

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 23, 2018**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, April 23, 2018, at 7:36 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 April 19, 2018 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 Timothy Kronk, Chairman

Roll call of Board Members and Professionals

Members Present

Mr. Timothy Kronk, Chairman
Ms. Kathleen Kalaher
Ms. Joen Luy Ferrari
Mr. Donnell Williams
Mr. Paul Woodford
Mr. Paul Staudt
Ms. Louise Johnson, Alternate #1
Mr. Jeremiah Loughman, Alternate #2

Members Absent

Mr. John Christensen

Also Present

Mr. Richard Oller, Board Attorney
Mr. Kate Keller, Township Planner
Mr. James Slate, Township Engineer
Ms. Sonia Santiago, Board Secretary

Resolutions

Consideration of the following resolution thereby memorializing the action taken by the Board at the March 26, 2018 meeting.

BA-01-18

H'Y 2 Mt. Kemble, LLC

Block 6101, Lot 1 & 4, 350 & 412 Mt. Kemble Avenue, OL-40 zone.

Applicant proposes to remove nine freestanding signs and install five new signs near the existing access drive. In addition the applicant seeks a bulk variance for more than one freestanding sign on a single property and for a total sign area of 310.4 square feet where only 100 square feet is permitted.

Mr. Williams moved, seconded by Ms. Ferrari, roll call as indicated that resolution of approval, attached hereto and by reference made part of the officials minutes of this meeting, be adopted as presented, memorializing the action taken by the Board at the March 26, 2018 meeting.

Approval

Roll Call: (Voting Members) Ms. Kalaher, Ms. Ferrari, Mr. Williams, Mr. Woodford, Mr. Staudt,
Ms. Johnson, Mr. Kronk

Public Hearings

**Certified shorthand reporter present for the following application
See attached transcript.**

BA-02-18

122 Mt. Kemble, LLC

Block 10308, Lot 13, 241 Martin Luther King Avenue, RB-7 zone.

Continuation from the March 26, 2018 public hearing, applicant proposes construction of a two family dwelling which requires bulk variance relief for pre-existing, non-conforming conditions including deficient lot area, lot width and accessory building side yard setback 5.6 feet where 10 feet is required and a front yard setback for the principal structure on Walnut Street of 9.5 feet where 25 feet is required.

Ms. Nicole Magdziak, attorney for the applicant entered her appearance and presented the application to the Board members.

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

Jay Grant, Managing Member of 122 Mt. Kemble, LLC, Property Owner
Kate Keller, Board Professional Planner
James Slate, Township Engineer

The following exhibits were submitted as evidence.

A-4 Landscaping Plan dated 4-23-18
0-1 Photograph of the Property
0-2 Photograph of the Walnut Crosswalk and Traffic
0-3 Photograph of Existing Garage
0-4 Close up Photograph of the Garage
0-5 Photograph of the Alley

Summary of Testimony – Jay Grant, Managing Member of 122 Mt. Kemble, LLC

Mr. Grant described the landscaping plan, Exhibit A-4, and showed where the 7 mature trees would be located on the property. There will be 5 mature red maple trees planted on the property approximately 10 feet apart facing Walnut Street, and one mature cedar tree planted on the property in the corner

facing MLK closest to the neighboring property. One existing tree will remain on the corner of MLK and Walnut. Foundation plantings will be added as well. Mr. Grant stated planting mature trees will give the house a look of completion.

A discussion with the Board regarding curbing was carried. Mr. Grant agreed to extend the existing curb from the corner of MLK Ave. to the driveway along Walnut St. Between the curb and existing lawn, it will be grass seeded and hay would be put down. Mr. Slate stated that if the Board chooses to approve the application, a condition could be added for the engineer to provide the slope of the curb to insure there is no ponding; it would be standard Belgian block curb detail. Mr. Staudt asked what the walkways on the property would be made of. Mr. Grant responded they would be a hard surface not identified yet.

The meeting was opened to the public for questions of Mr. Grant's additional testimony; the following persons appeared to be heard.

Kimberley Brown	2 Carlton Street
Lee Goldberg	10 Arrowhead Road
Charlene Anderson	7 Emmet Avenue
Jeannie McKay	10 Walnut Street

Closed at 8:01

Mr. Kronk asked Ms. Keller to summarize the planning analysis. Ms. Keller stated that her office submitted a planning report dated March 21st, 2108, and in the report there were a few questions raised regarding landscaping and parking that were mostly answered from tonight's testimony. Ms. Keller provided a summary of the application and continued to state that the 2 family dwelling is a permitted use on the RB-7 zone. The zoning Board has jurisdiction over one and two family homes that require C variance approval. In this case there are 3 bulk variances being requested for this corner lot property: lot area per family, 5,000 feet required, where 3,750 is proposed, front yard setback for a principal structure 25 feet required from Walnut Street where 9.5 feet is proposed, and side yard setback 15 feet required where 10 feet is proposed.

This is a corner lot, which is why there is larger lot area per family required. As part of the applicant's presentation at the last meeting their planner addressed each of those variances under the Municipal Land Use Law, in which proof where put into the record.

Ms. Keller further stated that the Planning Board and the firm she represents were currently in the process of preparing a draft housing plan that details how affordable housing should be provided throughout the Township.

Mr. Kronk asked Ms. Keller to opine regarding the existence of the nonconforming garage. Ms. Keller stated on the plan there is an existing two car garage and it will remain, no additional variances are required for this garage. There are regulations allowing existing buildings to remain even if they are not compliant under current zoning. Ms. Keller stated, planning wise, it is her opinion there is not a reason why the structure shouldn't stay there and be used especially since the applicant is proposing to fully renovate it.

Mr. Slate stated as a point of clarification the garage will be entirely renovated, and can remain as the existing building serves a purpose. Additional variances are not necessary since it's a pre-existing condition. The alley behind the garage is not a private street it is a municipal right of way.

Mr. Williams asked if this applicant needed a traffic study. Mr. Slate stated it is not common to have a traffic study for a 2 family house as the traffic it generates is minimal. Mr. Oller stated it is a permitted use for the area and no traffic study is needed. Ms. Keller stated traffic studies are typically done for (d)

variances for the Board of Adjustment. Mr. Slate stated he would look into the sight triangle on the business to the south, and that a sight distance triangle should be shown on the plan in relation to the existing tree or cars parked in the sight triangle. Mr. Grant agreed to work with Mr. Slate to have the existing tree not in the sight triangle as a condition of approval.

The meeting was opened to the public for questions or comments, the following persons appeared to be heard.

Pamela Watson	2 Cory Road Unit D
Othello Smith	211 E. Hanover Avenue
Brian Alexander	18 Highland Avenue
Jonathan Dubinski	78 Monroe Street
Kelly Simms	2 Carlton St
Ingrid Davidsen	119 Woodcrest Drive
Jeannie McKay	10 Walnut Street
Robert Rogers-	Power of Attorney for Lena Rogers-1 Carlton St., Mr. Rogers Address 16 ½ Cobb Place, Morristown
Kimberly Brown	2 Carlton Street
Lee Goldberg	10 Arrowhead Road
Patricia Collins	4 Green Knolls Road

Public portion closed at 9:04 pm.

Recess taken at 9:04 pm
Meeting Reconvened at 9:16 pm

Ms. Mazgdiak, attorney for the applicant, provided a closing summation for the Board. She stated that this property is unique with having 3 front yards on Martin Luther King, Walnut Street and the alleyway. That unique condition of those three front yards greatly impacts the ability to construct on this property, which results in the need for the setback from Walnut Street, which as testified is proposed at just over nine feet. Improvements to the lawn area and the curb will provide a perception of a larger lot size which will help to mitigate the impact of the variance that is being proposed. The Applicant has met the burden for (c) variances. We will be sure to meet and / or exceed the legal requirements for all bedroom sizes. The existing garage will be renovated. The applicant has done a Phase I environmental study on the site prior to purchasing and is unaware of any environmental concerns on the property that need to be remediated. A 2 family home is permitted on this lot and it will enhance the neighborhood and is in character with the neighborhood that exists today. Both of the units are the same size, one is a market rate unit and one is an affordable unit. It is an integrated housing project. The Applicant acknowledges there are other things going on in the area related to traffic and sight distance that are not related to 241 MLK Ave. We do think that extending the curb will mitigate issues on the side of the property along Walnut Street and applicant has agreed to do that. The applicant has also agreed to remove the existing tree if it is in the sight triangle. We do believe that this application and the proofs provided by our experts meet all legal standards.

Mr. Oller stated that if the Board were inclined to approve the application the applicant is subject to the following conditions:

- Belgian block curbing to be added from the corner of MLK Ave. and Walnut St. westerly to the driveway, add seed and hay between the curb and property
- If the existing maple tree on the corner of MLK Ave and Walnut St is in the sight triangle, it will be removed and relocated as per the Township Engineer's requirements
- The affordable housing unit would be a moderate income unit consistent with the prior approval.

Mr. Slate added:

- Permanent easement on sight triangle whereas anything can be removed if necessary
- Manholes on seepage pits for access and maintenance
- General parking on site should be designated (from the TCC report)
- Fence on northern property line needs to be relocated

A lengthy discussion was carried among the Board members and the Applicants Professionals regarding undersized lots, bulk variances, and affordable housing.

Mr. Williams moved, seconded by Mr. Woodford that a **denial** be granted to the application of 122 Mt. Kemble LLC, Block 10308, Lot 13 for the construction of a two 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 May 23, 2017 meeting.

Roll Call: (Voting Members)

Ms. Kalaher	YES
Ms. Ferrari	NO
Mr. Williams	YES
Mr. Woodford	YES
Mr. Staudt	NO
Ms. Johnson	YES
Mr. Kronk	NO

4 Ayes for denial 3 Nay 0 Abstain, application **denied**.

Other Matters

Mr. Slate informed the Board that we have come across some applications where they need an as built on some of these simpler applications. He gave the examples of generators and decks. He requested the Board discuss the possibility of using discretion that they have met the requirements of approval. If it is possible, if the applicant has an accurate up to date survey, could an engineer's certification suffice in place of an as built when appropriate. A discussion was carried regarding the as built issues.

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 9:41 P.M.

Respectfully submitted,



Sonia Santiago, Secretary
Township of Morris Board of Adjustment
Approved: August 27, 2018

TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT

IN RE :
122 MT. KEMBLE, LLC :
241 Martin Luther King Avenue :
Block 10308, Lot 13 :
RB-7 Zone :

TRANSCRIPT OF PROCEEDINGS
Monday, April 23, 2018
50 Woodland Avenue
Morristown, New Jersey
Commencing at 7:40 p.m.

HUDSON REPORTING & VIDEO 1-800-310-1769

I N D E X

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2			
3	WITNESS	EXAMINATION BY	PAGE
4	JAY GRANT	MS. MAGDZIAK	6

E X H I B I T S

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1 B E F O R E:

2

3 TIMOTHY M. KRONK, CHAIRMAN

4 PAUL A. WOODFORD

5 PAUL STAUDT

6 LOUISE JOHNSON

7 DONNELL WILLIAMS

8 JOEN LUY FERRARI

9 KATHLEEN KALAHER

10

11 SONIA M. SANTIAGO, BOARD SECRETARY

12 JAMES R. SLATE, BOARD ENGINEER

13 KATE KELLER, ASSISTANT PLANNING CONSULTANT

14

15 A P P E A R A N C E S:

16

17 RICHARD OLLER, ESQ.

18 Attorney for the Board

19

20 DAY PITNEY, LLP

21 BY: NICOLE M. MAGDZIAK, ESQ.

22 Attorney for the Applicant

23

24

25

1 CHAIRMAN KRONK: Next item under public

2 hearings is Application Number BA-02-18. Ms.

