

**TOWNSHIP OF MORRIS  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
JUNE 25, 2018**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, June 25, 2018, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

Chairman Kronk issued the following:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Board of Adjustment by preparing a notice dated June 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. Paul Staudt  
Mr. Paul Woodford  
Mr. John Christensen  
Ms. Louise Johnson, Alternate #1  
Mr. Jeremiah Loughman, Alternate #2

Members Absent

Mr. Donnell Williams

Also Present

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

Consideration for approval of the minutes for the March 26, 2018 regular meeting.

On motion duly made by Mr. Woodford, seconded by Ms. Johnson, and unanimously carried, the minutes of the March 26, 2018 regular meeting was approved as circulated and placed on file in the office of the Board of Adjustment.

**Resolution**

Consideration of the following resolution thereby memorializing the action taken by the Board at the May 21, 2018 meeting.

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 ft. x 24 ft. 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.

Ms. Ferrari moved, seconded by Ms. Kalaher, roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted as presented, memorializing the action taken by the Board at the May 21, 2018 meeting.

Approval

Roll Call: (Voting Members) Ms. Kalaher, Ms. Ferrari, Mr. Staudt, Mr. Christensen, Mr. Woodford

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

**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.

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

Mr. Blake Width, attorney for the applicant entered his appearance and presented the application to the Board.

The following professional was sworn in by the Board Attorney and appeared to be heard.  
Eric Trepkau, Licensed Architect

The following exhibit was submitted as evidence.  
Exhibit A-1 Consisting of 3 pages of photographs

**Summary of Testimony** – Eric Trepkau, Licensed Architect

Mr. Trepkau described the property to the Board. It is in the RA-11 zone, slightly undersized at 10,313 square feet, roughly 1000 square feet undersized as the RA-11 zone minimum area requirement is 11,250 square feet. Being that this property is a corner lot, it's subject to 2 front yard setbacks, each at 35 feet. Basically creating a situation where the front yard setback encroaches into the existing house creating a non-conforming situation for the current house. The restrictive setbacks create a non-conforming situation for the house along the 35 foot front yard setback, there is a 15 foot side yard setback and 25 foot rear yard setback creating a narrow strip of land that is buildable. The issue is that

the top corner of the addition goes into the setback of Locust Street a little over 2 feet. This creates a 32.9 foot setback, whereas the allowable is a 35 foot setback. The other issue we are requesting permission for is building coverage as this lot is slightly undersized. The zone requires building coverage maximum of 25%. The existing coverage is currently 21%. With the new addition, this creates a slightly oversized allowance which puts the building coverage at 27.5%, 2.5% more than what is allowable. Mr. Trepkau stated he designed this addition trying to stay within the envelope, be compact as possible and achieve what the client wanted as well.

Mr. Trepkau walked the Board through the project. He described the first floor as shared space with a living room and dining room; at the rear is the kitchen which will be redesigned to provide common space. The idea behind the addition is to provide additional living space for family members and to provide privacy, but also have a connection to the main house through the kitchen. The hallway leads up and downstairs, provides access to bedrooms and there is also a new rear entry door leading out onto the patio. This addition will be built over a full basement. The basement will provide shared family spaces including an exercise room, small shared family room and a bathroom. The extra space is mechanical space. The 2<sup>nd</sup> floor addition is a similar layout to the 1<sup>st</sup> floor addition. The bedrooms are designed to have a sitting room, bathroom and closet space. No changes are proposed for the existing 2<sup>nd</sup> or 3<sup>rd</sup> floor.

Mr. Trepkau reviewed the elevations for the Board. He stated the goal is to provide additional space and also an addition that blends into the house. Mr. Trepkau stated he tried to design queues off of the existing house, an older Victorian type, and used different Victorian motifs mimicked into the new addition. The addition off of Western Ave is set back farther than the existing front part of the house. The other elevations, the right side, is from Locust street and is basically masked by the existing house, as the addition is set back far from the street. One other piece of the proposal is fixing up the garage. We are proposing removing and replacing the existing staircase that leads to a second floor to have a finished artist studio with no plumbing, just a work space for crafts and projects. The front elevation of the garage shows new French doors and decorative balcony.

Mr. Kronk asked what the total reduction of square footage from the original proposal was. From sheet A-1, Mr. Trepkau showed the reduced foot print of 191 square feet on each floor. Ms. Johnson asked what the footprint and area of the proposed addition is. Mr. Trepkau responded the new footprint area is 672 square feet and is 20.8 x 32.4 feet.

Ms. Kalaher asked Mr. Trepkau to clarify; that it appears there is no way to get from the existing 2<sup>nd</sup> floor to the new 2<sup>nd</sup> floor. Mr. Trepkau responded that is correct. Ms. Kalaher asked if the 2<sup>nd</sup> floor kitchen was being left. Mr. Trepkau responded that is existing and no changes are proposed. Ms. Kalaher asked if it is currently being used as an apartment. Mr. Trepkau responded it was used as an apartment in the past but is not currently being used. The upstairs kitchen that was previously used in the apartment is being kept.

Ms. Ferrari asked what happens if you have a fire in the 2<sup>nd</sup> floor kitchen, what is the egress for the addition. Mr. Trepkau responded the means of egress would be the bedroom windows. The construction is entirely wood.

Mr. Woodford asked if the apartment is currently occupied and is there a plan to put anyone in there. Mr. Trepkau responded just family, no one from the outside.

Mr. Phillips stated the way we view this application, there was an existing separate apartment creating a two family dwelling, and it was our understanding that the expansion was not going to change the second story, separate apartment. Now we are hearing it will be a one family dwelling.

Mr. Oller stated that it was presented at the TCC level as a supplemental apartment in addition to what is used by family. Mr. Width stated he believes the Applicant does not want to lose the designation of having an apartment should they chose to use it in the future.

Mr. Oller asked Mr. Phillips if the supplemental apartment would go away and would they have to, if necessary, bring in someone who is not a family member to satisfy the conditions. Mr. Phillips stated at TCC it was presented as a separate apartment and the expansion was for the primary residence, and he thinks the applicant should make a decision that this is the application before the Board. Mr. Oller stated if you want to have the supplemental apartment in the future and want to bring someone in who is not a family member, then you could make the application later and it would have to be looked at the time and if it satisfies the conditions. If the applicant changes the 2<sup>nd</sup> story apartment, it will all be one family and it will change the zoning. Mr. Oller and Mr. Phillips would like the applicant to decide whether to keep the designation of the apartment and by elimination of this it would eliminate the D variances. Mr. Width asked for a recess to discuss with the applicant.

**Recess taken at 7:54 pm  
Meeting Reconvened at 7:57 pm**

Mr. Width stated the applicant will offer testimony as to the use of the apartment which will remain vacant until it will be used by a tenant. The applicant will continue to apply for the D variances to keep the supplementary apartment.

The meeting was opened to the public for questions of the witness; the following person appeared to be heard.

Debbie Ayers	135 Western Avenue
Patricia Simms	4 Locust Street

Public portion closed at 8:01pm

Ms. Kalaher asked if the family and exercise rooms in the basement could be used as bedrooms. Mr. Trepkau said it is possible but not the plan.

**Summary of Testimony** – Michael Pessolano, Professional Planner

Mr. Pessolano reviewed with the Board Exhibit A-1, which consisted of 3 pages of photographs including an aerial image, view of the property in question, surrounding neighborhood, and view of the existing detached garage.

He further stated the existing home is not within the regulated building envelope because it predates zoning. Almost the entirety of the proposed addition is within the building envelope, this is what makes it a reverse expansion. This proposal includes preserving the existing supplemental apartment. There are 2 D variances involved: one is to expand what is a 2 family home, and the second one is to expand a preexisting non-confirming use. There are 5 existing non-conformities and 2 C variances that are being proposed.

Mr. Pessolano reviewed the positive and negative criteria for the D2 variance. He stated weighing it with the criteria, the Board is asked to look at aspects of improvement where there is existing non-conforming use; where there is improvement case law has indicated that that's moving things in the proper direction. If the use is not going to be taken away completely, then improving it is the next best thing. The proposal is to renovate a long standing home in the community; the addition is to accommodate elderly family members. Purpose A of the statute is to promote the general welfare, adding modern living space, refreshing the home for future use. Purpose I is promoting the design of visual environment, this

is advanced by the overall renovation inside and out, with a landscaping plan making it more attractive. It is a prominent corner lot, dressing up the home and grounds will be noticed. Purpose M is advanced by continuing to accommodate residents in the lot without disturbing undeveloped land or infrastructure to house the same people.

The Negative criteria for the D2 variance is met, in his opinion there is no substantial detriment to the surrounding area as the two units blend with the neighborhood today and will continue. Also, adequate parking is provided, 4 parking spaces are required, and 6 can be accommodated under existing conditions. There is no substantial impairment to the zone plan or zoning ordinance; two units on the lot in this district are encouraged per the land use policy. The D3 variance requirement that will follow this discussion of the D2 variance is to make the property more conforming by establishing a conditional use permit for a supplemental apartment. The end result is to have a single family dwelling with a supplemental apartment.

From that we need a conditional use variance, a D3 variance, because 2 of 17 criteria are not satisfied with the current configuration of the property. The basic deviation is that the supplemental apartment is on a lot in the RA-11 zone that needs the minimum lot size of 11,250 square feet; this lot falls 937 square feet short of that at 10,313 square feet, which is an 8.33% deficiency. With D3 relief, the focus on the application is the extent of the deviation relative to the site still being an appropriate one for the land use. The site remains appropriate despite the minor lot size deviation of 8.3%. The two units on this property will remain unchanged; it is already a supplemental apartment it just hasn't been certified as that. The other area of relief is that one of the criteria requires that there be no expansion of the foundation to accommodate a supplemental apartment. That is still true here, but because the foundation for the principal structure is going to be enlarged to accommodate the addition, only the foundation for principal structure will increase. The new foundation is for the new living space. The site has had the second unit for many years and has been functional on the site without substantial detriment. This existing condition has been a complimentary element to the Township housing supply providing reasonably priced housing, generally consistent with the goals of the Township Housing element. As to the negative criteria, Mr. Pessolano stated he finds no substantial detriment to the surrounding area and it will remain so after the project is completed. There is adequate parking, new roof runoff from the addition will be collected in an underground chamber. There will be no substantial impairment to the zone plan or zoning ordinance due to nearly all of the 17 use criteria being met.

