7:37 pm
Ms. Paul Woodford
Mr. Rick Haan
Mr. Nelson Morales

Members Absent

Mr. James C. Allison

Also Present

Mr. Rich Oller, Board Attorney
Ms. Sonia Santiago, Board Secretary

Also Absent

Ms. Tirrell Loftin, Zoning Officer
Mr. James R. Slate, Township Engineer

On motion duly made, seconded, and unanimously carried, the minutes of the October 26, 2009 meeting were approved as circulated and placed on file in the office of the Board of Adjustment.

Resolutions

BA-13-09

Benjamin Bailey

Block 4401, Lot 33, 41 Wood Road, RA-130 zone. Section C.

Applicant proposes to construct an addition to the north side of the existing house creating a front yard setback of 98 feet where 100 feet is required and a side yard setback of 21.73 feet where 50 feet is required.

Mr. Luby 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 26, 2009 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Williams	YES
Mr. Haan	YES
Mr. Woodford	YES
Mr. Christensen	YES
Mr. Kronk	YES

BA-17-07

William & Dyanna McGuire

Block 2102, Lot 1, 47 Buckley Hill Road, RA-35 zone.

Applicant is requesting an extension of approval.

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 26, 2009 meeting.

Roll Call: (Voting Members)

Mr. Luby	YES
Mr. Williams	YES
Mr. Haan	YES
Mr. Woodford	YES
Mr. Christensen	YES
Mr. Kronk	YES

Regular Meeting

BA-20-07

Jeffrey Hind

Block 10315, Lot 1, 26 Emmet Avenue, RB-7 zone. Section C & D.

Continuation from the October 26, 2009 public hearing, applicant is seeking a "d (2)" use variance to expand the existing non conforming commercial use of the premises which is involved in the sales, service and repair of outdoor power equipment; a "c" bulk variance for a building addition creating a side yard setback of 10 feet where 15 feet is required' a building coverage of 31.9% where 30% is permitted and other related improvements.

Mr. Oller informed the Board that the attorney for the applicant had requested an adjournment due to the Township Planner being unable to attend the meeting, the Board carried the application to the January 25, 2010 Board meeting without further notice; the applicant has also granted the Board an extension of time until February 28, 2010.

BA-17-04 Omnipoint Communications, Inc.
Block 3004, Lot 21, 206 Sussex Avenue, OSGU zone. Section D.

Applicant seeks a conditional use variance for the construction of a 120-foot wireless telecommunication monopole and an adjacent equipment compound. The proposed tower is to be located toward the south end of the campus 165 feet from the rear yard setback.

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

Mr. Oller announced that the applicant's attorney requested that the application be carried to the next available meeting. The Board carried the application to February 22, 2010 Board meeting without further notice. Applicant has also granted the Board an extension of time until February 28, 2010.

Mr. Oller also informed the Board that they are not requesting any bulk variance they are only requesting a "d" use variance for the placement of the cell tower on the OSGU zone. OSGU does permit cell towers as a conditional use. There are about 40 different items on the wireless checklist that they have to satisfy. The general idea is that as a conditional use there is at least one condition that they don't satisfy that requires them to come in front of this Board instead of the Planning Board.

On a motion duly made, seconded and unanimously carried the application is carried to the February 22, 2010 Board meeting.

Other Matters

Mr. Kronk informed the Board that he had received a phone call from Mr. Allison, Board member stating that he was diagnosed with lymphoma and that at this time he was undergoing treatment and that it was best for him to be out for the next few meetings. He does plan to return to the Board as soon as possible.

Mr. Kronk invited all the Board members for a Christmas gathering after the Board meeting on December 14, 2009.

Mr. Haan encouraged the Board members to go and see the cell tower that was placed at the Delbarton site. He stated that the tree monopole blends in so well with nature that it was hard to find it.

A discussion was carried regarding incorporating in the annual report a recommendation for Wireless Communications applications to allow for camouflaged poles; recommendation for a court reporter to be present for "d" variances applications. Mr. Oller stated that we can also add

it to the Board by laws as a requirement. Sonia is to forward a copy of the by laws to Mr. Oller for his review. This item is to be placed on the agenda for the December meeting.

Mr. Luby also mentioned that last year in our annual report a recommendation was made for the consideration of minimum lot size for convenience stores and fast food establishments. The Board secretary is to forward Mr. Haan a copy of the 2008 annual report to follow up on the recommendation.

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 8:02 P.M.

Respectfully submitted,

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