3 Santiago, could you please read that summary into

4 the record.

5 MS. SANTIAGO: Yes, Mr. Chairman. This is

6 BA-02-18, 122 Mt. Kemble, LLC. Block 10308, Lot 13,

7 241 Martin Luther King Avenue in the RB-7 zone.

8 This is a continuation from the March 26,

9 2018 public hearing. Applicant proposes

10 construction of a two-family dwelling, which

11 requires bulk variance relief for preexisting

12 nonconforming conditions, including deficient lot

13 area, lot width and accessory building side yard

14 setback of 5.6 feet where 10 feet is required and a

15 front yard setback for the principal structure on

16 Walnut Street of 9.5 feet, where 25 feet is

17 required.

18 CHAIRMAN KRONK: Mr. Oller, do we have

19 jurisdiction on this application?

20 MR. OLLER: Yes, sir. We did announce the

21 meeting date at the last hearing, so the Board has

22 continuing jurisdiction.

23 CHAIRMAN KRONK: Thank you. Is the

24 applicant here?

25 MS. MAGDZIAK: Good evening, Mr. Chairman

1 and members of the Board. My name is Nicole
2 Magdziak of the law firm Day Pitney,
3 M-A-G-D-Z-I-A-K. I am here this evening on behalf
4 of the applicant, 122 Mt. Kemble, LLC.

5 As a reminder, we appeared last month on
6 March 26th before this Board to present our
7 application for (c) variance relief related to the
8 construction of a two-family home on property
9 located in the RB-7 multifamily residential zone at
10 the corner of Martin Luther King and Walnut Street.

11 This use is permitted in this zone. The
12 applicant is requesting (c) variance relief related
13 to a front yard setback variance on Walnut Street,
14 related to the minimum lot area per family and
15 related to the side yard setback of the principal
16 structure to be constructed.

17 The applicant concluded its case in chief
18 at the last meeting, with the exception of
19 responding to a Board member's question relating to
20 landscaping and curbing.

21 We do have a witness here with us this
22 evening, Mr. Jay Grant, who will be presenting
23 testimony related to the landscaping proposed for
24 the project. We do have an exhibit associated with
25 that, which -- would you like us to mark it at this

1 point in time or wait until it is introduced?

2 MR. OLLER: Mr. Grant, I would just remind
3 you that you were sworn in at the last hearing and
4 you should consider yourself to still be under oath.

5 MR. GRANT: Thank you.

6 MS. MAGDZIAK: We have one exhibit this
7 evening showing the landscaping for the project,
8 which I believe should be A-4.

9 MR. OLLER: Okay, A-4. Is it marked
10 already?

11 MS. MAGDZIAK: We are marking the
12 landscaping plan A-4 with a date of April 23rd,
13 2018. We also have -- what is being passed out is a
14 smaller version of the exhibit that will be put up
15 on the board for ease of reference.

16 (Exhibit A-4 was marked into evidence.)

17 J A Y G R A N T, previously sworn.

18 EXAMINATION BY MS. MAGDZIAK:

19 Q. Jay, can you please describe for the Board
20 the proposed landscaping for the project.

21 A. Yes.

22 UNIDENTIFIED SPEAKER: We can't see it.

23 Q. Last time we met we had presented the Board
24 a digital rendering of the home to be built, and it
25 had sort of a cartoon presentation, sort of bushes

1 around the foundation and no mature trees. So,
2 after our meeting we retained a landscape architect,
3 who did the plan that we have marked Exhibit A-4.

4 And we have on it seven mature trees.

5 There is going to be a red maple -- five red maples
6 and an eastern red cedar. They are shown by the
7 larger circle. One, two, three, four, five -- I am
8 sorry, there is seven all together. Seven mature
9 trees.

10 The foundation plantings, the common name
11 of the foundation plantings are things like Virginia
12 sweet spire, rhododendrons and hollies. I think the
13 plan is somewhat self-explanatory. I think that it
14 will show that we have completed the home site if we
15 build it and then it will look like it's been there
16 a long time. These are mature trees that will give
17 the house a look of completion.

18 MS. MAGDZIAK: That is all we have this
19 evening for direct testimony on landscaping. Are
20 there any questions of the Board?

21 CHAIRMAN KRONK: The first question was
22 there were some questions regarding curbing. Is
23 that going to be addressed?

24 MR. GRANT: I am happy to do that. I have
25 spoken with the town engineer and he asked that we

1 extend the existing curb -- is it okay if I write on
2 this exhibit?

3 MR. OLLER: Yes.

4 A. So, the curb presently stops here. I
5 understand that you would -- would you like us to
6 continue to here or -- where would you like us to
7 stop?

8 MR. SLATE: To the driveway is sufficient.

9 MR. GRANT: That line will continue to
10 curve from where it ends now to the beginning of our
11 opening for our driveway.

12 Q. And Jay, just to confirm for the record,
13 the line that you drew is along Walnut Street,
14 correct?

15 A. Correct. And it continues -- the curb comes
16 from MLK and comes around the corner and stops for no
17 apparent reason. So, the request has been made for
18 us to continue it, and we have agreed to do that as
19 part of the condition of our site plan.

20 CHAIRMAN KRONK: Between the curb and the
21 existing lawn will be?

22 MR. GRANT: We would put seed and hay down,
23 grass.

24 CHAIRMAN KRONK: Mr. Slate, is that what
25 you are looking for?

1 MR. SLATE: That would be fairly common.
 2 CHAIRMAN KRONK: Do you need a detail of
 3 that? I don't think we have an engineered detail.
 4 MR. SLATE: If the Board so chooses to
 5 approve the application, I am okay with it as a
 6 condition for the engineer to provide the slope of
 7 the curb to insure there is no ponding. It would be
 8 a standard Belgian block curb detail.
 9 CHAIRMAN KRONK: Thank you. Board members,
 10 any questions? Yes, Ms. Kalaher.
 11 MS. KALAHER: So, the backyard currently it
 12 is really just dusty. Is that going to be lawned as
 13 well?
 14 MR. GRANT: Yes, we will plant a lawn
 15 everywhere where there is not driveway.
 16 MS. KALAHER: Thank you.
 17 CHAIRMAN KRONK: Any other Board members,
 18 questions? Yes, Mr. Staudt.
 19 MR. STAUDT: The proposed walkways in the
 20 rear of the property, as well as the front, what
 21 material will that be, concrete, stone?
 22 MR. GRANT: We haven't really made that
 23 decision, but it will be a hard surface, whether it
 24 is stepping bluestones or concrete. Typically we
 25 use one or the other, but it will be a hard surface

1 to identify it and give a pathway for the people
 2 coming from their cars to the back.
 3 MR. STAUDT: Thank you. That is all.
 4 CHAIRMAN KRONK: Board professionals, any
 5 questions on this plan?
 6 MR. SLATE: No questions.
 7 MS. KELLER: No.
 8 CHAIRMAN KRONK: At this time I will open
 9 up to members of the public, and right now it is
 10 going to be questions only of the additional
 11 testimony that Mr. Grant provided this evening on
 12 this plan. If you have any questions on that,
 13 please come forward. There will still be time
 14 afterwards for additional questions and comments.
 15 MS. BROWN: Good evening, Board. How are
 16 you? My name is Kimberly Brown. Just so I
 17 understand, not to go through a whole lot --
 18 CHAIRMAN KRONK: What is your address?
 19 MS. BROWN: My address is 2 Carlton Street
 20 in Morristown, New Jersey.
 21 The alleyway, as far as landscaping, is
 22 going to be hard surface? The alleyway that is
 23 there. Who should I ask?
 24 MR. SLATE: That wasn't discussed, but the
 25 alleyway would not change. The alleyway would exist

1 as it is now.
 2 MS. BROWN: And the space between -- so, it
 3 would not change at all. And the space between the
 4 actual road and the wood gate, what is that made of?
 5 Wood farmer's gate? I am not sure what you call it
 6 there.
 7 MR. SLATE: I think you are talking about
 8 the fence that runs along the property line.
 9 MS. BROWN: So, between the actual pavement
 10 and the gate, how much of that belongs to Mr. Grant
 11 now?
 12 MR. SLATE: That is technically the
 13 township right-of-way, and more or less along the
 14 edge of pavement would be Belgian block curb and
 15 then behind that would be grass. So, from the curb
 16 to the fence would be grass.
 17 MS. BROWN: Beyond that fence on Walnut
 18 Street?
 19 CHAIRMAN KRONK: It is close to the
 20 property line.
 21 MR. SLATE: A couple of feet in front of
 22 that is the property line.
 23 MS. BROWN: So, up to the pavement? I am
 24 just trying to understand. I am sorry.
 25 MR. SLATE: That area where people park for

1 the most part on the shoulder of the road there,
 2 that is actually the township's right-of-way.
 3 MS. BROWN: Township's right-of-way. What
 4 does that mean?
 5 MR. SLATE: It is the township's property
 6 for the roadway.
 7 MS. BROWN: You already got landscaping in.
 8 Thank you.
 9 MR. GOLDBERG: Lee Goldberg, 10 Arrowhead
 10 Road, Morris Township. Maybe I missed the
 11 explanation. So, the gentleman who was talking
 12 about the landscape design, what is his role in this
 13 process?
 14 MR. OLLER: He is the applicant. He is the
 15 sole member of the applicant.
 16 MR. GOLDBERG: Thank you very much. I
 17 wasn't clear on that.
 18 Is any part of the landscaping plan you
 19 actually presented, because I couldn't see it back
 20 from where I was sitting, where it is getting down
 21 to going from 25 feet required down to 0.9 feet near
 22 the accessory building, is anything in -- that is a
 23 pretty small width. Does anything on the landscape
 24 plan get impacted by those reduced reductions in
 25 size and width?