There are two elements of bulk relief under Subsection C of the statute; in Mr. Pessolano's opinion these are approvable pursuant to the weighing analysis of the C2 test where the benefits of the application outweigh the detriments. He further stated we are also dealing with a piece of property due to its current configuration and use. Regarding the building coverage, it is 2.5% over the building coverage allowed. The addition is filling in the building envelope on the property to date. There are two structures that constitute the total building coverage, one is the principle building and one is the garage. These 2 structures are nicely spaced on the lot. The addition is oriented to the existing dwelling because it is attached to it. There will not be the appearance of an overly large building. The design has tucked the proposed addition behind the Locust Street view and set it back 35 feet from the Western Ave view. This is similar to turn of the century architecture, adding on as needed. This is additive massing, making something look like it fits on the lot. The additional coverage that we are proposing is necessary to effectuate an overall positive project with the public benefits that were addressed earlier in the D analysis.

The negative criteria for building coverage are met. There is adequate storm water disposal for roof runoff for the entire addition. There won't be a perception of excessive coverage on the lot. The proposed addition is set back from the street farther than the existing building. That makes for a nice visual. Mr. Pessolano stated there is no substantial impairment because we are utilizing a basically

empty building envelope for the addition. As for the 35 foot front setback, we need a bulk variance. This imperceptible deviation is necessary to benefit the overall project. The addition will appear to be more than compliant compared with the proximity of the existing structure's rear porch to Locust. Part of the existing structure is 6 feet from the right of way line to Locust. The addition would be no closer than 32.9 feet. The passerby will have the opinion that the addition belongs there, and should be a compliant arrangement visually, missing it by 2.9 feet. Regarding the negative criteria for the front set back toward Locust St. the project is nestled within the building envelope of the site, and does not have any detrimental effect on the surrounding neighborhood. The proposed addition is compliant with the intended purposes of the Township's Master Plan and zoning ordinances.

As for the existing deficiencies, the existing structure roof height is at 36 feet where 35 feet is required, there are two front setbacks: 15.2 feet where 35 is required and 6.7 feet where 35 feet is required. The accessory structure has 3 elements of nonconformity: rear set back is non-conforming at 1.9 feet where 25 feet is required, the side set back is 3.5 feet where 15 feet are is required and the height of the accessory structure exceeds the 15 foot maximum, as it is a 2 story garage with a height of 23 feet. The 5<sup>th</sup> existing deficiency is the house is on an undersized lot. All of these preexisting conditions are approvable pursuant to the C1 analysis; it would be an undue hardship to remove any of these deviations as they are by virtue of a lot and structures that have existed lawfully. This application is a good project that incorporates sound planning and development principals; the applicant has worked in good faith with the Township. The application meets the statutory criteria.

Mr. Kronk asked Mr. Pessolano to review the parking regulations. Mr. Pessolano responded 2 per unit are required, we have 6.

Mr. Woodford stated his concern looking at plans where the areas in the basement on the addition can be converted to bedrooms as it could have 8 bedrooms in a house that is much larger than other houses in the neighborhood. Mr. Pessolano disputed that this would be a much larger house in the neighborhood and asked the Board to look at the aerial photo, stating it is not a structure out of character; the architect tucks the addition into the most discreet area of the property. Going along Western Ave, most houses have roughly the same side yard that will match the proposed addition, and further it is set back at the compliant footage. As for the bedroom count, Mr. Pessolano stated he knows of no limit on the amount of bedrooms allowed in a house in the Township. He stated the applicant purchased this house with the intention of housing their extended family.

Mr. Phillips asked if the supplemental apartment is 1 bedroom. Mr. Pessolano responded yes. Mr. Phillips asked if the proposed dwelling will be 5 bedrooms. Mr. Pessolano responded yes, and that the supplemental apartment has separate access and will continue to be so if the application is approved. Mr. Phillips asked, relating to the D3 variance, looking at other lots, and this is a corner lot, one of the larger lots on the block, does it provide any basis that the site can accommodate the variances sought. Mr. Pessolano responded yes, the parking is adequate, drainage is ok, but it is a plus to have a larger lot rather than a smaller one to accommodate the proposal.

The meeting was opened to the public for questions of the witness; the following person appeared to be heard.

Lee Goldberg	10 Arrowhead Rd.
Kimberly Brown	2 Carlton St
Debbie Ayers	135 Western Ave
Patricia Simms	4 Locust St.
Kimberly Brown	2 Carlton St

Public portion closed at 8:50 p.m.

**Summary of Testimony** – John Anzul, Owner

Regarding the requirement to utilize the supplemental apartment, Mr. Width asked Mr. Anzul if he intended to keep the apartment vacant until he could find an appropriate tenant. Mr. Anzul responded yes.

Mr. Oller asked if the applicant will use the supplemental apartment for family. Mr. Anzul responded he is looking to expand the use of the home for his very large family, he has 10 family members. In addition, when he purchased the house, the real value is that it is a 2 family home, and he wanted to take advantage of the existing apartments. He stated they have played with a couple different ideas of how to use it. He stated what is particularly important is to be able to preserve the ability to use the supplemental apartment. Mr. Oller asked if the applicant has family members who are handicapped. Mr. Anzul stated they are two grandmothers who are elderly, slow in getting around. He could put in a chair lift if needed in the future. Mr. Oller asked if the apartment is currently rented, Mr. Anzul responded no. Mr. Oller asked if it was in his plan in the short future or in the next 18 months to rent the supplemental apartment. Mr. Anzul responded yes. Mr. Oller asked if in the nearer future is it for family members to use. Mr. Anzul responded, stating right now his wife is using it as a studio, she is doing artwork there. We are proposing to make improvements to the garage in order to give her the space to move her studio there.

A discussion was carried between the Board's professionals and the applicant regarding the existing fountain in front of the garage that is proposed to be replaced and a trellis set in the front and side yard setback. Mr. Anzul stated the existing lattice work would be replaced by a trellis. Mr. Slate stated the fountain is slightly over the setback, but it could be slid over towards Locust St. Mr. Oller stated the fountain would be a structure and the notice has conditional language if other variances are observed at the time of the hearing; the applicant could amend the application to include a setback variance for the fountain and trellis or slide the fountain over to conform. The applicant stated he would like to strike the trellis from the application. Mr. Slate stated the overall width of the proposed fountain structure is 16 feet, 6 feet over the side yard setback line. The applicant stated he is willing to strike the fountain from the application also.

The meeting was opened to the public for questions of the witness; the following person appeared to be heard.

Debbie Ayers	135 Western Ave
Art Ayers	135 Western Ave

Public portion closed at 9:07pm

Mr. Kronk asked for an explanation of a Bilco Escape-Well/Window-Well System. Mr. Trepkau explained it is a manufactured fiberglass well with a couple steps in it that allows for a larger opening/window to allow light into the basement and emergency egress. 2 windows of the basement will have these; they are normal size about 2 x 2 foot.

Mr. Phillips provided a summary of the Planning Report dated June 22, 2018. The Report summarizes the proposal heard this evening. A zoning analysis was conducted and it confirmed the terms of relief sought. The applicant's planner addressed all of the existing deficiencies that are not being exacerbated as part of this application. The Report lays out the proof requirements for a D2 variance expansion of a nonconforming use. The applicant provided planning testimony seeking to address the standard, and for the D3 conditional use deficiencies. Mr. Phillips stated the Board is aware the standard for a D3 variance

comes of the Coventry v. Westwood case and the applicant has to demonstrate to the Board's satisfaction the site can overcome any problems that might be associated with the deviations sought. We asked for details about the relationship between the dwelling and supplementary apartment which were provided. Testimony was provided with regard to the setbacks. Coverage variance conformed to the RSIS parking requirement and the applicant addressed the issue regarding the artist studio, they have indicated there will be no plumbing. The issue was raised about the ability to convert a lot of the additional rooms into bedrooms that was raised by Board members tonight as well, that was addressed in the report.

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

Debbie Ayres	135 Western Ave
Lee Goldberg	10 Arrowhead Rd
Art Ayres	135 Western Ave
Mina Rizzo	130 Western Ave
Patricia Simms	4 Locust St

Public portion closed 9:24pm

Mr. Oller listed the conditions that were discussed during the process of the application: no plumbing in the garage, both the fountain and trellis that are on the landscape plan would be removed from the plans, and designate the existence of the supplemental apartment as one bedroom.

Mr. Oller reviewed the legal status of the supplemental apartment to the Board, how it is affected by the application and how that would change if it is approved or denied. Mr. Oller stated this application has an existing 1 bedroom supplementary apartment. If the application is approved, as a result of the modification of the property, the applicant is creating a D2 variance situation. The greater variance is the D3 conditional variance for the apartment as the property has 2 conditions not satisfied: size of lot does not comply and any exterior changes made to the building must be within the existing foundation. If the application were denied, the applicant still has the supplemental apartment because it is a preexisting non-conforming use. If the application were granted, the apartment will exist under the D3 variance granted by the Board. The applicant is currently not using it as a supplemental apartment, but under municipal ordinance the applicant will have 18 months to utilize any variance granted by the Board, so the applicant will have 18 months to utilize the supplemental apartment. If they do not, then barring extensions they could ask for, the variance would expire.

Mr. Christensen asked if it was possible to restrict the basement to not be made into apartments or bedrooms in the future. Mr. Kronk stated it cannot become an apartment and the current supplemental apartment cannot be expanded, it is limited to one bedroom. In terms of restricting bedrooms there are no ordinances that restrict the number of bedrooms in homes. We can say the additional rooms cannot be an apartment and the existing non-conforming apartment cannot be expanded.

