

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 21, 2018**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, May 21, 2018, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Vice Chairman Woodford 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 May 15, 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 Paul Woodford, Vice-Chairman

Roll call of Board Members and Professionals

Members Present

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

Members Absent

Mr. Timothy Kronk

Also Present

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

Public Hearings

BA-19-17

John Anzul

Block 3906, Lot 6, 136 Western Avenue, RB-11 zone. Section C and D.

Applicant proposes construction of a two story addition to an existing dwelling which also includes a second floor apartment. The applicant also seeks bulk variance relief for building coverage of 29.3% where 25% is required, building height of 36 feet where 35 feet is required and front yard setback on Locust Street of 6.76 feet where 35 feet is required.

Mr. Oller announced that the applicant has requested to be adjourned to the June 25, 2018 meeting in order for him to do the proper notice to the neighbors and the newspaper.

On a motion duly made by Ms. Kalaher, seconded by Ms. Ferarri and unanimously carried the application is adjourned to the June 25, 2018 meeting with notice.

BA-03-18

Thursa Hyland

Block 501, Lot 6, 157 Sussex Avenue, RA-15 zone. Section C.

Applicant proposes construction of a front portico creating a front yard setback of 32.8 feet where 50 feet is required and installation of a 12 foot x 24 foot above-ground pool creating a side yard setback of 15 feet where 20 feet is required and a combined side yard setback of 32 feet where 50 feet is required.

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

The following exhibits were submitted as evidence.

- A-1 Photographs consisting of 5 Pages of the subject property and neighbor's property
- A-2 One sheet consisting of 2 Photographs depicting shed & tree locations.
- O-1 Photograph from the neighbor deck looking down at the subject property
- O-2 Photograph of subject property from the neighbor Webb's deck

Summary of Testimony – Thursa Hyland, Homeowner

Ms. Hyland stated she is asking for a variance to build an enclosed front entrance portico over existing concrete and brick stoop to the house. The portico would provide shelter during the winter months when the wind and cold blows at the front of her house and would add curb appeal giving it a cute cottage effect. She further stated that of the three closest homes to the subject property, the subject property is setback from the road the furthest. Ms. Hyland used the photographs from Exhibit A-1 to describe the lot. The remaining photographs show neighboring houses that have front entrance portico and how they are closer to the street than her house. She also plans to update the front façade replacing the brick with stone.

The other variance that is being requested is to install an above ground pool on the rear of the property. Ms. Hyland referred to photos from exhibit A-1 showing how the property slopes to the east and she is also below the neighbor to the east which has a retaining wall of approximately 7 feet high in the area where she would like to place the pool. She stated that if the location was not adequate she was willing to place the pool further south closer to the house.

Woodford YES

7 Ayes 0 Nay 0 Abstain

Mr. Williams moved, seconded by Ms. Kalaher that approval be granted to the application of Thursa Hyland thereby permitting on Block 501, Lot 6 the installation of a 12 foot x 24 foot above-ground pool with the Applicants willingness to satisfy the request of the Board both in the increased coverage and relocation of the pool 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 June 25, 2018 meeting.

Roll Call: (Voting Members)

Kalaher	YES
Ferrari	YES
Williams	YES
Johnson	YES
Staudt	YES
Christensen	NO
Woodford	YES

6 Ayes 1 Nay 0 Abstain

Other Matters

Ms. Ferrari stated that at the Township Committee there was a discussion regarding a proposed Housing Development and it all involved zoning, it turns out that the Planning Board had zoned the property, she doesn't understand where the Zoning Board comes involved when there is a zone change and who has jurisdiction over certain land use applications. Mr. Oller informed the Board that the zoning changes are strictly within the Planning Board and the Township Committee by virtue of Statute, the Municipal Land Use Law. The Municipal Land Use Law dictates which Board covers which type of applications. One of the jobs the Planning Board has is to periodically review (every 10 years) the Master Plan to determine what needs to be updated in the Municipality and then there is a report from the Planning Board that is forwarded to the Township Committee with the recommendations from the Planning Board.

In effect, what the Board of Adjustment does, is when someone needs a variance this is the Board that they generally come to. Unless it is a commercial site plan then a commercial site plan goes to the Planning Board and then the Planning Board has jurisdiction to determine the site plan and c variance as long as it is a permitted use. They will come to this Board if someone wanted to do something that was not permitted and that is called a D variance. If it was a c variance for residential home it will come to this Board because there is no site plan aspect. We are quasijudicial Boards and if someone wanted to appeal they would go to court and appeal the Board decision. A discussion was carried regarding the various applications and the jurisdiction between the Planning Board and the Board of Adjustment.

340 Mt. Kemble Avenue – Mr. Slate stated that this was before the Board for renovations of the building. At that hearing, there was discussion regarding parking and a portion was banked. They would like to now relocate the dumpster from the southwest corner to the south side of the building near the loading dock. It is a modification to the site plan where they will lose a couple of parking spaces but they can bank them in another location. Landscaping and fencing would be added as additional screening. Mr. Slate asked the Board if this could be handled administratively or if they would have to reappear before the Board. Mr. Oller stated he thought it would be permissible as long as no variances are triggered.

Mr. Slate stated they would be informed that the dumpster cannot be picked up before 7 a.m. The Board agreed it could be handled administratively.

Ms. Ferrari asked if the signage for the self-storage company on Columbia Turnpike had been decided on yet. Mr. Slate responded Cube Smart would be the company; their signage is red and is similar to the Honeywell signage next door.

With no further business for consideration by the Township of Morris Board of Adjustment, on motion duly made, seconded and unanimously carried, the meeting was adjourned at 8:40 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sonia Santiago".

Sonia Santiago, Secretary
Township of Morris Board of Adjustment
Approved: December 10, 2018