1 MS. KELLER: That is actually an existing
 2 condition on the property. The 0.9 is an existing
 3 condition where there is currently a garage present.
 4 MR. GOLDBERG: That is the current, not
 5 what it is proposing?
 6 MS. KELLER: They are not proposing to move
 7 the garage at all, so it will remain the same.
 8 MR. GOLDBERG: Thank you very much.
 9 MS. ANDERSON: Charlene Anderson, 7 Emmet
 10 Avenue. In looking at the rendering, am I correct
 11 that there is one two-car garage, I presume for one
 12 half of the house, and the other residents would
 13 have to park stacked?
 14 MR. OLLER: That is what the plan is.
 15 MS. ANDERSON: If one resident is parked
 16 and the other blocks them in, it has to be a
 17 constant shift of getting the cars in and out?
 18 MR. OLLER: The applicant's testimony is
 19 that the existing two-car garage is for one of the
 20 apartments and then the tandem parking is for the
 21 others.
 22 MS. ANDERSON: You mean back to back, in
 23 and out, so someone would have to move most likely
 24 every time a car needs to be moved? Correct?
 25 MR. OLLER: To get the first car out you

1 MR. GRANT: The mature trees I am going to
 2 circle now that are proposed. Six. There may be
 3 another. Six, that is it. That is it.
 4 MS. MAGDZIAK: Up top.
 5 MR. GRANT: This is existing. The AR is
 6 the one I missed. So, that makes seven. Thank you.
 7 MS. BROWN: So, that is somewhere around
 8 the sidewalk? Is that what you are saying, that big
 9 one?
 10 MR. GRANT: This one is on MLK. AR refers
 11 to the first tree, which would be a red maple.
 12 MS. BROWN: But I am saying it would be
 13 somewhere around the sidewalk?
 14 MR. GRANT: This is Martin Luther King.
 15 The tree is here. The tree would be within the
 16 property line.
 17 MS. BROWN: So, the other trees go on
 18 township property?
 19 MR. GRANT: No, they are all planted on our
 20 property. The others here are between Walnut Street
 21 here and the side of our house, one on the corner
 22 here. So, five are on the side. One every ten feet
 23 roughly.
 24 MS. McKAY: Hello. My name is Jeannie
 25 McKay, 10 Walnut Street, Morristown. In reference

1 have to move the car closest to the street, correct.
 2 MS. ANDERSON: The setbacks, are the
 3 setbacks township regulation or state regulation?
 4 MR. OLLER: Township.
 5 MS. ANDERSON: I presume there is a reason
 6 for the distances that you set, that the township
 7 sets. I am concerned with the variance change -- if
 8 variance is the correct word. That obviously is a
 9 corner lot with people constantly turning, and you
 10 are already putting people living there closer to
 11 the corner. Thank you.
 12 CHAIRMAN KRONK: Thank you. Anybody else
 13 with questions of the testimony this evening?
 14 MS. BROWN: I forgot something.
 15 CHAIRMAN KRONK: Come on up.
 16 MR. OLLER: Just state your name again for
 17 the record, please.
 18 MS. BROWN: Again, my name is Kimberly
 19 Brown and I live at 2 Carlton Street. The gentleman
 20 who owns the property and the landscaper mentioned
 21 mature trees. Where would they go, at the front of
 22 Martin Luther King?
 23 CHAIRMAN KRONK: Mr. Grant, would you point
 24 on your exhibit.
 25 MS. BROWN: Do you have a colored diagram?

1 to his landscaping, I have a picture of the lot. I
 2 would like to show you all, if I can.
 3 MR. OLLER: Are you going to ask questions
 4 to him about it?
 5 MS. McKAY: Yes. I don't know if you have
 6 all seen the lot.
 7 MR. OLLER: We will mark that O-1. But we
 8 are not going to give testimony to your picture. We
 9 are going to ask him questions about it based on
 10 that picture.
 11 MS. McKAY: Here is the wooden fence that
 12 Kim was speaking about. Now, he said the trees were
 13 how many feet apart?
 14 MR. GRANT: The house is roughly fifty feet
 15 and there is five.
 16 MS. McKAY: That is going to be a sight
 17 problem. That's why we asked for a sight study at
 18 the last hearing, if you are putting mature trees
 19 here.
 20 MR. GRANT: Ma'am, the definition of a
 21 mature tree in landscaping terms is a tree that
 22 starts with calipers, the thickness at the base,
 23 two-and-a-half inches. So, when I say mature, you
 24 may be thinking of something other than what is
 25 coming. It is a tree with a caliper where you could

1 wrap your fingers around it, two-and-a-half inches.
 2 MS. McKAY: Does it grow?
 3 MR. GRANT: Sure hope so.
 4 CHAIRMAN KRONK: Mr. Slate, could you
 5 address where these trees are located and when they
 6 grow.
 7 MR. SLATE: The engineer did show a sight
 8 triangle for the intersection of Martin Luther King
 9 Avenue and Walnut Street, and none of those trees
 10 are near the sight triangle.
 11 MR. OLLER: So, in other words, there is no
 12 impact?
 13 MR. SLATE: They would have no impact on
 14 sight distance. The only one that could have the
 15 potential is the existing tree that is at the front
 16 corner of the property.
 17 MS. McKAY: Now, as far as his sidewalk
 18 extension in the front of MLK, and what is going to
 19 be down the side of Walnut? Just this gravel here
 20 where there is parking? No one drives on there.
 21 There is parking all the time for the restaurant.
 22 You see this big truck here.
 23 MR. SLATE: That is where the curbing would
 24 go.
 25 MS. McKAY: It goes down Walnut or stops on

1 MLK.
 2 MR. SLATE: It stops before that truck, but
 3 it would come down towards us in this direction.
 4 MS. McKAY: How many feet down?
 5 MR. SLATE: It is about 95 feet.
 6 MS. McKAY: All the way down this side?
 7 MR. SLATE: Correct.
 8 MS. McKAY: What type of material is that
 9 going to be?
 10 MR. SLATE: Belgian block curbing.
 11 MS. McKAY: Would it be possible for us to
 12 see the actual two-dimensional rendering of this?
 13 Could we see it in color before anything is put
 14 there?
 15 MS. MAGDZIAK: The applicant does not have
 16 color renderings of the proposed curbing and lawn.
 17 MR. OLLER: Do you have an extra small
 18 plan?
 19 MS. McKAY: This is just for the
 20 landscaping?
 21 MR. GRANT: That is correct.
 22 MS. McKAY: I will take a look at this. If
 23 I have another question I will come back up.
 24 MR. OLLER: Ma'am, could you leave the
 25 picture. We do want to mark that.

1 (Exhibit O-1 was marked into evidence.)
 2 MS. ANDERSON: Charlene Anderson again, 7
 3 Emmet Avenue. I forgot to ask, does anything about
 4 this project meet the township requirements as is?
 5 MR. GRANT: That wasn't part of the
 6 landscaping, so I will sit down.
 7 MS. ANDERSON: What did you say, sir?
 8 MR. GRANT: That wasn't part of the
 9 testimony.
 10 CHAIRMAN KRONK: Right now only questions
 11 of the landscape plan. We had testimony on all the
 12 other aspects of the application last month. Thank
 13 you. Any other questions of the testimony this
 14 evening?
 15 MS. BROWN: Have all of you seen this
 16 property?
 17 MS. JOHNSON: Yes.
 18 CHAIRMAN KRONK: Any other questions of the
 19 application presentation this evening? Seeing none,
 20 hearing none, close the public portion.
 21 UNIDENTIFIED SPEAKER: One more.
 22 CHAIRMAN KRONK: You will have an
 23 opportunity later. Right now we are closed to the
 24 public. There will be another session.
 25 UNIDENTIFIED SPEAKER: It is about the

1 landscaping.
 2 CHAIRMAN KRONK: There will be another
 3 session later on.
 4 Does the applicant have any additional
 5 testimony?
 6 MS. MAGDZIAK: That is all of the testimony
 7 we have this evening.
 8 CHAIRMAN KRONK: Board members? I guess at
 9 this time before we open up to the public, any
 10 comments from the Board professionals regarding the
 11 application?
 12 MR. SLATE: I gave nothing.
 13 MS. KELLER: Not at this time.
 14 CHAIRMAN KRONK: Maybe this would be a good
 15 time for you to summarize your planning analysis.
 16 MS. KELLER: Great.
 17 MR. OLLER: Did I swear you in last time?
 18 MS. KELLER: You probably did.
 19 K A T E K E L L E R, sworn.
 20 MS. KELLER: So, there is a plan -- my
 21 office submitted a plan report dated March 21st,
 22 2018, in regards to this application, which is the
 23 type of report that, as Board members know, we do
 24 submit for each application that goes before the
 25 Board of Adjustment. And essentially what we have

1 done is we have just described the application, we
 2 have described the site, all of which is testimony
 3 that was given by the applicant's professionals at
 4 the prior hearing.
 5 And we do -- in the latter part of our
 6 report we do raise a couple of questions that have
 7 mostly been answered at this time, such as the
 8 landscaping from tonight and then how the parking
 9 was going to work.
 10 But the main thing that we raised in our
 11 report is that we go through the zoning analysis of
 12 the property and how the proposal relates to the
 13 zoning. Again, this was mostly covered at the prior
 14 hearing, but just as a remainder.
 15 This is a two-family dwelling, which is a
 16 permitted use in the RB-7 multiple family
 17 residential zone. So, this application is not here
 18 before the Board because the use is not permitted.
 19 It is here because the Zoning Board has jurisdiction
 20 over one- and two-family homes that require (c)
 21 variance approval.
 22 And in this case there are several
 23 preexisting nonconformities. But the thing in the
 24 application that we are really here for are the
 25 three new bulk variances, one of which is lot area

1 per family, 5,000 feet required, where 3,750 is
 2 proposed, a new front yard setback for a principal
 3 structure, which is 25 feet is required from Walnut
 4 Street, where 9.5 feet is proposed, and side yard
 5 setback, where 15 feet is required and where 10 feet
 6 is proposed.
 7 So, this is a corner property, which is why
 8 there is a larger lot area per family required. And
 9 as part of the applicant's -- as part of the
 10 applicant's presentation in the last hearing, their
 11 planners came up and their planner addressed each of
 12 those variances under the Municipal Land Use Law, in
 13 which proofs were put on the record. And it is up
 14 to the Board to decide how they wanted to handle
 15 each of these variances.
 16 And just -- this is not specifically
 17 mentioned in our report, but this is part -- as a
 18 unit of affordable housing was required, this was
 19 also mentioned. The township -- Planning Board and
 20 my firm are currently preparing a draft housing plan
 21 for the township that details how affordable housing
 22 should be provided throughout the township. We
 23 didn't really go into details about it in this
 24 report because it has not been adopted at this time.
 25 But if the Board has any questions on that topic or

1 anything else that is contained in our report, we
 2 would be happy to answer them.
 3 CHAIRMAN KRONK: Maybe you could just also
 4 opine a little regarding the existence of the
 5 nonconforming garage structure.
 6 MS. KELLER: Sure. As you have seen in
 7 photos and you know from the site and the site
 8 plans, there is an existing two-car garage in the
 9 rear of the property, and the applicant is not
 10 proposing to do -- to make any changes to this. So,
 11 it will remain in its existing and proposed
 12 location, which is that it is 14.1 feet from Walnut
 13 Street and 0.1 feet from the municipal alley, where
 14 25 feet is required.
 15 While the municipal alley is not as wide as
 16 the other streets, it is technically municipal
 17 property, which is where this preexisting condition
 18 comes into account. Additionally it does require --
 19 it is not required. There is a preexisting
 20 nonconforming side yard setback issue where the 15
 21 feet is required and 5.6 feet are existing and
 22 proposed.
 23 So, while there are several location --
 24 several preexisting locational setback challenges
 25 with the garage, the fact that it is existing and

1 has been in place since before this application was
 2 put forth means that they do not have to request
 3 additional variances for that structure.
 4 CHAIRMAN KRONK: In your opinion, is there
 5 any reason why that structure shouldn't stay there
 6 and be used?
 7 MS. KELLER: Nothing planning-wise. There
 8 are -- there are regulations that do allow existing
 9 structures to remain, even if they are not compliant
 10 under the current zoning. In this case it is not --
 11 in this case it is not involved in any of the site
 12 triangles and there don't seem to be any issues,
 13 especially since the applicant is proposing to
 14 renovate it fully. If there are any safety
 15 problems, that would no longer be an issue.
 16 CHAIRMAN KRONK: Thank you. Mr. Slate,
 17 with regard to -- same question, with regard to the
 18 garage, is there any reason that the existing garage
 19 should not be reused in this situation?
 20 MR. SLATE: I cannot think of any. Just as
 21 a point of clarification, Kate did mention that the
 22 garage will be renovated. I would like to point out
 23 that it does get new garage doors. There is new
 24 siding. Gutters and leaders are added to it. So,
 25 while it doesn't -- the nonconformity is related to