Mr. Woodford moved, seconded by Ms. Ferrari that approval be granted to the application of John Anzul thereby permitting on Block 3906, Lot 6 for the construction of a two story addition to existing dwelling which also includes a second floor supplementary apartment with conditions stipulated 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 July 23, 2018 meeting.



Roll Call: (Voting Members)

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

5 Ayes 2 Nay 0 Abstain

**Recess taken at 9:32 pm  
Meeting Reconvened at 9:42 pm**

BA-05-18

Mary Geary

Block 9607, Lot 14, 22 Chimney Ridge Drive, RA-15 zone, Section C.

Applicant proposes a second story addition creating a side yard setback of 15.1 feet on the northerly side where 20 feet is required and 27.4 feet on the southerly side where 30 feet is required. Applicant also seeks a combined side yard setback of 42.5 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 professional being sworn in by the Board Attorney appeared to be heard.  
Robert Forbes, Architect

The following exhibit was submitted as evidence during testimony.  
Exhibit A-1 – Photo Board consisting of 6 photos

**Summary of Testimony** – Rob Geary, Owner

Mr. Geary gave an introduction of himself and wife to the Board. They currently have a 14 month old son, and are expecting again in August. The scope of the project is to finish the 2<sup>nd</sup> floor. Mr. Geary stated we are within the footprint of our current house, looking to add to the second floor and reconfigure the first floor to accommodate family. We have been living in the neighborhood for 5 years, have family living close by, love the neighborhood, and would like to stay in the neighborhood.

**Summary of Testimony** – Robert Forbes, Architect

Mr. Forbes oriented the Board to the property and application. It is an oversized lot for the zone, a little over 19,000 square feet. Lots in the neighborhood are a diversity of lot sizes. It is an existing one and a half story cape style home. On the left side there is a 15.1 foot existing set back and on the right side there is a 27.4 foot existing set back. There is an existing set of stairs up to an unfinished attic. Mr. Forbes stated the Geary's are trying to get 3 bedrooms and 2 bathrooms upstairs, wanting to maintain the cape style house. What we are proposing fits the character and is to scale of the neighborhood.

Mr. Forbes used rendered sheet A-4 to describe the first floor plan. Currently there are 3 bedrooms and 1 bathroom. The proposal is to expand the family space, taking 1 bedroom and removing it to make it a TV area or expanded family room, a guest room for Mrs. Geary's father to utilize with a bathroom and another bedroom and bathroom that could be an office. We have pushed the other 3 bedrooms upstairs; there is no new footprint on the first floor. We would also be removing some old concrete steps left over.

He continued to describe the second floor plan with rendered sheet A-5. There is minimal work proposed to the front of the house, we are proposing to expand the existing dormers to get more light into the bedrooms. In the center of the façade, a gable would be added to give space to the existing bathroom. There will be a master bedroom, two walk in closets, a master bathroom, 2 kids bedrooms that share a bathroom, a laundry room and a closet. Some of this space in this floor is clipping, starting down at 5 feet. It reads as a half a story even though it is being considered a second story. The first floor has just over 2200 square feet; the 2<sup>nd</sup> floor is roughly 1300 square feet of habitable space. The second floor is greatly reduced from the first floor, minimizing the mass. The ordinance reads we get an extra 5 feet side yard reduction for a one story, the second floor takes this into account in terms of minimizing the second floor mass. The bulk of our second floor new mass is only 40 feet wide. The side yard combined setback is 50 feet. We feel we are really within the spirit of the ordinance here. We tried hard to design this to be within the ordinance and it came to our attention that since we are occupying the second floor the extra width on the first floor becomes an existing non-conforming variance when adding the 2<sup>nd</sup> floor.

Mr. Forbes further described the front and left elevation showing rendered sheet A-7, and the rear and right side elevation with A-8. He stated there is an existing dormer that will be widened to allow more light into the master bedroom. The building is only 27 feet tall where 35 feet are allowed. It really reads as a story and a half. Mr. Forbes stated the rear façade is where the bulk of the work happens, and he added in some architectural detail to the back façade.

Mr. Forbes reviewed Exhibit A-1– a photo board of the existing residence, neighborhood and satellite images of the neighborhood. On the left side where the current set back is 15.1 feet, the dormers now make it 17.1 feet. There is a big conservation area, a natural buffer that makes it difficult to see the 2<sup>nd</sup> floor addition. There is a lot of open space to help absorb this additional mass. We are able to re-detail, clean up and restore some of the façade. We are replicating the detail, restoring and repainting the house. We see this as a benefit to the neighborhood. It is a medium size house on the block. The building coverage is allowed to be 20% it is only 11.7%. Impervious coverage is allowed to be 45% and it is 21.6%, the site is not saturated.

The meeting was opened to the public for questions and comments of the witness; no one appeared to be heard.

Ms. Johnson moved, seconded by Mr. Kalaher that approval be granted to the application of Mary Geary thereby permitting on Block 9607, Lot 14 for the construction of a Second Story Addition and that the Board Attorney be authorized to prepare a formal resolution memorializing the action taken by the Board, same to be presented for consideration at the July 23, 2018 meeting.

Roll Call: (Voting Members)

Ms. Kalaher	YES
Ms. Ferrari	YES
Mr. Johnson	YES
Mr. Woodford	YES
Mr. Staudt	YES
Mr. Christensen	YES
Mr. Kronk	YES

7 Ayes 0 Nay 0 Abstain

**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, Section C.

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 of 5.6 feet where 10 feet is required and a front yard setback for the principal structure on Walnut Street of 14.7 feet where 25 feet is required.

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

Ms. Nancy Lottinville, attorney for the applicant entered her appearance and presented the application to the Board.

Mr. Oller informed the Board that at the conclusion of the last hearing the applicant's application was denied. He received noticed from Mr. Grant and his attorney about holding off on preparing a resolution because he wanted to address the Board about reopening the hearing and presenting a different plan. He has then presented a plan. It has gone before the TCC. The question that Ms. Lottinville raises is there's two ways that we could go. At his request, I've held off on preparing the resolution. We could simply have a resolution, which would in fact, conclude the first hearing, because there was a motion for me to prepare such a resolution. That would end that hearing. The decision was to approach this as a new application before the Board as the new plan is substantially different from the first plan.

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

Jay Grant, Managing Member for 122 Mt. Kemble, LLC  
Catherine Muller, Professional Engineer

The following exhibits were submitted as evidence.

- A-1 Sketch of property building envelope
- A-2 241 MLK Table of Concerns
- A-3 Sheet C-2 Garage Plans
- A-4 Elevations, front and rear
- A-5 Floor Plans
- A-6 Landscaping Plan

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

Mr. Grant gave an overview of the property using Exhibit A-1. It is 50 by 150 feet. We are showing the existing barn that would be converted in to a two car garage if approved. We are showing the footprint of the proposed new home and the building envelope as 10 foot wide by 100 foot long on the property. He stated this is what we would be permitted if we were not given any variances. It has 3 front yards, which is how the envelope is so small. There is a front yard on MLK, Walnut and on the 12-foot alleyway behind the property. Exhibit A-1 also shows the future proposed parking.

Mr. Grant used Exhibit A-2 showing the public concerns and how the public concerns were addressed. The 1<sup>st</sup> public concern was the house was too big. The original proposal was a 2 family house with 6 bedrooms. The new proposed structure will be a 2 family house with 4 bedrooms total, 2 bedrooms in unit one and 2 bedrooms in unit two. The 2<sup>nd</sup> concern was bedroom #3 too small. He stated he addressed it by omitting the third bedroom, a 33% reduction in bedroom count. The 3<sup>rd</sup> concern was the

footprint was too big at 1500 square feet, 30'x50', and we addressed it by reducing the footprint to 1225 square feet, 25'x 49', which is a 19% reduction in the overall footprint. 4<sup>th</sup> concern was the original proposed house was too skinny and long. Both units were 15'x50'. The new proposal is Unit A 24'x32' and Unit B 24'x16'. The 5<sup>th</sup> concern was that we did not propose enough landscaping. Mr. Grant addressed this by adding a landscaping plan with 50 bushes and trees proposed surrounding the entire property.

Mr. Grant used Exhibit A-3 and described the existing dilapidated barn that has a one car garage door and proposed changing that one car garage door into a two car garage door. The barn footprint would not change, but would have a new exterior with a new garage door, siding and windows. Mr. Grant stated we would park 2 cars within the barn which causes variances but size does not change.

Mr. Grant continued with A-4, showing the front and rear elevations. Both units have doors facing Walnut St. The unit in the front would be entered by the door facing Walnut St., and the unit in back of the house could be entered also by a door facing away from Walnut St. The floor plan, Exhibit A-5, has been simplified and made more square and rectangular. The front unit is a 2 bedroom unit. On the first floor there is a kitchen, a center island, stairwell going up, and a family room and a powder room. The unit is approximately 18'x25', 450 square feet of living space downstairs. Going upstairs there are 2 bedrooms and a hall bathroom. The second unit is larger at 30'x25' feet, 600 square feet on the first floor with 2 bedrooms, 2 bathrooms, and office upstairs.

Mr. Grant referred to Exhibit A-6, the Landscape plan. He stated we had heard the landscaping was not adequate so we came up with a new landscaping plan. There are over 40 bushes and trees on the new plan. There are 13 trees and the rest are bushes. The house will be adequately landscaped.

Mr. Oller asked if Mr. Grant's architect and landscape architect were available. Mr. Grant responded they were both unavailable tonight. Mr. Oller states there are a substantial number of objectors to the plan and there should be professional testimony for the architectural plan. Mr. Kronk stated we can proceed with Mr. Grant and open up to the public on his testimony provided. Ms. Lottinville stated we will view Mr. Grant's testimony as introduction and overview to the changes between the prior plan and current plan.

The meeting was opened to the public for questions of the witness; the following persons appeared to be heard.

Kimberly Brown	2 Carlton St.
Lee Goldberg	10 Arrowhead Rd.
Jeanie McKay	10 Walnut St.
William Solomon	38 Highland Ave

Public portion closed at 10:25 p.m.

Ms. Kalaher asked if there were any laundry facilities, Mr. Grant stated the plan shows on the foundation there hookups on both units, there is a laundry room in both basements.

**Summary of Testimony** – Catherine Mueller, Professional Engineer

Ms. Mueller reviewed the plans that were submitted as part of the application originally dated February 1, 2018 with a revision date of June 14, 2018 and oriented the Board to the property. It has frontage along MLK to the west, Walnut St. to the south, a 12 foot alley way to the east, a single family home to the north, and across Walnut St. is the chicken restaurant. It is a rectangular lot and has 3 frontages including one along the Municipal alleyway. One improvement is to the existing two car garage. The lot

is mostly gravel and has been used to store cars for different businesses. There is one tree towards the corner of the lot which will remain as part of the project. Ms. Mueller stated we are in the RB-7 zone, there is a zone line along MLK, to the west is the B11 zone and other side of the alley way is the RA-7 zone.

Ms. Mueller reviewed Sheet 2, the site dimension and lot development plan. We show the footprint of the proposed two family house. There is frontage and access facing Walnut St. There is a proposed walkway coming parallel down Walnut St. where we are proposing 2 parking spaces on grade side by side and also an additional two spaces to utilize in the proposed renovated two car garage. The parking requirement for a two bedroom house is 1.5 spaces; we are providing 2 per unit on site. The proposed dwelling will be serviced by public utilities, public sewer, gravity sewer, and underground services from the pole across the street.

The proposed improvements will increase impervious coverage on the site by 1891 square feet. We have done soil tests on the lot. What we are proposing for storm water management is a yard drain in back. This will improve the drainage already there now from the next door neighbor and also collect loose runoff and convey it to a drywell system in the front of the lot. During larger storms we are proposing an overflow which will connect to an existing inlet on the corner of MLK and Walnut St.

There are a number of variances due to 3 front yards. The required front yard setback is 50 feet; we are proposing a 25 foot front yard set back from MLK. We are proposing a 14.7 foot set back from Walnut St. We have a compliant setback of over 75 feet from the alley way in reference to the principal building. We also have a side yard setback of 10 feet where 15 feet is required for a 2 family house. There are preexisting non-conformities and variances we are requesting for the 2 car garage to remain. In the front yard, adjacent to the alleyway, the existing set back is .9 feet and will remain unchanged. The existing and proposed side yard setback for the accessory building is at 5.6 feet.

The building coverage will be compliant, 30% is allowed and we are at 26%. That is for both the principal building and existing garage. The maximum lot coverage allowable is 75%. The two buildings, parking areas and walkways to the parking areas total 39.6% where 75% is allowed. With exception to the walkway, two spots from the driveway to the garage, it will all be lawn. The gravel will be removed, we will topsoil and put lawn on top.

Ms. Mueller continued we are a corner lot, and there is a stop bar at Walnut St. entering onto MLK. We have set and shown the sight line, from the point of the eye from the driver as if stopped at the stop bar looking to the North on MLK for 250 linear feet which is reflective of 25 mph. No improvements are planned on the corner to inhibit sight distance. The sight distance will be maintained. We have done general grading, and the lot is fairly flat. We have mimicked the draining patterns that are there now. There is an encroaching fence from the neighbor to the north that will be relocated to the property line as part of the improvements.

Ms. Kalaher stated in the prior application, there is the apron right next to Walnut St. which is currently graveled. She asked if the applicant was going to continue the topsoil and the grass to that location even though it is not his property. Ms. Mueller responded as part of this application, there were some discussions among the applicant and the Township Engineer that the area does provide on street parking under current conditions. If we were to curb it and put topsoil, it would eliminate parking. It is not utilized by our property but by the restaurant across the street, and when the restaurant is closed, after hours, it would provide parking for the proposed lot. We are proposing to have it stay as a gravel shoulder within the right of way.

Mr. Kronk stated we would start with questions from the public on July 23, 2018.

Ms. Kalaher moved, seconded by Mr. Christensen and unanimously carried, the application is carried to the July 23, 2018 Board meeting without further notice.

**Other Matters**

Morristown Unitarian Fellowship, Block 9401, Lot 6, 21 Normandy Heights Rd, request for extension of approval- Mr. Oller stated there was correspondence from the applicant's attorney indicating that subsequent to this Board's approval of their preliminary/final site plan, they were involved in litigation. It is finally now settled with the property owners, neighbors that were objectors to the plan. As a result MUF has been delayed in commencing construction. Based on the final site plan approval statute, MUF is asking for the first of 3 one year extensions of approval and are also asking for relief from the municipal ordinance that a CO has to issue within 18 months after the date they commence construction. They plan on commencing construction of the parking lot first to relieve parking along the street. Mr. Henshaw, their attorney indicated construction will take longer than 18 months to complete all of the construction and have asked for an extension of time for that as well. Mr. Oller discussed it with Mr. Slate and agreed doubling the 18 months to 36 months would be an appropriate time frame for when they start construction to when they finish and get the CO. They would start with the parking lot, and then start the construction to all be finished within 3 years. Mr. Slate stated nothing has started yet and he had met with them to go through resolution compliance, as there were many conditions of approval. They are working getting the details and plans together to advance the construction. A discussion regarding 24 months to 36 months extension from the start of construction for the issuance of the CO was carried amongst the Board.

Ms. Johnson asked for a summary of the outcomes of the lawsuit. She asked if there might be additional lawsuits coming up and whether our extension or lack thereof, allow or disallow further legal challenges. Mr. Oller stated the Board was not part or privy to the litigation. The Board's approval that was granted to the applicant was not challenged. The challenge was to the 1891 covenant preventing houses of worship in the neighborhood, where the covenant would prevent MUF to expand. Mr. Henshaw had indicated to Mr. Oller it was settled and as part of the settlement they agreed to start construction of the parking lot first. The Board itself can no longer be sued for granting the application; any objector had 45 days from the publication date of the approval to file a lawsuit and that has passed. Mr. Oller stated by the Board extending the 18 months it doesn't extend any right for anyone to file a lawsuit.

Mr. Woodford moved, seconded by Mr. Staudt that approval be granted for the first one year extension of the final site plan approval and 36 months for the issuance of the CO for the Morristown Unitarian Fellowship 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 July 23, 2018 meeting.

**Roll Call: (Voting Members)**

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

Mr. Christensen was recused from this application.

Resolution for Joseph Fishinger, Traffic Engineer Consultant for Columbia Road Partners, LLC  
Mr. Slate presented the Resolution to the Board; a discussion was carried among the Board regarding the need for the Traffic Consultant. Mr. Kronk asked for a motion to adopt the Resolution naming

Joseph Fishinger, Traffic Engineer Consultant for Columbia Road Partners, LLC, for the year 2018; Ms. Kalaher made a motion to accept the Resolution, seconded by Ms. Ferrari and unanimously carried, the Resolution was adopted as presented.

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 10:50 P.M.

Respectfully submitted,

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

Sonia Santiago, Secretary  
Township of Morris Board of Adjustment  
Approved: November 26, 2018

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TOWNSHIP OF MORRIS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
Street Address  
Township, New Jersey  
Wednesday, June 25, 2018  
Commencing at 7:36 p.m.

STENOGRAPHIC  
TRANSCRIPT OF  
PROCEEDINGS

----- -X  
IN RE: :  
APPLICATION NO. BA-19-17 :  
JOHN ANZUL, :  
Applicant. :  
: :  
C Variance and D Variances with :  
Site Plan Approval :  
Block 3906, Lot 6, Zone: RB-11 :  
136 Western Avenue :  
----- -X

B E F O R E :  
TIMOTHY KRONK, CHAIRMAN  
PAUL WOODFORD  
PAUL STAUDT  
JOHN CHRISTENSEN  
KATHLEEN KALAHAR  
JOEN LUY FERRARI  
LOUISE JOHNSON

Richard Oller, Esquire, Board Attorney  
James Slate, PE, Board Engineer  
Paul Philips, Board Planner  
Sonia Santiago, Board Secretary

TRANSCRIBED BY AND BEFORE:  
ToniAnn Acquaro, Professional Court Reporter, and Notary  
Public of the State of New Jersey.

Job No. 2922094



Page 2

1 APPEARANCES:  
 2  
 3 LINDABURY  
 4 Counsel for Applicant  
    John Anzul  
 5  
    53 Cardinal Drive  
 6 Post Office Box 2368  
    Westfield, New Jersey 07091  
 7  
 8 BY: BLAKE WIDTH, ESQ.  
    908-233-6800  
    bwidth@lindabury.com  
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1 CHAIRMAN KRONK: Next item is under public  
 2 hearing Application BA-19-17.  
 3 Ms. Santiago, would you please read that  
 4 summary into the record?  
 5 MS. SANTIAGO: Yes, Mr. Chairman.  
 6 This is BA-19-17, John Anzul, Block 3906,  
 7 Lot 6, 136 Western Avenue in the RA 11 zone for  
 8 Section C and D.  
 9 Applicant proposes construction of a  
 10 two-story addition to an existing dwelling which  
 11 includes a second-floor apartment. The applicant also  
 12 seeks a bulk variance relief for building coverage of  
 13 29.3 percent where 25 percent is required, building  
 14 height of 36 feet, where 35 feet is required and a  
 15 front yard setback on Locust Street of 6.76 feet where  
 16 35 feet are required.  
 17 CHAIRMAN KRONK: Thank you, Ms. Santiago.  
 18 Mr. Oller, do we have jurisdiction to hear  
 19 this application?  
 20 MR. OLLER: Yes. Mr. Chairman, the notice  
 21 was properly published and served on the property  
 22 owners within 200 feet of the subject property so the  
 23 board does has jurisdiction.  
 24 Counsel?  
 25 MR. WIDTH: Thank you, ladies and gentlemen

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1 of the board. My name is Blake Width. I am the  
 2 attorney for John and Ann Anzul, the applicants in  
 3 this matter. Given that the jurisdictional  
 4 requirements are out of the way, I would like to  
 5 proceed with offering testimony in connection with  
 6 this application and this specific relief, which is  
 7 requesting a D-2 and D-3 variance as Board Secretary  
 8 Ms. Santiago has stated as well as a bulk C variance  
 9 for the reasons that she had stated.  
 10 At this point in order to review the  
 11 specifics of the application before the board I would  
 12 like to call Eric Trepkau, the architect retained by  
 13 Mr. and Mrs. Anzul, to discuss the current set of  
 14 plans before the board.  
 15 MR. OLLER: Counsel, can you just spell your  
 16 last name for me?  
 17 MR. WIDTH: Certainly. My name is Blake.  
 18 The last name is W-i-d- as in David -t-h.  
 19 MR. OLLER: Thank you.  
 20 E R I C T R E P K A U, after having been duly  
 21 sworn, was examined and testified as follows:  
 22 CHAIRMAN KRONK: Were you qualified by the  
 23 board on the prior application?  
 24 THE WITNESS: Yes, I was here last year.  
 25 MR. OLLER: On this application previously?