1 setback --
 2 CHAIRMAN KRONK: Shingles too?
 3 MR. SLATE: I did not see anything as far
 4 as the shingles, so I don't know offhand.
 5 CHAIRMAN KRONK: Yes. She is nodding yes.
 6 MR. SLATE: So, the shingles will be
 7 replaced as well, so entire renovation of the
 8 garage. It is a existing structure that has been
 9 there and it serves a purpose for housing two cars.
 10 I don't see a downside on that.
 11 CHAIRMAN KRONK: Okay. Thank you Board
 12 professionals for your opinion. At this time we
 13 will open up to members of the public.
 14 MR. WILLIAMS: I have a question for the
 15 professional.
 16 CHAIRMAN KRONK: Certainly, Mr. Williams.
 17 MR. WILLIAMS: Is it your testimony that
 18 this site -- that this application does not need a
 19 traffic study, given that it is a corner lot, there
 20 is a tree on the corner, there is a restaurant to
 21 the left, you are adding six cars, and we don't know
 22 what is going on across the street?
 23 I have seen lesser lots on my twelve years
 24 of being on this Board that have had traffic
 25 studies. I just want to be clear that it is your

1 MS. KELLER: In front of the Zoning Board,
 2 when you do generally see applications with traffic
 3 studies, they probably are usually for (d)
 4 variances, because that is what this Board normally
 5 sees, with the exception of when you deal with
 6 residential homes.
 7 MR. WILLIAMS: So, we don't do it for this
 8 type of property?
 9 MS. KELLER: Not generally.
 10 CHAIRMAN KRONK: Because when a use is
 11 permitted, that use and the associated traffic is
 12 normally contemplated for the area and the roadway
 13 design and capacity and speed limits. All those
 14 things are taken into consideration. Just because
 15 there wasn't a house there, what it was originally
 16 designed for.
 17 MR. WILLIAMS: I think that is one of the
 18 concerns by the community that actually lives in
 19 that community. I think that is one of their
 20 concerns.
 21 CHAIRMAN KRONK: I do have a question
 22 regarding the existing maple. It is not shown on
 23 the site plan in relation to the sight triangle.
 24 MR. SLATE: And that should be shown on the
 25 plan. I would agree that there is a sight distance

1 testimony that you don't feel that this needs a
 2 traffic study.
 3 MR. SLATE: I didn't provide any specific
 4 testimony, but I will testify right now and say that
 5 it is --
 6 MR. OLLER: Raise your right hand.
 7 J A M E S R. S L A T E, sworn.
 8 MR. SLATE: It is not common to have a
 9 traffic study for a two-family house, just for the
 10 fact that the amount of traffic it generates is
 11 minimal.
 12 MR. OLLER: Let me just add to that too.
 13 It is a permitted use. When a use is permitted, the
 14 assumption is that the governing body considered the
 15 traffic associated with the permitted use for the
 16 area. So, in most cases when it is a permitted use,
 17 such in a residential setting for a single-family
 18 home, you wouldn't get a traffic study. It is not
 19 unusual.
 20 CHAIRMAN KRONK: For example, say this was
 21 proposed to be a drivethrough restaurant, a use that
 22 wasn't contemplated in the ordinance, that would be
 23 a situation where you certainly would need to
 24 address the traffic impact. That is the difference
 25 between a permitted use and a nonpermitted use.

1 problem, but I would say it is more to the south.
 2 I have noted when I pull out of Walnut,
 3 when there is cars parked in front of the business
 4 across the street, they definitely hinder sight
 5 distance when you are looking south, when your car
 6 -- as you pull up to the curb line on Walnut Street
 7 and you look to the south on Martin Luther King, if
 8 there are cars parked, that definitely creates a
 9 sight distance issue on that. And that is something
 10 I should look into, because I don't know as part of
 11 that approval if there is a sight triangle there.
 12 They should not be parked in the sight triangle.
 13 CHAIRMAN KRONK: Okay. So, we will follow
 14 up on that.
 15 MR. SLATE: Yes.
 16 CHAIRMAN KRONK: What do we do about the
 17 maple? Should we analyze where that is in
 18 relationship --
 19 MR. SLATE: That should be shown on the
 20 plan. If it is a sight distance problem, it can be
 21 removed and replaced outside of the sight triangle.
 22 MS. MAGDZIAK: To the extent the maple is
 23 located within the sight triangle as identified, the
 24 applicant will agree as a condition of approval to
 25 take down the existing maple. We can replace it

1 with another one on site outside of the sight
 2 triangle. And we can work with Mr. Slate to do
 3 that.
 4 CHAIRMAN KRONK: Okay. Thank you. If
 5 there is no other Board member comments, then at
 6 this time we will open up to members of the public.
 7 Public, at this time it is open season.
 8 Questions of the applicant, comments, testimony,
 9 anything you want. Now is the time. I am not going
 10 to stop you from talking. Please come forward.
 11 Comments, questions, testimony.
 12 MS. WATSON: Good evening. My name is
 13 Pamela Watson.
 14 P A M E L A W A T S O N, sworn.
 15 MS. WATSON: I have a few statements.
 16 MS. SANTIAGO: Ms. Watson, your address,
 17 please.
 18 MS. WATSON: 2 Corey Road. The fact that
 19 the current builder is building six units on Mt.
 20 Kemble and would not put the affordable housing in
 21 that development, may I ask why?
 22 MR. OLLER: Jay, is it five units or six?
 23 MR. GRANT: Six.
 24 MR. OLLER: So, the developer has a bit of
 25 an option to put that into the existing project that

1 neighborhood racial profiling coming into
 2 Collinsville. Now, I am sure that the intent of
 3 affordable housing really was not to see
 4 sequestering building in the neighborhood. It would
 5 seem to make the town less integrated.
 6 We don't really want to have a precedent
 7 where builders feel that they can come into
 8 Collinsville, buy a lot that holds a one-family and
 9 squeeze a two-family in there. That is not what we
 10 are looking for. You are asking for a lot of
 11 variances.
 12 You mentioned it is a corner lot, so there
 13 is certain requirements that the town is asking for
 14 for corner lots. But you want to allow this builder
 15 to lessen that 25-foot. Walnut Street has no
 16 sidewalk on it. Residents walk in the street in
 17 Collinsville and our children.
 18 Cars zoom down Walnut Street and Monroe
 19 cutting through from Hanover to get to Emmet Avenue.
 20 They do not pay attention to the stop signs or the
 21 speed limits. So, it puts our residents in danger.
 22 This is a safety issue. And it is a big safety
 23 issue.
 24 Someone just mentioned about the traffic
 25 light. Because there is danger crossing over Martin

1 he wants to build or put it anyplace else within the
 2 municipality. So, he is opting to put it someplace
 3 else in the municipality.
 4 MS. WATSON: Then can I ask you the
 5 question. Why did you opt to do that and not put
 6 your affordable housing in the complexes that you
 7 are building on Mt. Kemble?
 8 MR. GRANT: The plan to build on Mt. Kemble
 9 was based on creating market value units numbering
 10 six total. If we were to put the COAH unit or the
 11 market value in that building, we would have to
 12 reduce that. That was not feasible for our project.
 13 We elected to take our option B, which is to find
 14 another site to put the moderate income unit.
 15 MS. WATSON: Can I ask you, what brought
 16 you to Collinsville?
 17 MR. GRANT: Ma'am, I have been building for
 18 30 years all over New Jersey, Pennsylvania and New
 19 York, and I build where there is opportunity.
 20 MS. WATSON: I only asked you what brought
 21 you to Collinsville.
 22 MR. GRANT: I am a builder; that is what I
 23 do.
 24 MS. WATSON: Because in my sight and in a
 25 lot of people's sight here that you are doing a

1 Luther King and the children have to cross that to
 2 catch the bus. I just think that, God forbid, if
 3 somebody got hit on that corner because of
 4 visibility, now you are adding trees, five on Walnut
 5 Street, two. You could put your hand around it now,
 6 but how about five years from now? That tree is
 7 going to grow. Are you taking that into
 8 consideration?
 9 It just seems that if someone were to get
 10 hit because of the visibility that the residents are
 11 trying to get this committee to see -- I don't
 12 know -- it just seems that the town will be setting
 13 themselves up for a suit. They could use this
 14 meeting and the members as proof as either you
 15 really took no action or took us seriously when it
 16 came to safety or you just didn't care.
 17 And concerning traffic, yes, it is already
 18 heavily trafficked because of the Hanover projects
 19 that are going on with Shop-Rite, another unit being
 20 built, residential and commercial, right on the
 21 corner across from the gas station. It just seems
 22 that it is going to be so much congestion in our
 23 neighborhood.
 24 I am just wondering, would you be agreeable
 25 to having all of the congestion that is happening

1 now on Hanover, Martin Luther King, that surrounds
2 Collinsville -- is it fair to the residents in your
3 town? I would think that the Board who sits on the
4 Board and makes the decision is here for the
5 residents of the town, not the builders and
6 investors.

7 I don't see how considering and allowing a
8 builder to squeeze in a two-family -- not
9 two-family, but a duplex -- into such a small space
10 that is only for a one-family, but it seems to be
11 okay to have a family living there that has a
12 bedroom the size of a closet.

13 I am just wondering how comfortable would
14 you be in your bedroom if it was seven by ten. I am
15 asking this Board to consider the number of
16 variances that this builder is asking and the number
17 of variances that he is asking, because the lot that
18 he is requesting to build this property on doesn't
19 fit your guidelines.

20 That is my comments. I am asking this
21 Board to please consider the statements and the
22 questions and the feelings of the residents of
23 Collinsville this evening.

24 CHAIRMAN KRONK: Thank you.

25 MR. SMITH: Good evening. My name is

1 Othello Smith. I am a 45-year resident of
2 Collinsville. For me I can sum it up in one
3 quick --

4 CHAIRMAN KRONK: Address, please.

5 MR. SMITH: 221 East Hanover Avenue, about
6 four blocks away from the property we are talking
7 about. So, my concern -- this house is square, by
8 the way. It is not anything special. So, we are
9 trying to take a square house and put it on a lot --

10 MR. OLLER: Mr. Smith, I am sorry. Would
11 you raise your right hand, please.

12 O T H E L L O S M I T H, sworn.

13 MR. SMITH: To sum it up for me, when I
14 walk through the neighborhood, I see homes that are
15 proportionately square to the lot. In other words,
16 they don't look like they are sticking out. They
17 don't look like they are out of place.

18 The first thing I realized in looking at
19 the size of the lots and also the variances, I have
20 got a house that really sticks out here. May I ask,
21 what good is that? What is it doing for me as a
22 neighborhood? What is it doing for my neighborhood?
23 The only thing I could come up was it is providing
24 affordable housing.