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1 THE WITNESS: Yes.  
 2 MR. OLLER: Okay. We will accept that. You  
 3 don't have to do that again. Thank you.  
 4 THE WITNESS: Good evening. My name is  
 5 Eric Trepkau. I am a New Jersey licensed architect  
 6 and I am here this evening to request your permission  
 7 to build a two-story addition to this house.  
 8 This property is 131 Western Avenue. It's  
 9 in the RA-11 zone and it's a corner lot. It's right  
 10 on the corner of Western Avenue and Locust Street and  
 11 it is a slightly undersized lot as it is now. The  
 12 RA-11 zone, the required lot area is 11,250 square  
 13 feet, whereas our lot is slightly undersized at 10,313  
 14 square feet. So it's roughly about 100 square feet  
 15 undersized.  
 16 Being that this property is on the corner,  
 17 it's subject to two front yard setbacks each at 35  
 18 feet. So it basically creates a situation where the  
 19 front yard setback encroaches into the existing house  
 20 creating a nonconforming situation for the current  
 21 house. The house is set back off of Western Avenue  
 22 15.2 feet as it is now and 6.4 feet off of Locust  
 23 Street. So these restrictive setbacks create a  
 24 nonconforming situation for this house.  
 25 Along with those 35-foot setbacks we have a

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1 15-foot side yard setback and a 25-foot rear yard  
 2 setback. These setbacks create a narrow strip of land  
 3 in which is buildable for this property so what I  
 4 tried to do is design the project to be as compact and  
 5 to fit within this building envelope as much as  
 6 possible while achieving my client's goals.  
 7 The issue we are finding ourself having is  
 8 the top corner of the addition goes into the setback  
 9 of Locust Street a little over 2 feet. So it creates  
 10 at this upper corner a setback to Locust Street of  
 11 32.9 feet, whereas the allowable or the maximum is a  
 12 35-foot setback.  
 13 The other issue we are here before to  
 14 request permission for is building coverage. This  
 15 slightly undersized lot, the zone requires building  
 16 coverage maximum of 25 percent. The existing  
 17 conditions as they are now, the coverage is 21.0  
 18 percent. With our new addition this creates a  
 19 slightly oversized allowance which puts our building  
 20 coverage at 27.5 percent, which is 2.5 percent more  
 21 than what is allowable. So I tried to design this in  
 22 keeping with the envelope as much as possible and  
 23 keeping it as compact as possible, while achieving my  
 24 client's goals.  
 25 So those are the main zoning issues and I'll

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1 walk you through this project.  
 2 Sheet A-1 shows the first floor plan.  
 3 Basically you enter off of Western Avenue to a porch  
 4 into a foyer. Basically the first floor is shared  
 5 space, dining room, living room. And at the rear is a  
 6 new kitchen. We are going to be redesigning this  
 7 kitchen to maximize the area and to also provide a  
 8 common space that will be shared.  
 9 The idea behind this addition is to provide  
 10 additional living space for additional family members  
 11 and to provide privacy, but yet have a connection to  
 12 the main house. So that connection would be through  
 13 the kitchen. There is an opening at the rear of the  
 14 kitchen that connects into the addition, whereas this  
 15 hallway leads upstairs, leads downstairs, provides  
 16 access to the bedroom. And there is also a new rear  
 17 entry door that leads out to the patio.  
 18 This addition would be built over a full  
 19 basement. So, basically, the basement would be  
 20 providing shared family spaces. We are proposing an  
 21 exercise room, a small shared family room for family  
 22 activities and a bathroom. The extra space is  
 23 mechanical space.  
 24 Second floor is a very similar layout to the  
 25 first floor addition. You come up the staircase into

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1 a hallway and that provides access to the new bedroom.  
 2 Basically, the bedrooms are designed to have a sitting  
 3 room, a bathroom, closet space, and a bedroom. We are  
 4 not proposing any changes to the existing second floor  
 5 to the existing third floor.  
 6 So with that in mind, these are the  
 7 elevations. The goal of this project not only is to  
 8 provide additional space for family members, but to  
 9 design an addition that blends in with the house and  
 10 is not a detriment to it. So what I tried to do is to  
 11 take design queues off the existing house. This is an  
 12 older Victorian-type house and I used different motifs  
 13 and I tried to mimic that into the new addition.  
 14 So the front elevation is what you see off  
 15 of Western Avenue, the addition is this piece. It's  
 16 set pretty far back from the existing front part of  
 17 the house. It's shown pretty clearly on the left  
 18 elevation. The front of the addition is set back  
 19 beyond the existing stair tower. And this is the side  
 20 that the neighbors would see.  
 21 The other elevations, the right-side  
 22 elevation is what would be seen from Locust Street.  
 23 It's basically amassing of the existing house and then  
 24 the addition is shown kind of beyond that. And that  
 25 too is setback far from the street. And then the last

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1 elevation is to the rear of the property, what the  
 2 addition would look like.  
 3 The other piece of this project is going to  
 4 be a fixing up the garage a little bit. What we are  
 5 proposing is that the existing staircase be removed  
 6 and replaced with the code compliant stair that leads  
 7 to the second floor that we are going to finish for an  
 8 artist studio. There is not going to be any plumbing.  
 9 It's just going to be a workspace for crafts and  
 10 projects. And the front elevation of the garage we  
 11 are going to put some doors, French doors and a  
 12 decorative balcony room. So that's pretty much the  
 13 scope of the project.  
 14 MR. WIDTH: Thank you, Mr. Trepkau.  
 15 At this point if the board would like to ask  
 16 any questions of Mr. Trepkau, we can open it up for  
 17 that. Or if you prefer, we can proceed with testimony  
 18 from our planner, Michael Pessolano and save questions  
 19 for the conclusion of Mr. Trepkau's testimony.  
 20 CHAIRMAN KRONK: No, we can proceed with  
 21 questions at this time. Can you go to what the  
 22 reduction of the square footage is from the original  
 23 design?  
 24 THE WITNESS: Yes. This original design was  
 25 scaled back considerably since our last visit here.

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1 On Sheet A-1, on the first floor plan at the top of  
 2 the drawing here is a dashed line and that is a  
 3 representation of the area that was reduced from the  
 4 footprint from our previously design. This is a  
 5 reduction of 191 square feet.  
 6 CHAIRMAN KRONK: And that's on each floor.  
 7 THE WITNESS: On each floor.  
 8 CHAIRMAN KRONK: Board members, any  
 9 questions?  
 10 MS. JOHNSON: Yes, Mr. Chairman.  
 11 CHAIRMAN KRONK: Yes, Ms. Johnson.  
 12 MS. JOHNSON: I would just like to know what  
 13 is the footprint of the addition itself?  
 14 THE WITNESS: The area?  
 15 MS. JOHNSON: Yes.  
 16 THE WITNESS: The new footprint area is 672  
 17 square feet.  
 18 MS. JOHNSON: What by what?  
 19 THE WITNESS: It is approximately 20.8 foot  
 20 wide at this dimension and then 32.4 feet in that  
 21 dimension.  
 22 MS. JOHNSON: Thank you.  
 23 CHAIRMAN KRONK: Yes, Ms. Kalaher.  
 24 MS. KALAHER: Could you just clarify on the  
 25 second floor it appears that there is no way to get

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1 from the existing second floor to the new second  
 2 floor; is that correct?  
 3 THE WITNESS: Correct.  
 4 MS. KALAHER: And you are leaving in a  
 5 second floor kitchen?  
 6 THE WITNESS: Yes, that's existing. We are  
 7 not proposing any changes to that.  
 8 MS. KALAHER: And I can't remember, is that  
 9 currently used as an apartment?  
 10 THE WITNESS: Correct.  
 11 MS. KALAHER: And it was used as an  
 12 apartment.  
 13 THE WITNESS: It was used as an apartment in  
 14 the past. It is not currently being used as an  
 15 apartment.  
 16 MS. KALAHER: So you are keeping that as a  
 17 kitchen rather than the making that a bedroom?  
 18 THE WITNESS: Correct.  
 19 MS. FERRARI: May I ask?  
 20 CHAIRMAN KRONK: Yes, Mr. Ferrari.  
 21 MS. FERRARI: I'm looking at the second  
 22 floor plan. You got a kitchen. What happens if you  
 23 have a fire up there? What is the egress? It has to  
 24 be by stairs for the addition.  
 25 THE WITNESS: For the addition, the means of

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1 egress are the windows in the bedrooms. Those are  
 2 sized to be large enough to get out of in case of an  
 3 emergency.  
 4 MS. FERRARI: And the construction of this  
 5 is entirely wood?  
 6 THE WITNESS: Yes.  
 7 MS. FERRARI: There is no metal frame?  
 8 THE WITNESS: No.  
 9 MS. FERRARI: That's it.  
 10 CHAIRMAN KRONK: Any other board member  
 11 questions?  
 12 Mr. Woodford.  
 13 MR. WOODFORD: Maybe you are the wrong  
 14 person to address it to, but you said there is no one  
 15 currently occupying the apartment.  
 16 THE WITNESS: Correct.  
 17 MR. WOODFORD: Is there a plan to put  
 18 another tenant in there?  
 19 AUDIENCE MEMBER: Just family.  
 20 THE WITNESS: Just family, family members,  
 21 no outside.  
 22 MR. WOODFORD: Thank you.  
 23 CHAIRMAN KRONK: Board professionals, any  
 24 questions?  
 25 MR. SLATE: No questions.