25 When I looked at the size of the rooms, it

1 looks like it was a forced fit. That forced fit is
2 what makes me nervous as a resident, because it
3 takes away from the value of the overall
4 neighborhood. These forced fits, they look awkward.
5 You just can't make it look any other way. Just
6 like you are trying to fit a big square in a space
7 that is not designed for it.

8 So, that is my comment. Just overall look,
9 appearance and perception is worth everything.
10 Thank you.

11 CHAIRMAN KRONK: Thank you.

12 MR. ALEXANDER: Good evening. I am Brian
13 Alexander, 18 Holland Avenue.

14 B R I A N A L E X A N D E R, sworn.

15 MR. ALEXANDER: So, looking at this
16 proposal, I see quite a few variations. So, I just
17 had one question. A few questions, actually.

18 Mr. Grant, are you about a 36-inch waist,
19 ballpark?

20 MR. GRANT: That is rude, sir.

21 MR. ALEXANDER: If I gave you size 28,
22 could you fit in that comfortably and be okay?
23 Probably not.

24 What you are doing here is taking a family
25 that should have 5,000 square feet and making them

1 squeeze into a size 28-inch waist. I don't think
2 that is right to the family or the neighborhood.
3 That could apply to every variance that you have
4 here. It seems that everything you have
5 variance-wise, you are looking for a setback of some
6 sort, which leads me to believe the house you are
7 proposing can't fit in that lot, which is why you
8 are requesting so many variances. Is that a true
9 statement?

10 MR. OLLER: He does not need to answer.

11 MR. ALEXANDER: The question goes to him.
12 It is open to the public to ask questions of the
13 developer, correct?

14 MR. OLLER: It is really time to make your
15 statement.

16 MR. ALEXANDER: Then I will ask you.

17 MR. OLLER: Don't ask any questions. Just
18 make a statement.

19 MR. ALEXANDER: You said questions,
20 statements. Make up your mind. This is ridiculous.

21 In your application you mentioned that you
22 will demonstrate a fully functional site for a
23 two-family home, despite the undersized conditions.
24 So, you are fully aware that the site is undersized,
25 but yet and still you are still trying to build a

1 house for two families. Something about that just
 2 doesn't add up.
 3 And with your living room, your living
 4 room, sir, is nine-and-a-half feet. My couch width
 5 is five feet. Roughly you would probably have about
 6 two feet from the wall where the couch sets at. The
 7 width of my couch is 30. The basic math shows the
 8 couch is already in your foyer, which is only four
 9 feet, two inches in width.
 10 So, still I am trying to figure out why you
 11 are trying to fit a family into something that size.
 12 First floor. You see it? Family room,
 13 nine-and-a-half feet by sixteen inches. My couch is
 14 five feet in width -- five feet in length, three
 15 feet in width. You are already eight feet. That is
 16 only nine feet in length. It is two feet from the
 17 wall with your couch because you have a television.
 18 I would assume that is what you are symbolizing. Is
 19 that correct?
 20 MR. OLLER: Still just statements.
 21 MR. ALEXANDER: So, the math doesn't add
 22 up. Your -- the width of your house is 30 feet.
 23 Your garage is 24 six. So, basically you are trying
 24 to tell me that the width of the house is six feet
 25 wider than the garage? That is going to look

1 extremely weird, to have your garage the same size
 2 as the house. I had drafting in four years of high
 3 school. Granted it is a long time ago, but I know
 4 measurements. No garage should be the same width as
 5 a house.
 6 Address the bedroom. That is literally a
 7 closet. My living room is over 15 feet in width. I
 8 could fit two-and-a-half bedrooms in my living room.
 9 Based upon your drawing you have a bed. That is all
 10 you have in that room. You don't have a dresser.
 11 You don't have a night stand. You have just one
 12 bed, which means you basically only have room to fit
 13 a bed in that room.
 14 The bedroom is way undersized. That needs
 15 to be addressed. Because I am sure you would not
 16 live in a bedroom that is basically a closet, and no
 17 one else should either. Whether it is a baby. At
 18 some point that baby is going to grow up to a child,
 19 to a teenager, and they are going to be stuck in a
 20 room that is cramped. Also with no window.
 21 MR. GRANT: All bedrooms have windows.
 22 That is a fire safety code. All bedrooms on this
 23 plan have windows. There is a window in every
 24 bedroom.
 25 MR. ALEXANDER: If we are having a

1 dialogue, can you answer my question? I asked the
 2 question. I was told a statement. Now you
 3 interrupted me. If you want to talk, let's have a
 4 dialogue and answer my questions.
 5 MR. OLLER: Mr. Alexander, why don't you
 6 finish your questions.
 7 MR. ALEXANDER: Tell him to let me speak.
 8 MR. OLLER: He will have an opportunity to
 9 reply to anything you say. We will ask him to wait
 10 until you are done.
 11 MR. ALEXANDER: No problem. I guess taking
 12 off of what Ms. Watson said, you currently have six
 13 units over on Mt. Kemble. I would almost bet money
 14 that those apartments or townhouses did not require
 15 as many variances as what we have here, which leads
 16 to why would you not put one unit over there as low
 17 income housing. It is because you don't want, let's
 18 say, those types of people present. You want a
 19 particular gentry and ethnic group. You want to
 20 keep Collinsville the way it is.
 21 But Collinsville is more than just
 22 African-American. We have Spanish. We have
 23 Caucasians. It seems like your thought process
 24 behind having Collinsville was to have
 25 African-Americans or Hispanics in low income

1 housing. Personally I don't think that is correct.
 2 I don't think that is right, and I think it is
 3 disrespectful. I will wait to hear your answers to
 4 my questions. If they are not answered, I will be
 5 back to ask you again.
 6 MR. DABINSKI: Hello. Jonathan Dabinski,
 7 78 Monroe street in Collinsville.
 8 J O N A T H A N D A B I N S K I, sworn.
 9 MR. DABINSKI: So, I originally came out
 10 because I got something in the mail from one of my
 11 neighbors stating about the meeting, because I
 12 didn't know this was going on. I looked at that lot
 13 to build. I just realized everything was too tight,
 14 too small, didn't make sense. You couldn't give a
 15 tenant who I consider my customer a decent place to
 16 live. It would just be too tight. I found out that
 17 somebody intended to do it. I wanted to take a look
 18 at what their intention is.
 19 My only question tonight was on Maple
 20 Street, instead of these mature trees, is there a
 21 reason they didn't put a sidewalk? There is no
 22 sidewalk on the other side by the restaurant. When
 23 I am walking my son around, there is nowhere to
 24 walk. You have to go up and around.
 25 Sometimes I have to go pick up dinner at

1 that place and walk it home. There is no side yard.
2 Is there a reason we put trees there instead of a
3 sidewalk? Because there is no sidewalk on the other
4 side.

5 MR. SLATE: Typically on a single-family or
6 two-family home the developer is not required to do
7 frontage improvements. In this particular case the
8 Board requested curbing, so we are installing the
9 curbing. We would typically do sidewalk when we do
10 the entire roadway. Just so you have a lane that is
11 essentially a sidewalk to nowhere.

12 The trees are actually being planted on the
13 property behind the fence, so there still will be a
14 shoulder area, but no sidewalks proposed at the
15 time.

16 MR. DABINSKI: The shoulder area on the
17 pavement side of the curb? So, curb, then shoulder,
18 then street?

19 MR. SLATE: I would say street, curb and
20 then lawn.

21 MR. DABINSKI: But not sidewalk. So, I
22 originally came here tonight, I actually wanted to
23 support the proposal. Because I got the thing in
24 the mail that talked about the side yard setbacks,
25 it seemed a little disingenuous. Nobody wants to

1 build custom single-family homes on Martin Luther
2 King. It is busy -- it is a quirky lot. It is
3 challenging. I looked into it.

4 I missed the last meeting. But is it
5 correct that the intent here is to put affordable
6 housing here in one unit to offset the requirement
7 of the larger deal he is doing down the road? That
8 is a little sleazy.

9 I have a two-family home on Martin Luther
10 King and I have a two-family home on Willow and big
11 bedrooms, stainless steel appliances. 1,500. To
12 squeeze in this because you wanted to build some
13 fancy places on the other side of town in my
14 neighborhood, that is sleazy.

15 MS. SIMS: Good evening. My name is Kelly
16 Sims. I live at 2 Carlton Street.

17 K E L L Y S I M S, sworn.

18 MS. SIMS: I have several things to say.
19 One of them is in reference to the frontage. When
20 the restaurant went in, it was the second restaurant
21 that was there. The first place was a bar -- the
22 first two places were bars. It was agreed between
23 the owners and the neighborhood that only compact
24 cars would park on that frontage, so you might want
25 to look into that. It does affect line of sight. I

1 have to go to work that way every day. I am finding
2 myself going blocks out of the way just to be able
3 to go where I need to go. Because of the way they
4 park.

5 Secondly, the sheer number of variances
6 required to build at that lot or build on the lot in
7 the configuration that you have proposed, side by
8 side, it just doesn't make sense. Over, under,
9 different deal. Because then you could put
10 something there that actually will fit the lot. But
11 the way you want to do this is like sardining
12 people. That is wrong.

13 To be honest with you, the restaurant is
14 not the only issue coming out of Walnut Street. You
15 have not more than 75 feet away Emmet. So, when you
16 look to your left you have to go over the crosswalk,
17 which impedes pedestrian traffic, and then you take
18 the chance of having your -- the nose of your car
19 knocked off. And then once you look back to your
20 right, you stand a chance of being smacked on the
21 right-hand side because someone does not stop at
22 Emmet Avenue. They use it as if it is a speedway.

23 Due to the increased traffic, because of
24 Shop-Rite and the T.J. Maxx complex -- I realize
25 they are different municipalities. However, it does

1 affect egress in our neighborhood. And I know that
2 everybody has to deal with traffic. But I work in
3 town. It should not take me 25 minutes to reach
4 from my house to the center of town. No way, no
5 how. Maybe you need to consider traffic lights. I
6 don't know.

7 But those are issues that are already
8 existing. Unless you want to revamp your master
9 plan and make it more reasonable for those of us who
10 actually live in the neighborhood. I don't know.
11 Doesn't seem right to me.

12 I have a lot of things I needed to say. I
13 work up this morning at 4:21 and this was on my
14 mind. I am just bothered by the configuration, the
15 lack of thought for the people who actually will be
16 living there, if in fact you build. And the
17 disruption of another two-family dwelling on the
18 front side of that street, it doesn't make sense, at
19 least not in the way it is proposed.

20 I do have a question, but I realize you are
21 not going to answer it until another portion. So
22 that is basically what I have to say.

23 MS. DAVIDSON: Hello. Ingrid Davidson. I
24 live at 119 Woodcrest Drive in the township.
25 I N G R I D D A V I D S O N, sworn.

1 MS. DAVIDSON: I am here in support of the
2 Collinsville neighborhood. I am a neighbor of that
3 neighborhood, and I live in affordable housing. My
4 affordable housing has been beautifully folded into
5 a neighborhood with regular priced housing.

6 I don't understand how this can be a
7 regular priced unit on one side and an affordable
8 unit on the other. That doesn't make sense to me.
9 It is like working side by side with someone and he
10 gets the raise and you don't. So, I have that
11 concern.