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1 MR. PHILIPS: I have a question.  
 2 Rich, I guess this also is to you as much as  
 3 the applicant.  
 4 The way we viewed this application was there  
 5 was an existing apartment, a separate apartment  
 6 creating effectively a two-family dwelling. And it  
 7 was our understanding that the expansion was not going  
 8 to change the second story, separate apartment. It  
 9 was going to be for the primary resident. But now we  
 10 are hearing that it's all going to be one family. Is  
 11 that accurate? Because that changes some of the zones  
 12 dynamics I would think, Rich.  
 13 THE WITNESS: It has always been intended  
 14 for family.  
 15 MR. OLLER: It was presented at the TCC  
 16 level as supplemental apartment in addition to what is  
 17 used by family.  
 18 THE WITNESS: I believe my clients don't  
 19 want to lose the designation of having the apartment  
 20 if they should chose to use that in the future.  
 21 MR. OLLER: Well, Paul, do you think then  
 22 the supplemental apartment would go away and they  
 23 would have to then, if necessary, bring in someone  
 24 that wasn't a family member to satisfy the conditions?  
 25 MR. PHILIPS: Well, I guess what I'm hearing

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1 is that the applicant would like it both ways.  
 2 MR. OLLER: Yeah.  
 3 MR. PHILIPS: So I don't know how we treat  
 4 this. Again, at TCC it was presented as a separate  
 5 apartment and the expansion was for the primary  
 6 residence. So I think that the applicant should make  
 7 a decision that this is the application before the  
 8 board. That's my opinion.  
 9 MR. OLLER: I agree. I think that, you  
 10 know, if you wanted to have a supplemental apartment  
 11 in the future and bring someone in who is not a family  
 12 member, then you could make that application later.  
 13 And it would have to be looked at, at the time if it  
 14 satisfied the conditions.  
 15 THE WITNESS: John?  
 16 MR. OLLER: I don't know how you can approve  
 17 it now without that being the intended use.  
 18 MR. PHILIPS: Correct me if I'm wrong,  
 19 wouldn't that eliminate both of the D variances, Rich?  
 20 MR. OLLER: It would; that's the reason  
 21 there is a D variance.  
 22 All right, sir.  
 23 CHAIRMAN KRONK: Do you need a minute?  
 24 MR. WIDTH: If I may, just one minute.  
 25 Thank you.

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1 MR. OLLER: Sure.  
 2 (Brief recess.)  
 3 MR. WIDTH: I very much appreciate the  
 4 indulgence of the board. And my client John Anzul,  
 5 the applicant, is willing to offer his testimony as to  
 6 the use of the second -- of the addition itself, which  
 7 will remain vacant until it is used by a tenant. So  
 8 they will seek to preserve that use as a second-family  
 9 home under this application. And I can have my client  
 10 come up now, if that's...  
 11 CHAIRMAN KRONK: Let's finish with the  
 12 architect.  
 13 Board professionals, any other questions?  
 14 Okay. At this time I will open up the  
 15 meeting to the members of public who have questions,  
 16 questions only of the architect. Please come forward  
 17 at this time.  
 18 MS. AYRES: My name is Debbie Ayres. I live  
 19 at 135 Western Avenue.  
 20 CHAIRMAN KRONK: Sorry, again, I didn't hear  
 21 you.  
 22 MS. AYRES: My name is Debbie Ayres. I live  
 23 at 135 Western Avenue. I thought when we met last  
 24 time they told us that the kitchen was removed and the  
 25 daughter is living there. That's not true now?

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1 AUDIENCE MEMBER: Never was.  
 2 MS. AYRES: You didn't remove the kitchen.  
 3 AUDIENCE MEMBER: No, the kitchen --  
 4 MR. OLLER: Wait. Wait. Wait. Just  
 5 questions for the architect right now.  
 6 MS. AYRES: All right. How many present  
 7 bedrooms are in the house now?  
 8 THE WITNESS: I believe there is one, two,  
 9 three, four. Four.  
 10 MS. AYRES: And then how many bedrooms do  
 11 you intend to add?  
 12 THE WITNESS: Two.  
 13 MS. AYRES: And the artist studio in the  
 14 garage, would that be connected to the house?  
 15 THE WITNESS: No, that's a detached  
 16 structure.  
 17 MS. AYRES: And once you start this  
 18 construction, how long do you anticipate it to be  
 19 complete?  
 20 THE WITNESS: It will probably be a matter  
 21 of four five months, I believe.  
 22 MS. AYRES: Thank you. That's all my  
 23 questions for now.  
 24 CHAIRMAN KRONK: Thank you.  
 25 MS. SIMMS: Hello. My name is

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1 Patricia Simms. I am at 4 Locust Street. I just have  
 2 a question. Unfortunately, my phone died and I don't  
 3 have the plan open. On the side of the structure that  
 4 is facing Locust Street, what is that that you are  
 5 looking to go bigger on?  
 6 THE WITNESS: The side that faces Locust  
 7 Street is -- it's this elevation, this right side  
 8 elevation. This whole piece is the existing house.  
 9 The only part that you'd see from Locust Street is  
 10 this narrow strip that is in the back there.  
 11 MS. SIMMS: Okay. Because it looks like you  
 12 were trying to go over what was there now. Is that a  
 13 patio or something?  
 14 THE WITNESS: Yeah. There is a patio there  
 15 now. But basically this is the existing house and  
 16 you'd only be able to see the addition a small amount  
 17 beyond that.  
 18 MS. SIMMS: Right now there are bushes  
 19 there. Are you trying to go the past those bushes or  
 20 staying within those?  
 21 THE WITNESS: I am not exactly sure where  
 22 the bushes are, but we are planing a whole new  
 23 landscape plan.  
 24 MS. SIMMS: I just want to make sure they  
 25 are staying -- I mean, where those bushes are I don't

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1 think they need to come out farther. So I mean, if  
 2 it's just a patio, I think that can be made smaller.  
 3 Looking at the one plan I saw today it looks like the  
 4 patio goes farther than where the bushes are currently  
 5 now.  
 6 THE WITNESS: I'm not sure where the  
 7 existing bushes are, but this comes out six or eight  
 8 feet beyond the existing.  
 9 MS. SIMMS: Okay. Thanks.  
 10 MS. KALAHER: Can I ask another question?  
 11 CHAIRMAN KRONK: Just let me close the  
 12 public portion first.  
 13 Anybody else with questions for the  
 14 architect?  
 15 Seeing none, hearing none, close the public  
 16 portion.  
 17 Ms. Kalaher, your question?  
 18 MS. KALAHER: In the family room and the  
 19 exercise room, they can theoretically be bedrooms  
 20 because they have closets. I am not sure exactly what  
 21 would qualify as a bedroom versus a family room.  
 22 THE WITNESS: We are not going to have them  
 23 as bedrooms. They are going to be family space.  
 24 MS. KALAHER: But they could be bedrooms.  
 25 THE WITNESS: I suppose.

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1 MS. KALAHER: Okay.  
 2 CHAIRMAN KRONK: Okay. Thank you. Next  
 3 witness.  
 4 MR. WIDTH: Thank you. For my next witness,  
 5 unless there is any objection from the board, I would  
 6 like to call Michael Pessolano, our planner. And  
 7 given that Mr. Pessolano hasn't appeared before this  
 8 board before --  
 9 THE WITNESS: I have.  
 10 MR. WIDTH: I'm sorry.  
 11 MICHAEL PESSOLANO, after having  
 12 been duly sworn, was examined and testified  
 13 as follows:  
 14 MR. OLLER: Say and spell your name for the  
 15 record.  
 16 THE WITNESS: Michael J. Pessolano. That's  
 17 P- as in Peter, -e-s-s-o-l-a-n-o, licensed  
 18 professional planner State of New Jersey.  
 19 CHAIRMAN KRONK: And the board stipulates  
 20 Mr. Pessolano's qualifications as he has been accepted  
 21 by the board on prior occasions.  
 22 THE WITNESS: Thank you. It's good to be  
 23 back. I do have an exhibit to talk with. Shall I  
 24 mark that as A...  
 25 MR. OLLER: It would be A-1.

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1 (Applicant's Exhibit 1, Three pages of  
 2 photographs, marked for identification.)  
 3 MR. OLLER: Yes. Just put today's date on  
 4 it as well and describe to us what that is.  
 5 THE WITNESS: Yes. A-1 is a photo exhibit.  
 6 On Page 1 the dimensions of the exhibit are three  
 7 pages of 11 inches by 17 inches. The first page is an  
 8 aerial exhibit. It's going to have more meaning if  
 9 you have it in front of you. Why don't I hold off on  
 10 the explanation until it's been distributed. Will  
 11 that be all right, Mr. Oller?  
 12 MR. OLLER: As long as you described it for  
 13 the record and we know what it is.  
 14 THE WITNESS: Yes, I fully intend to. I  
 15 think it's going have more meaning if it's being  
 16 viewed while I'm talking about it.  
 17 (Brief pause.)  
 18 THE WITNESS: So as I was saying now that  
 19 you have it in front of you, the first page of A-1 is  
 20 an aerial image downloaded from the internet with the  
 21 approximately location of tax lot lines superimposed  
 22 on it. In the center of the image is the subject  
 23 property outlined in a gold color. Within that gold  
 24 shape is a dotted line showing the approximate  
 25 location of the proposed addition and the 131 Western

<p style="text-align: right;">Page 22</p> <p>1 Avenue address on the roof of the house.</p> <p>2       Page 2 shows four ground photos taken by</p> <p>3 myself. On the upper left is Image 2, the subject</p> <p>4 home from across Western Avenue looking from a</p> <p>5 northwesterly direction. I'm regarding north as</p> <p>6 generally being the tracking of Locust Street from</p> <p>7 south to north. I know it's not exact, but that is my</p> <p>8 orientation.</p> <p>9       Image 3 is standing at the corner of Locust</p> <p>10 and Western Avenue, showing more of the Locust Street</p> <p>11 facade of the subject property.</p> <p>12       Image 4 on Page 2 shows the rear of the</p> <p>13 north side of the subject property and the adjoining</p> <p>14 dwelling to the west just between those two is roughly</p> <p>15 where the proposed addition is proposed to go. And</p> <p>16 then against from the Western Avenue, a view between</p> <p>17 the subject property on the right and the home to the</p> <p>18 west showing the space that is currently fairly open</p> <p>19 of anything, no trees. Of course, it's vegetation,</p> <p>20 just lawn area between the Western Avenue home, 131,</p> <p>21 and its neighbor to the west.</p> <p>22       Page 2 -- I'm sorry, Page 3 shows more</p> <p>23 imagery of the homes to the west going in that</p> <p>24 direction along Western Avenue.</p> <p>25       Imagine 7 shows the home directly across</p>	<p style="text-align: right;">Page 24</p> <p>1 indicated a very narrow building envelope. What</p> <p>2 further impressed me is almost the entirety of the</p> <p>3 proposed addition is in the building envelope where</p> <p>4 the township ordinance says the development should be.</p> <p>5 So it's just interesting, how it's the flipped version</p> <p>6 of what I usually work with, with expansions of homes.</p> <p>7       That said, we are wanting to proceed with</p> <p>8 the application and discussing with my client that</p> <p>9 this proposal is to preserve the existing apartment</p> <p>10 that has existed on the subject property within the</p> <p>11 home for years and years and years. And to take</p> <p>12 that -- with my testimony I will be referring to that</p> <p>13 as the supplemental apartment.</p> <p>14       Starting my testimony, though, there are two</p> <p>15 D variances involved. One is to expand what is</p> <p>16 technically a two-family home, since a conditional use</p> <p>17 permit has not been issued for the supplemental</p> <p>18 apartment, a supplemental apartment in RA-11 district</p> <p>19 requires an additional use permit. So right now it's</p> <p>20 a two-family dwelling technically. To expand a</p> <p>21 two-family dwelling, a D variance is required, where</p> <p>22 you have an existing nonconforming use to be expanded.</p> <p>23 So my first bit of D variance testimony will touch</p> <p>24 upon those elements of relief.</p> <p>25       We also have about five existing</p>
<p style="text-align: right;">Page 23</p> <p>1 Locust from the subject property at the corner of</p> <p>2 Locust and Western, that's looking in a southeasterly</p> <p>3 direction from that home. That home is in a different</p> <p>4 zoning district, by the way, the RB-7 district. We</p> <p>5 are in the RA-11. But directly across the street is</p> <p>6 the firehouse on the Western Avenue from the subject</p> <p>7 property.</p> <p>8       The final photo, Image 9, shows a direct</p> <p>9 view of the subject garage with vehicles in the</p> <p>10 immediate foreground with additional capacity visible</p> <p>11 there.</p> <p>12       So coming back to the aerial image on Page 1</p> <p>13 of A-1, what impressed me most about this application</p> <p>14 when I started looking at it is this is a reverse</p> <p>15 expansion. Usually homes are built within the</p> <p>16 allowable building envelope per zoning. And then</p> <p>17 where more rooms are desired, they will decide to</p> <p>18 punch out that way and maybe to the rear. This is</p> <p>19 going in the opposite direction.</p> <p>20       The existing home on the property almost</p> <p>21 totally is not within the regulated building envelope</p> <p>22 because there was no building envelope when this home</p> <p>23 was first built. It predates zoning. So the</p> <p>24 regulations for this district provide for a setback of</p> <p>25 35 feet along both streets leaving, as Mr. Trepkau</p>	<p style="text-align: right;">Page 25</p> <p>1 nonconformities and I will close with it and in the</p> <p>2 two C variances that are actually being proposed by</p> <p>3 this application. And I will come to that.</p> <p>4       But first with the use question, as I said</p> <p>5 we are fully situated in the RA single-family</p> <p>6 residential district, which allows single-family</p> <p>7 dwellings with supplemental apartments as a</p> <p>8 conditional use. This proposal is to expand the</p> <p>9 preexisting nonconforming two-family use.</p> <p>10       And to weigh it with the criteria the board</p> <p>11 is generally asked or boards of adjustment are</p> <p>12 generally asked to look at the aspects of improvement</p> <p>13 where you have an existing nonconforming use,</p> <p>14 generally speaking, where there is improvement case</p> <p>15 law has indicated that that's moving things in the</p> <p>16 proper direction, if the use is not going to be taken</p> <p>17 away completely, then approving it is the next best</p> <p>18 thing. And I think that makes good logical sense from</p> <p>19 a land use administration perspective. Here we have a</p> <p>20 proposal that is totally renovated, a longstanding</p> <p>21 home in the community with adequate living space for</p> <p>22 an above-average sized family. Elderly parents will</p> <p>23 be accommodated in the addition and that makes sense</p> <p>24 from a lot of perspective.</p> <p>25       A of the statute is one of the special</p>

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1 reasons that the board can assign to this application  
 2 if it chooses to approve it. Purpose A to promote the  
 3 general welfare and I submit that this is adding  
 4 modern living space, refreshing the very familiar  
 5 community housing asset for the next century of use.  
 6 So purpose A I think is advanced there.  
 7 Purpose I, which is promoting the design of  
 8 the visual environment, is very squarely advanced by  
 9 the overall renovation inside and out and by the new  
 10 landscaping plan. This corner will be a very  
 11 attractive corner, more so than it is today through  
 12 the installation of the proposed improvements. This  
 13 is, as you know, it's a prominent corner lot. The  
 14 home sits up on a little bit of a hill. So dressing  
 15 up the home and the grounds will be more noticeable  
 16 than on a anterior lot were those same things  
 17 proposed.  
 18 Purpose M is advanced by continuing to  
 19 accommodate residents through this efficient use of  
 20 this lot and not disturbing undeveloped land or  
 21 extending infrastructure elsewhere to house the same  
 22 people.  
 23 The negative criteria, I think are met from  
 24 the D-2 relief requested. In my opinion there is no  
 25 substantial detriment to the surrounding area due to

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1 the fact that the two units blend well with the  
 2 neighborhood today and have done so for years and will  
 3 remain so after the addition to the principal dwelling  
 4 is completed.  
 5 I also submit that adequate parking is  
 6 provided, which is sometimes lacking in applications  
 7 like this. But this actually is a well parked  
 8 property for its use. Four parking spaces are  
 9 required and at least six parking spaces can be  
 10 accommodated under the existing condition, nine if you  
 11 consider parking spaces overhanging the lot line. I'm  
 12 not suggesting that those are conforming spaces, but  
 13 the space is physically there. And there is no  
 14 sidewalk on that side of the street, so perfectly  
 15 appropriate to utilize it for parking spaces if and  
 16 when needed.  
 17 In my opinion, there is no substantial  
 18 impairment to the zone plan or the zoning ordinance in  
 19 this proposal. Two units on the lot in the district  
 20 is actually encouraged by the current land use policy.  
 21 The D3 variance requested that is going to follow this  
 22 discussion of the D2 relief is to seek to make the  
 23 property actually more conforming by establishing a  
 24 conditional use permit for a dwelling -- I'm sorry for  
 25 the supplemental apartment. That's exactly what the

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1 zoning ordinance stipulates may happen in this  
 2 district.  
 3 So I weigh the positive and negative  
 4 criteria for D2 relief on that. The end result is to  
 5 have a single-family dwelling with a supplemental  
 6 apartment. And for that we need the conditional use  
 7 variance. In other words, a D3 variance because two  
 8 of the criteria, two of 17 criteria, are not satisfied  
 9 by the current configuration -- the proposed  
 10 configuration on this property.  
 11 With that, I will point out that the basic  
 12 deviation here is that a supplemental apartment is  
 13 welcome on a lot that meets the minimum lot size for  
 14 the district, which is 11,250 square feet in the RA-11  
 15 district. This lot falls 937 square feet short of  
 16 that at 10,315 square feet. That is less than 10  
 17 percent, actually 8.33 percent deficiency there.  
 18 But with D3 relief the focus on the  
 19 application is the extent of the deviation relative to  
 20 the site still being an appropriate one for the land  
 21 use. So I find clearly that the site remains  
 22 appropriate despite the relatively minor lot size  
 23 deviation of 8.3 percent. The two units on this  
 24 property will remain unchanged by this application.  
 25 In other words, this is already here as a supplemental

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1 apartment. It has just not been certified as that.  
 2 The other element of relief is that one of  
 3 the criteria requires that there be no expansion of  
 4 the foundation to accommodate the supplemental  
 5 apartment. That is actually still true here, but  
 6 because the foundation for the principal structure is  
 7 going to be enlarged to accommodate for the addition  
 8 technically it steps over the line there. But the  
 9 foundation that is under the supplemental apartment  
 10 today is not going to be expanded. The new foundation  
 11 is for the new living space.  
 12 That being said, the site has had the second  
 13 unit now for many years and has been functional on the  
 14 site without substantial detriment or any detriment at  
 15 all. This proposal -- I'm sorry, this existing  
 16 condition has been a complimentary to the township's  
 17 housing supply providing reasonably-priced housing  
 18 generally consistent with the goals of the township  
 19 housing element.  
 20 As to the negative criteria, I find no  
 21 substantial detriment to the surrounding area due to  
 22 the union being fairly imperceptible today and it will  
 23 remain so after the addition is completed. We have  
 24 adequate parking, as I had mentioned.  
 25 New roof runoff from the addition will be

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1 collected and disposed of on site in a new underground  
 2 chamber. There will be no substantial impairment to  
 3 the zone plan or zoning ordinance due to the nearly  
 4 all of the 17 use criteria being met. This deviation,  
 5 in other words, is very nominal and not something that  
 6 I would call substantial in any way.