12 Every time I drive by the lot the words
13 postage and stamp go through my brain. It is like
14 -- it just seems really, really tiny. And I have
15 heard the testimony. I was here at the last meeting
16 and I have spoken with the residents of Collinsville
17 and they are upset, and that upsets me. I want my
18 township to be beautiful in all aspects, and I don't
19 want my neighbors to be upset. So, I am going on
20 record as saying no to that.

21 MS. McKAY: Jeannie McKay, 10 Walnut
22 Street.
23 J E A N N I E M c K A Y, sworn.

24 MS. McKAY: I guess you can see I am a
25 visual person, and I live less than 200 feet from

1 this proposed construction. As far as we asked for
2 a traffic study and you are saying that you don't
3 have to give one on a project this size, I just
4 wanted to show you a couple of pictures of what a
5 couple of people have mentioned.

6 This is when you come out of Walnut Street
7 trying to turn left. This is the restaurant and
8 this is a vehicle parked there. This is a car
9 backing out. This is something that goes on all day
10 every day, Monday through Sunday, all day, every
11 day. Now, the vehicle taking this picture is in the
12 crosswalk.

13 Like someone said, in order to get out, you
14 always have to go into the crosswalk or further into
15 the road, MLK. Now, I don't understand why a
16 traffic study is not needed for this.

17 CHAIRMAN KRONK: Mr. Slate, the township
18 engineer, said he would review that property and
19 assess the sight distances required on that
20 property.

21 MS. McKAY: When the house is going to be
22 on the right, that is going to be.

23 CHAIRMAN KRONK: The house on the right,
24 the engineer showed where the sight distance
25 triangle is. And the house is outside the sight

1 triangle. If that maple tree on the corner is in
2 the way, the applicant has agreed to remove it.

3 MS. McKAY: I have another picture I am
4 going to show you. But this is the crosswalk on
5 Walnut Street. There is a crosswalk right on the
6 same corner going across MLK over into the Toyota
7 dealer. They store cars there. When they call for
8 them they zoom down Walnut Street to take them over
9 to the facility to Ridgedale. This is what we deal
10 with every day. Maybe not Sundays; dealers aren't
11 open on Sunday.

12 MR. OLLER: Can I ask you to hand up that
13 photo. I am going to mark it. That would be O-2.
14 (Exhibit O-2 was marked into evidence.)

15 MS. McKAY: I have another photo here.
16 This is of that existing garage. We asked for a
17 chemical environmental study. The prior owner was a
18 paint contractor. If you see, I have got a closer
19 picture. There was a need for ventilation in that
20 garage.

21 MR. OLLER: Can you go back to the first
22 one. That is a photo again of what?

23 MS. McKAY: The existing garage.

24 MR. OLLER: Existing garage on the lot.

25 MS. McKAY: This is the fence. This is a

1 garage. This is just a close-up on the garage to
2 show there was ventilation needed in that garage. A
3 paint contractor owned this, so who knows if they
4 dumped the paint. It could be lead, whatever, in
5 the soil. There was no testing. We asked for that.

6 I have another picture of that existing
7 alley, as you call it. I don't know if there is a
8 name for that street or not. But there is a house
9 right next to there. And the people in that house
10 park their vehicles on the side.

11 I don't know if that is their driveway, but
12 the surface is different from this part. You can
13 tell it is newer pavement. That is a newer home. I
14 think it is about eight years old -- seven, eight
15 years old. I am not sure. But there is new
16 pavement there and there is still the old pavement.

17 This is some landscaping. I don't know if
18 Mr. Grant is going to fix that. But there is also a
19 vehicle on both sides. We discussed emergency
20 vehicles fitting through this alley. Now, if you
21 have parking on this side and this side and you are
22 bringing more people, they only get four spaces,
23 where are they going to park?

24 We would like to see a two-dimensional
25 rendering of this. That is not hard to ask for. If

1 you have professional architects, planners,
2 engineers, that is what they do. That is what they
3 do. You didn't do that. We need to see these types
4 of things before any construction can go on that
5 property.

6 I can repeat what everyone said. It is too
7 small. It is too small for what he is proposing.

8 As you can see, I took the liberty to take
9 pictures to show you. I don't know how often or if
10 you guys have ever been on that street. The
11 neighborhood is not what he is trying to make it to
12 be and this property is not going to make it better.
13 That is all I have to say.

14 (Exhibits O-3, O-4 and O-5 were marked into
15 evidence.)

16 MR. ROGERS: My name is Robert Rogers. I
17 am a power of attorney for Lena Rogers, who lives at
18 1 Carlton Street in Morris Township.

19 MR. OLLER: Do you live in Morris Township?

20 MR. ROGERS: No, I do not. That is like my
21 second house. It's my mother's house. She is 103,
22 so she could not be here tonight.

23 MR. OLLER: You own property in Morris
24 Township?

25 MR. ROGERS: No, I do not.

1 MR. OLLER: Unfortunately, Mr. Rogers --
2 you have a power of attorney from her?

3 MR. ROGERS: Yes, power of attorney for
4 her.

5 MR. OLLER: Do you have any objection to
6 his statement?

7 MS. MAGDZIAK: We are okay with the
8 statement.

9 R O B E R T R O G E R S, sworn.

10 MR. OLLER: Your address, please.

11 MR. ROGERS: My personal address is
12 16-and-a-half Copp Place in Morristown. I am
13 standing here as a power of attorney for Lena
14 Rogers, who has lived at 1 Carlton Street since
15 1956. At that time I also was alive and living
16 there as well, as well as my brother who is here as
17 well.

18 I am standing here on behalf of her to
19 oppose this project. Looking at the variance
20 request and the discrepancy between what is required
21 and what is proposed, it is like fitting a size
22 fourteen foot into a size seven shoe. And
23 unfortunately we will not know the true impact if
24 these variances are granted until after the
25 structure is built and then it will be too late.

1 And then with regards to the affordable
2 housing, that is nice, but Collinsville should not
3 be the dumping ground for affordable housing. I
4 look forward to the township's proposed housing plan
5 when it becomes available. Thank you.

6 MS. BROWN: Hello again. Kimberly Brown, 2
7 Carlton Street, Morristown, New Jersey.

8 K I M B E R L Y B R O W N, sworn.

9 MS. BROWN: Just a quick question. When
10 you say permitted use, who permitted it? The
11 Planning Board?

12 MR. OLLER: It is permitted by municipal
13 ordinance, which is adopted by the Township
14 Committee.

15 MS. BROWN: So basically you, you mean?

16 MR. OLLER: Not this Board. The Township
17 Committee adopts ordinances that govern the entire
18 town. And it indicates what uses are permitted in
19 different areas throughout the entire town.

20 MR. BROWN: I don't think they realize that
21 this property is almost historic. And I know that
22 people want to see things on it, all kinds of stuff
23 like that. But we have been loving that lot for a
24 long time and massaging it. I don't think you
25 understand.

1 Again, I want to ask one more question.
2 Have all of you seen the lot, seen the traffic
3 during the busy times of the day? I want to ask all
4 of you. You all feel this is right?

5 MR. OLLER: The Board hasn't voted yet.
6 They are just listening to what the applicant has to
7 say and what you have to say.

8 MR. GOLDBERG: Lee Goldberg, 10 Arrowhead
9 Road.

10 L E E G O L D B E R G, sworn.

11 MR. GOLDBERG: So this is the first
12 meeting. I got to learn a little bit about it
13 tonight and look over the application. My question
14 is -- you hear -- it is a little confusing because
15 you hear permitted use, but I think when Ms.
16 Anderson read the name of the application, she
17 referred to a deficient lot size. Is that actually
18 in the title?

19 MR. OLLER: That is not the title of the
20 applicant.

21 MR. GOLDBERG: Is the lot size deficient?
22 What is the deficiency?

23 MR. OLLER: The deficiency is the minimum
24 lot area per family. By ordinance the requirement
25 is 5,000 square feet per family. Two-family is

1 permitted on the lot. They are proposing 3,750
 2 square feet per family.
 3 MR. GOLDBERG: That is where the deficiency
 4 lies?
 5 MR. OLLER: Correct.
 6 MR. GOLDBERG: Thank you. Was there ever
 7 in the history of this lot before -- because also in
 8 the application it says they did an OPRA request and
 9 no one has made an application. I know there is a
 10 garage there. But was there ever a house there?
 11 Was there ever a family residence there prior?
 12 MR. OLLER: Not that they have been able to
 13 discover and they have not reported that to the
 14 Board.
 15 MR. GOLDBERG: From my perspective there is
 16 a garage there, so I am assuming there was a house
 17 there at some point.
 18 MR. OLLER: That garage appears to be very
 19 old.
 20 MR. GOLDBERG: Thank you. Within the
 21 application it goes through -- I count eleven, I
 22 guess -- it says relief being requested for the
 23 following requirements, and it lists eleven
 24 different things, some related to the principal
 25 building and the accessory building.

1 Having attended the Board of Adjustment
 2 meetings for a number of years, it seems like that
 3 is a lot. How do we categorize that? Is that an
 4 overwhelming number of individual line items being
 5 requested for such a small lot? Is there any way to
 6 draw a comparison between that and other
 7 applications that have come before this Board in
 8 terms of volume of things being requested and relief
 9 sought for this type of application?
 10 MR. OLLER: One thing about property is
 11 that it is all unique, so every application is
 12 unique in its own way.
 13 MS. KELLER: I would also add without
 14 casting a judgment on whether it is too many or
 15 however many, only three new variances are being
 16 proposed here. All of the rest are existing based
 17 on the size of the lot, the size of the tax lot
 18 itself and the location of the existing garage.
 19 Only three of them are new.
 20 MR. GOLDBERG: So, only three of them are
 21 actually new?
 22 MS. KELLER: Only three of them are new.
 23 MR. GOLDBERG: Were those the bulk
 24 variances that you referred to?
 25 MS. KELLER: That would be the lot area per

1 family and front yard setback from Walnut Street and
 2 the side yard setback from the north property.
 3 MR. GOLDBERG: Both of those are the
 4 principal building structure?
 5 MS. KELLER: Yes. Everything else, the
 6 remainder, are all preexisting conditions.
 7 MR. GOLDBERG: And I know, Mr. Slate, you
 8 had mentioned I guess ten feet is the right-of-way.
 9 Is that correct? Do these now sort of put these
 10 areas into play within the right-of-way?
 11 MR. SLATE: The overall right-of-way is 45
 12 feet for Walnut Street. I can give you an exact
 13 measurement.
 14 MS. KELLER: The size of the right-of-way
 15 is not proposing to change because the lot line
 16 itself is not going to change. It is just the
 17 location of the building.
 18 MR. SLATE: The right-of-way line is
 19 approximately nine feet back from the edge of
 20 pavement.
 21 MR. GOLDBERG: So, will there be any
 22 portion of the structure in the right-of-way, based
 23 on these drawings?
 24 MR. SLATE: No. They could not build a
 25 structure on the township property.

1 MR. GOLDBERG: Thank you for clarifying
 2 that. Also within the application it is interesting
 3 that it points out in trying to make the case for
 4 this application that in addition, this parcel is
 5 located directly across Walnut Street from subject
 6 property is a commercial property developed with
 7 particular parking stalls on the Walnut Street
 8 frontage. Any negative impact along Walnut Street
 9 would be minimal, if at all.
 10 Is that to categorize -- is that the car
 11 parking or storage facility caddy-corner that is
 12 being referred to there, the commercial lot across
 13 the street? So, you are talking about the
 14 restaurant. Is the other structure also
 15 caddy-corner to that also where they store -- the
 16 old Verizon building where the cars are being stored
 17 as well?
 18 Other questions I had were on the TCC
 19 report, really it only talks about things related to
 20 the garage. I guess that was the TCC's only
 21 concern, was elements related to the garage. Do
 22 they weigh in on the actual building and design of
 23 the property or they just confined it to the garage
 24 or is that all they had to say about it?
 25 MR. OLLER: The TCC looks at an application

1 and determines if it is complete in terms of what is
 2 being provided to be sure that everything that is
 3 required to be provided by ordinance is provided so
 4 that it can then go through the Board.
 5 MR. GOLDBERG: From my perspective, I have
 6 learned a lot more tonight about the garage than I
 7 have about the actual structure. I think that
 8 raises a concern.
 9 I think also the concern with the COAH
 10 element coming in from sort of a development that is
 11 being planned across town. So, what I would like to
 12 ask the developer is, if I understand you correctly,
 13 if you were to place that COAH unit over where you
 14 are building on Mt. Kemble, when you say it doesn't
 15 work for your project, does that mean the financials
 16 and the backing sort of evaporates and falls apart
 17 if you can't locate that somewhere else? How does
 18 it not work for your project?
 19 MR. OLLER: That is something they can
 20 address. They are going to rebut what they heard or
 21 at least answer many of the questions that they
 22 heard. They can address that at that time.
 23 MR. GOLDBERG: There is going to be another
 24 meeting?
 25 MR. OLLER: No, no, no. They are going to

1 do that right now. Not right now, when you are
 2 done. When the public is done.
 3 CHAIRMAN KRONK: When the public portion is
 4 closed, they will have time for a summation.
 5 MR. GOLDBERG: Ms. Keller brought up a
 6 draft housing plan that the Planning Board of the
 7 township is working on. You had brought that up in
 8 your comments earlier. What is the linkage between
 9 this unit and that draft proposal? Is there any
 10 linkage there? What is the correlation between what
 11 we are discussing tonight and that?
 12 MS. KELLER: The housing plan is what sets
 13 forth how many -- it has been decided by the courts
 14 how many, but it talks about basically the mechanism
 15 that affordable housing will be developed.
 16 One of the reasons I did bring that up was
 17 there are sites throughout the township where
 18 affordable housing is proposed and is existing right
 19 now in addition to this site. But this is all in
 20 draft form at this point.
 21 MR. GOLDBERG: When I look at this
 22 application, it almost seems like -- I don't know if
 23 it is actual spot zoning, but let's shoehorn an
 24 affordable housing unit into this area, versus say
 25 Honeywell where they are all disbursed throughout

1 the units or Morris Estates where they are sort of
 2 on the side.
 3 So, I think in the township we have
 4 addressed it in a number of different ways. I think
 5 James Street they didn't have any affordable housing
 6 units and the developer, I think -- there is a third
 7 option which wasn't referenced, which is to build an
 8 affordable unit at someplace in the township to be
 9 designated at a future time. Would that be an
 10 option in this case?
 11 MS. KELLER: I can't speak for that in this
 12 case. We obviously did not choose the site. I was
 13 not responsible for site selection or anything like
 14 that. But the fact is it is not spot zoning, as you
 15 said, because it is a two-family -- it is a
 16 two-family zone and a two-family home is proposed.
 17 In that case it is up to -- it is up to the
 18 developer what they choose to do with that.
 19 MR. GOLDBERG: It is technically spot
 20 zoning.
 21 MS. KELLER: It could be affordable
 22 housing; it could be market rate housing. The
 23 zoning ordinance does not make that decision.
 24 MR. GOLDBERG: Is one of the options for
 25 that developer -- is there an option for them to

1 contribute to a fund or is there something
 2 precipitating that? Why does it have to be here,
 3 versus folded into the Honeywell plan or what is
 4 going over into Colgate-Palmolive? Why does there
 5 seem to be such a hard linkage to this site?
 6 MS. KELLER: I can't speak to the option
 7 whether funding was possible. But the developer has
 8 chosen to do it offsite.
 9 MR. GOLDBERG: It is the developer's
 10 choice?
 11 MS. KELLER: Right.
 12 MR. SLATE: And I could expand on that a
 13 little bit. James Place fell into a time when COAH
 14 was dissolved and the regulations were kind of in
 15 limbo. It was passed on to the courts. So, they
 16 had to contribute money, what is known as a
 17 development fee.
 18 They gave four bags of money, not one.
 19 They had significant fees that go into an account
 20 that goes towards affordable housing. And there is
 21 a lot of different mechanisms that are in the
 22 housing plan where there is rehabilitation, there is
 23 units up on Catch Road, there is congregate living.
 24 There is all sorts of different methods to provide
 25 the housing.

1 MR. GOLDBERG: Thank you. My only
2 suggestion to this Board is I sat through fifteen
3 years of watching us develop the township at the
4 Board of Adjustment and Planning Board level, which
5 is where that type of detail gets done, and I have
6 seen this Board take far longer than two meetings to
7 decide on things such as a deck and little smaller
8 stuff.

9 I think given the outpouring of the public
10 tonight and the interest in the community, my
11 recommendation is to perhaps defer it, schedule
12 another session. Maybe I guess your experts were
13 here last meeting and they are not planning on
14 coming back; is that correct? There were other.

15 CHAIRMAN KRONK: The testimony was
16 completed last month.

17 MR. GOLDBERG: Something of this nature
18 that has this much interest from the community would
19 bear and respond well to continued conversation.
20 Thank you.

21 CHAIRMAN KRONK: Just one point of
22 clarification. In the ordinance there is no
23 restriction where the unit be located, other than in
24 the municipality, right?

25 MS. KELLER: Yes.

1 CHAIRMAN KRONK: Thank you. Anybody else
2 in the public, comments?

3 MS. BROWN: Kimberly Brown. This is my
4 last time. I just have one another question. What
5 is in that garage? I mean, it has been sitting so
6 long. Is there anything in there that needs to be
7 remediated out? Does anybody know?

8 MR. OLLER: Ms. Brown, if there were
9 something environmentally wrong with the garage,
10 that is not in the purview of this particular Board.
11 That does go to the municipality and they would take
12 a look at that. If there was a concern, then they
13 would require some inspections. But this Board
14 doesn't really deal with that particular issue.

15 MS. BROWN: So that is yet to be done,
16 right?

17 MR. OLLER: Yes. This would have to be
18 approved. They would have to make application for
19 building permits. The municipality, if they thought
20 there was something there, would have to require it.

21 MS. BROWN: Thank you.

22 MS. COLLINS: My name is Patricia Collins.

23 CHAIRMAN KRONK: Address?

24 MS. COLLINS: 4 Green Knolls Road,
25 Morristown.

1 P A T R I C I A C O L L I N S, sworn.

2 MS. COLLINS: I would just -- I am just
3 building upon what other people have said tonight
4 about squeezing the Taj Mahal into a small area.
5 And I just want to address the optics of it and to
6 ask the builder, why would you even come here to the
7 Board of Adjustment with a 25-foot setback and you
8 are requesting nine feet? If it was two feet, you
9 could say you want to push the envelope. But I am
10 thinking -- if I was on the Board I would say, back
11 to the drawing board. That is outrageous, I think.
12 My personal opinion, that you are really pushing the
13 envelope against the residents. Thank you.

14 CHAIRMAN KRONK: Anybody else? Last
15 chance. Last chance again. Seeing none, hearing
16 none, close public portion. Would you like to sum
17 up the application?

18 MS. MAGDZIAK: We do have a summation, and
19 we would like to address some of the comments that
20 were made. But we were like to request a
21 five-minute break, if that is okay with the Board.

22 CHAIRMAN KRONK: Any problem with a recess?
23 All in favor.

24 (Whereupon, there was a voice vote.)

25 CHAIRMAN KRONK: Motion carries.

1 Five-minute recess.

2 (There was a brief recess.)

3 CHAIRMAN KRONK: I would like to call the
4 Board meeting back into session at this time.

5 MS. MAGDZIAK: Thank you. Mr. Chairman, we
6 would like to thank the Board for hearing this
7 application, and we do appreciate and hear the
8 public and their comments this evening.

9 We would like to just remind the Board and
10 make sure that we are not losing sight of the fact
11 that this Board was established by a statute and has
12 a legal standard, which was set forth in the
13 Municipal Land Use Law, for situations such as this
14 project in which there is a proposed development
15 that does not neatly fit into the zoning ordinance
16 that was adopted by the town.

17 In this scenario, this property is unique
18 in the fact that it has three front yards on Martin
19 Luther King, Walnut Street and the alleyway. That
20 unique condition of those three front yards greatly
21 impacts the ability to construct on this property,
22 which results in the need for the setback from
23 Walnut Street, which as was testified to, is
24 proposed at just over nine feet.

25 We do believe that the improvements that

1 were described this evening in connection with our
 2 conversations with Mr. Slate in extending the curb
 3 line and providing lawn area, though that property
 4 is not part of the applicant's property, will
 5 provide a perception of a larger yard on that side,
 6 the Walnut Street side of the property, which will
 7 help to mitigate the impact of the variance that is
 8 being proposed.

9 We do believe that through the planning
 10 testimony that was provided by our planner we have
 11 met the burden for a (c) variance driven by the
 12 uniqueness of the site and the existing site
 13 conditions.

14 We will be sure to meet and/or exceed the
 15 legal requirements for all bedroom sizes, which we
 16 know is a concern of the public, and also for the
 17 environmental conditions of the garage and the site.
 18 The applicant has done a Phase I environmental study
 19 on the site prior to purchasing and is unaware of
 20 any environmental concerns on the property that need
 21 to be remediated.

22 So, after the garage is renovated we do
 23 believe it will be perfectly safe for cars to be
 24 parking in it and that it will truly enhance the
 25 neighborhood. We think the two-family home that is

1 permitted in this zone and that will be -- or is
 2 being proposed on this site will also enhance the
 3 neighborhood and is in character with the
 4 neighborhood that exists today.

5 The neighboring lot to the north, we are
 6 requesting a side yard setback on that side of the
 7 property as well. That house is set four feet off
 8 of the side yard that is shared with our lot. Our
 9 proposal is to have our house approximately ten feet
 10 from that line. So, we do think that it exceeds
 11 what is existing and in character.

12 We believe we are providing a sufficient
 13 outdoor area and backyard space for a certain
 14 standard of living for the people who are in this
 15 property. And it is both a market rate and an
 16 affordable housing unit. Both of those units are
 17 proposed to be the exact same size at approximately
 18 1,435 square feet, which we believe is appropriate
 19 for the site.

20 We think that this is an integrated housing
 21 project and it is not just providing affordable
 22 housing on a lot.

23 We do think there are other things going on
 24 in this area, as was described by the public, such
 25 as sight triangle concerns. We think those are

1 primarily related to properties that are not this
 2 corner lot, 241 Martin Luther King. We think those
 3 are primarily dealing with the car storage lot
 4 across the street and the chicken restaurant on the
 5 corner and the parking that is related to those
 6 properties.

7 We do think that adding the curb and not
 8 having the cars on our side of the property will
 9 actually mitigate these issues on our side of the
 10 property. We have agreed to look at the maple tree.
 11 If it is in the sight triangle, we will certainly be
 12 happy to remove it.

13 To conclude, we do believe that this
 14 application and the proofs that were provided
 15 through our experts meets the legal standard that
 16 was created for a situation such as ours. And we
 17 hope that the Board votes in a positive way on this
 18 application this evening.

19 CHAIRMAN KRONK: Thank you. Mr. Oller, do
 20 we have any conditions that were discussed for this
 21 application?

22 MR. OLLER: If the Board were inclined to
 23 approve the application, there were two conditions.
 24 One would be to add Belgian block curbing from the
 25 driveway westerly to the corner of MLK and to

1 provide a standard detail to the township engineer.
 2 To seed and hay between the curb and the
 3 right-of-way. And to locate and identify the
 4 existing maple tree on the site plan; and if it is
 5 located within the sight triangle, to remove it and
 6 replace it on site in accordance with the township
 7 engineer's requirements. I believe that was it.

8 CHAIRMAN KRONK: How about conditions
 9 regarding the COAH?

10 MR. OLLER: The affordable housing unit
 11 would be a moderate income unit consistent with the
 12 prior approval. And we would have to satisfy the
 13 municipal ordinance with respect to the affordable
 14 housing unit.

15 CHAIRMAN KRONK: That is all the
 16 conditions?

17 MR. OLLER: Yes.

18 MR. SLATE: I have a couple of other items.
 19 We should get a permanent easement on that sight
 20 triangle that is on the property just to insure that
 21 if something were to be placed there or there was an
 22 obstruction, we would have an easement and they
 23 could move that or it would have to be removed. And
 24 there should be manholes on the seepage pits for
 25 access and maintenance.

1 And the stacked parking -- generally
 2 parking on the site should be designated. That came
 3 from the TCC report. And Kate is pointing out one
 4 other item. There is the issue with the fence.
 5 MS. KELLER: On the northern property line.
 6 MR. SLATE: That issue needs to be
 7 resolved.
 8 MR. OLLER: What does that mean, though, to
 9 be resolved?
 10 CHAIRMAN KRONK: It was going to be
 11 relocated.
 12 MS. MAGDZIAK: Yes.
 13 CHAIRMAN KRONK: Board members, any
 14 discussions, motions? Mr. Woodford.
 15 MR. WOODFORD: I listened very carefully to
 16 what the people who live in this neighborhood have
 17 said. While this property is zoned for two-family,
 18 it is undersized and they are asking for almost a 25
 19 percent variance in the bulk requirements for this
 20 lot. That and the fact that this is a corner lot
 21 exacerbates that undersized component. Therefore,
 22 based upon that, I would be against this proposal
 23 for those two reasons.
 24 MR. WILLIAMS: Mr. Chair, I will second
 25 that. Fifty years ago in April, this month,

1 CHAIRMAN KRONK: Any other Board member
 2 comments at this time?
 3 MS. JOHNSON: Yes, Mr. Chair. There are a
 4 few things. This is a lot of moving parts to this.
 5 While I do feel as Mr. Woodford does, I do think
 6 there are a few things that should be clarified.
 7 One is that the applicant is not
 8 responsible for solving all the traffic problems
 9 along Hanover Avenue, along Martin Luther King. And
 10 the fact that the chicken people, the people going
 11 to the chicken restaurant, are not parking the right
 12 way, this applicant is not responsible for that.
 13 The fact that there is an affordable
 14 housing integrated with this is perfectly
 15 permissible. There are affordable housing units all
 16 over town. We are obliged by last count as I recall
 17 it to absorb 400 units throughout town. This is
 18 going from the most expensive neighborhood to the
 19 least to the most affordable.
 20 I will say that everyone thinks in
 21 abstraction that affordable housing is a wonderful
 22 idea, but nobody, but nobody, wants it in their
 23 neighborhood. That is just a universal truth that I
 24 have seen after many years on the Township Committee
 25 and Planning Board and now on the Board of

1 Congress passed the federal Fair Housing Act. There
 2 are some things here that I see that are
 3 discriminatory, that I feel that the community feels
 4 are discriminatory. The many bulk variances that
 5 are being asked for, the challenges that the
 6 community has set forth, I could not vote for this.
 7 I second that motion.
 8 CHAIRMAN KRONK: Ms. Santiago, rollcall,
 9 please.
 10 MS. JOHNSON: Am I able to add to the
 11 commentary?
 12 MR. WOODFORD: That was not a motion; that
 13 was just commentary.
 14 MS. SANTIAGO: You said that was not a
 15 motion?
 16 MR. WILLIAMS: I will make the motion. I
 17 make a motion that we reject this application in its
 18 current format.
 19 CHAIRMAN KRONK: Is there a second?
 20 MR. WOODFORD: I would rather hear what
 21 other Board members say before we have a second.
 22 Let's hold off on the motion for a second until
 23 everybody gets a say.
 24 MR. OLLER: Why don't we hold that in
 25 abeyance and listen to some thoughts from the Board.

1 Adjustment. I just wanted to put that out. It is
 2 clarification, okay.
 3 CHAIRMAN KRONK: Excuse me.
 4 MS. JOHNSON: May I continue?
 5 CHAIRMAN KRONK: Yes, please proceed.
 6 MS. JOHNSON: There is nothing
 7 discriminatory about the fact that an affordable
 8 housing unit could be included with this. Do I
 9 think the property and what is being proposed for
 10 the property fits well and is optimally configured?
 11 No, I don't. But I wanted to put those other
 12 clarifications out there.
 13 I can explain further why I think it is not
 14 optimally configured. But I don't want to take the
 15 time of this Board and all the busy people in the
 16 audience, Mr. Chair. I will leave it at that.
 17 CHAIRMAN KRONK: Thank you, Ms. Johnson.
 18 Any other Board member comments at this time?
 19 MR. STAUDT: Mr. Chairman.
 20 CHAIRMAN KRONK: Yes, Mr. Staudt.
 21 MR. STAUDT: I would like to echo Ms.
 22 Johnson's thoughts and comments on this. I would
 23 like to further address the audience that I hear
 24 your concerns, and there are many. I think the
 25 common thread of -- there are several common

1 threads. One is it won't fit the look and feel of
2 the neighborhood. I have lived in the Morris area
3 for about 25 years. I know the neighborhood quite
4 well, not as well as the audience does, but I know
5 it quite well.

6 And a quick check of the lots in that
7 neighborhood tells me that this will fit the look
8 and feel of the neighborhood. I count roughly at
9 least 50 percent of the homes within 200 feet of the
10 applicant's property do not meet the minimum
11 setbacks. To me that speaks volumes.

12 I don't think this house will be an
13 eyesore. I think a vacant lot is an eyesore.
14 Mr. Grant has built some very fine homes. I believe
15 he will do this again. I think it will be good for
16 the community. I am inclined to vote yes.

17 CHAIRMAN KRONK: Anybody else, comments?
18 Yes, Ms. Ferrari.

19 MS. FERRARI: I think I echo what Ms.
20 Johnson said. It is a fact that the township has to
21 provide affordable housing units. The courts have
22 ruled so. And there are affordable housing units
23 all over town. They are in all the neighborhoods.
24 So, I don't know that locating something on Martin
25 Luther King -- you are not getting fourteen of them.

1 You are getting one. I think that that is not
2 excessive.

3 The lot as it stands is an eyesore, because
4 I have gone past there many more times than one.
5 And it is a collection of mud and cars parked there.
6 So, I think in looking at the size of the units,
7 each unit is 1,400 feet, and that is not very super
8 small for an apartment. I have been in -- in my own
9 life I have lived in apartments that size.

10 The configuration of it, the long and
11 narrow, that may be a problem for you all, but I
12 think overall his building design is attractive, and
13 I just think that it would be an addition to the
14 neighborhood. But I really don't believe that
15 putting affordable housing there is discriminatory
16 at all.

17 MR. WILLIAMS: Mr. Chair.

18 CHAIRMAN KRONK: Yes, Mr. Williams.

19 MR. WILLIAMS: I don't believe that anyone
20 has a problem with the affordable housing being
21 built on the lot. I think that the problem is the
22 design and what we are trying to put there. We have
23 heard it over and over and repeatedly that it just
24 doesn't fit. That is what we are talking about
25 here. Doesn't fit.

1 You can see older homes there that are
2 basically functionally obsolete on Martin Luther
3 King. That is why they are close to the street.
4 The peak community property value.

5 We are not talking about this having an
6 affordable housing unit there. That is not the
7 issue. The issue is having a design where on Mt.
8 Kemble the same builder is building nice exclusive
9 homes. Then he comes to Martin Luther King and
10 Walnut and puts a multifamily there on a smaller lot
11 with a kitchen and the bathroom that are right off
12 of each other. That hasn't been done since the
13 '60s. Those are the types of things we are talking
14 about. I want you to give some consideration.

15 CHAIRMAN KRONK: Unfortunately,
16 Mr. Williams, the applicant's design ideas for a
17 structure are not really the purview of this Board.
18 A reason to deny this application is not because he
19 put a bathroom in a kitchen. You may not like it; I
20 don't like it. But under the Municipal Land Use Law
21 that is not a reason to deny an application.

22 MR. WILLIAMS: One of the comments was that
23 the design was fine.

24 CHAIRMAN KRONK: Thank you. I will accept
25 a motion. Board members, motion.

1 MR. STAUDT: I would like to make a motion
2 to approve this application.

3 MR. OLLER: Before we go there, actually,
4 Mr. Williams did have a motion pending. I think you
5 want to renew your motion and see if you have a
6 second.

7 MR. WILLIAMS: I would like to renew my
8 motion that we deny this application.

9 MR. OLLER: For the reasons that you stated
10 previously?

11 MR. WILLIAMS: It needs to be reevaluated.

12 MR. WOODFORD: I will second it for the
13 reasons I stated on the record.

14 CHAIRMAN KRONK: Ms. Santiago, rollcall.

15 MS. SANTIAGO: Ms. Kalaher.

16 MS. KALAHER: Yes.

17 MR. OLLER: I want to clarify. If you vote
18 yes --

19 MR. KALAHER: I am voting for Mr. Donnell's
20 denial of the application.

21 MR. OLLER: Yes.

22 MS. SANTIAGO: Ms. Ferrari.

23 MS. FERRARI: No.

24 MS. SANTIAGO: Mr. Williams.

25 MR. WILLIAMS: Yes.

1 MS. SANTIAGO: Mr. Woodford.
2 MR. WOODFORD: Yes.
3 MS. SANTIAGO: Mr. Staudt.
4 MR. STAUDT: No.
5 MS. SANTIAGO: Ms. Johnson.
6 MS. JOHNSON: Yes.
7 MS. SANTIAGO: Mr. Kronk.
8 CHAIRMAN KRONK: No.
9 MR. OLLER: The motion passes and the
10 application is denied.
11 (The hearing was adjourned at 9:35 p.m.)
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1 CERTIFICATE
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5 I hereby certify that the proceedings herein
6 are from the notes taken by me in this matter of the
7 aforementioned case; and that this is a correct
8 transcription of the same.
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12 PHYLLIS SEMANCHIK, CCR NO. 1200
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