7 As I mentioned, there are two elements of  
 8 bulk relief under Subsection C of the statute. These  
 9 are, I think, approvable pursuant to the weighing  
 10 analysis of the C2 test where the benefits of the  
 11 application outweigh the detriments.

12 We also are dealing with a site that is a  
 13 specific piece of property due to its current  
 14 configuration and use. I find the benefits of the use  
 15 analysis carrying forward -- carrying forth into the  
 16 weighing analysis here and that is consistent with the  
 17 public case that says that it's the power of the board  
 18 to look at these things.

19 Regarding the building coverage, we have a  
 20 proposed deficiency that's only 2.5 percent over the  
 21 limit of 25 percent. I find this a de minimus  
 22 increase. The addition is actually filling in the  
 23 building envelope that was nearly completely missed by  
 24 existing development on the property today.

25 There are two structures that constitute the

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1 total building coverage; one is the principal  
 2 building, one is the garage. So these two structures  
 3 are nicely spaced and sited on the lot, not on top of  
 4 each other. The addition is more oriented, it's  
 5 definitely oriented to the existing dwelling because  
 6 it's attached to it. It's not joined to the garage.  
 7 To me I find that there is not going to be the  
 8 appearance of an overly large building. You would  
 9 have to really measure everything very carefully to  
 10 come up with the conclusion that there is 2 and a half  
 11 percent extra coverage here, in my opinion.

12 The nice way the design has tucked the  
 13 proposed addition behind the existing dwelling from  
 14 the Locust Street view and set it back the compliant  
 15 35 feet from the Western Avenue view will make it look  
 16 like a dwelling that grew organically in place. There  
 17 are a lot of examples of this in the other  
 18 architecture and turn-of-the-century architecture  
 19 where the original family built just what they needed,  
 20 then they grew and then the family came to live with  
 21 them and then they added on and so on and so forth.

22 So this is additive massing and that is the  
 23 term that I always use. And that is exactly what we  
 24 are proposing in this application, additive massing,  
 25 making something look like it fits on the lot better

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1 than the single chunk of large building that is not  
 2 articulated anything close to what we have here, a  
 3 very nice articulation, I think.

4 Basically, the bottom line here is the  
 5 additional coverage that we are proposing is necessary  
 6 to effectuate an overall positive project with the  
 7 public benefits that were addressed earlier in the  
 8 D analysis.

9 The negative criteria for the building  
 10 coverage are met, adequate storm water disposal for  
 11 roof runoff for the entire addition, not just the  
 12 two-and-a-half percent that is over, but the entire  
 13 roof area of the addition will be accommodated in the  
 14 proposed subsurface chamber, which is not there now  
 15 and that will do a better job overall on the property  
 16 for the storm water.

17 As I said the entire addition will fit in  
 18 the building envelope except for the particular  
 19 addition towards Locust Street. This is just not  
 20 going to be a perspective of excessive coverage due to  
 21 the nice way the design has arranged it and it is set  
 22 back from the street farther than the existing  
 23 building from both perspectives, both Locust and  
 24 Western, so that makes for a nice visual fit.

25 I find there is actually harmony with the

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1 master plan and the zoning ordinance as a result  
 2 rather than any substantial impairment because we are  
 3 utilizing this basically empty envelope now for the  
 4 additional living space that my client needs and wants  
 5 on this property.

6 As to the minimum 35-foot front yard setback  
 7 we need C relief there. That is a new bulk variance.  
 8 This imperceptible deviation also is necessary to  
 9 benefit the overall project in my opinion. The  
 10 addition will appear to be more than compliant  
 11 actually compared with the proximity from the rear  
 12 porch to Locust. That part of the existing structure  
 13 is only 6 feet from the right-of-way line to Locust.  
 14 This new addition will be no closer than 32.9 feet.  
 15 So just that visual perspective of seeing something in  
 16 the forefront and that new space in the back, the  
 17 passerby is going to have the opinion that, yes, that  
 18 looks like it belongs there and should be a compliant  
 19 arrangement visually. But, again, it's not. It's  
 20 missing it by 2.9 feet. A lot of what bulk variances  
 21 address is visual impacts and I think this does the  
 22 job as far as what the intent of the ordinance was  
 23 despite the issues.

24 I want to say regarding the negative  
 25 criteria for the front setback on Locus, the existing



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1 project will be nestled within building envelope of  
 2 the site, so it won't have any detrimental impact on  
 3 the surrounding neighborhood let alone one that would  
 4 rise to the level of substantial. The proposed  
 5 addition is substantially compliant with the intent  
 6 and purpose of the master plan and zoning ordinance,  
 7 thus there is no substantial impairment for either.

8 As to the existing deficiencies, we have a  
 9 roof on the existing structure set at 36 feet where 35  
 10 feet is required. That is an existing condition. The  
 11 two front setbacks, one on Locust, one on Western, as  
 12 Mr. Trepkau pointed out, 15.2 feet where 35 is  
 13 required; 16 feet where 35 is required. And the  
 14 accessory structure has three elements of  
 15 nonconforming. The rear setback that is not  
 16 conforming with approximately 9 feet where 25 feet is  
 17 required. The side setback where 15 feet is  
 18 required -- bear with me a second. Yeah, 3.5 feet is  
 19 the side yard for the garage. And then finally, the  
 20 accessory structure height, exceeds the 15 foot  
 21 maximum, it's a two-story garage, whereby it's 23 feet  
 22 where 15 is allowed, but, again, a preexisting  
 23 condition.

24 For all of those elements, those are four, I  
 25 said five earlier, but there are just four, these are

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1 approvable pursuant to the C1 analysis. It would be  
 2 an undue hardship to require the applicant to remove  
 3 any of these deviations and they are there by virtue  
 4 of a lot that has had lawful structures existing  
 5 thereon. I'm kind of using the statutory language  
 6 there. That's one of the categories of hardship that  
 7 exist on this project, not necessarily solely the  
 8 narrowness of the lot, but it's also due to existing  
 9 structures and this falls into that category because  
 10 they are definitely existing structures.

11 So in conclusion, the words you have been  
 12 waiting to hear, this application is a good project, I  
 13 think, that incorporates sound planning and  
 14 development principals in an interesting and appealing  
 15 way visually. The applicant has been worked in good  
 16 faith with the township to craft a project -- I was  
 17 not part of the original hearing, but I did catch up  
 18 with the feedback from the initial hearing where it  
 19 looked too large. The applicant has worked hard to  
 20 get this trimmed down and get this on the property  
 21 without sacrificing the object they started this  
 22 project with, which is to house its family in the  
 23 structure comfortably. I think that the application  
 24 meets the statutory criteria and warrants your  
 25 approval. Thank you.

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1 CHAIRMAN KRONK: Thank you. How many of the  
 2 existing bedrooms are part of the rental unit?  
 3 THE WITNESS: I believe one is in that  
 4 rental unit. Am I correct there?  
 5 AUDIENCE MEMBER: There is two.  
 6 THE WITNESS: Thank you.  
 7 CHAIRMAN KRONK: Can you go over your  
 8 parking calculation?  
 9 THE WITNESS: There are two units there,  
 10 each unit requiring two spaces, but we are going to  
 11 have less because we have an apartment. I see you  
 12 looking at me. Where the planner's two per unit are  
 13 generous, here is what I am saying, so if we have six.  
 14 We certainly meet the standard by more than less.  
 15 Do have you a specific concern about the  
 16 parking, Mr. Kronk?  
 17 CHAIRMAN KRONK: I wasn't sure what the  
 18 parking requirement was.  
 19 Any of the board members, questions?  
 20 Mr. Woodford.  
 21 MR. WOODFORD: My concern is when I am  
 22 looking at these plans that the areas in the basement  
 23 on the addition can be easily converted into bedrooms  
 24 and so you can have 8 bedrooms in this house. And  
 25 maybe the current owner is intending to use this for

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1 family and has it all set out, but what is to prevent  
 2 the future owner from having eight bedrooms in the  
 3 house that is much larger than the other houses in the  
 4 neighbor so you have almost a boarding-house  
 5 situation.  
 6 THE WITNESS: I think it's disputable that  
 7 this would be a much larger house in the neighborhood.  
 8 Please take a look at the aerial image on Page 1 of  
 9 the planning exhibit and look close at the aerial  
 10 structures. I don't find that this is a structure  
 11 that is out of character, out of step. One of the  
 12 things that pleases me about the design that was  
 13 produced for this expansion is that it respects that  
 14 and tucks the addition into the most discreet area of  
 15 the property so as not to look like it's bigger than  
 16 any of its neighbors.  
 17 We have going along Western Avenue in a  
 18 western direction from the subject property, the  
 19 subject property is here, the dwelling going westerly  
 20 along Western Avenue all have relatively the same  
 21 spacing between them, more or less having roughly the  
 22 same side yard. We are proposing a side yard that  
 23 matches that with the addition. And, further, this  
 24 addition will be set back at a quiet level, whereas  
 25 the existing structures along Western Avenue are right

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1 up on the street level. So they are going to look  
 2 bigger than the addition because of the proximity to  
 3 the viewer.  
 4 So in all respects I thought this addition  
 5 was skillfully designed so it provides adequate space  
 6 but it's not too much space.  
 7 As to the bedroom count, I know of no limit  
 8 on the number of bedrooms in the township so it's not  
 9 violating a law per se. But when an applicant comes  
 10 forward and has invested efforts into housing their  
 11 family, I take that seriously that that's their  
 12 intention and that's worthy of accommodation  
 13 regardless of what happens in the next generation with  
 14 the property. This is a current need for my client to  
 15 do this. They purchased this home with the intention  
 16 of housing their extended family here and chose this  
 17 for that. So this is not just a win, this is a very  
 18 much a definite plan that they need and want to  
 19 implement.  
 20 MR. WOODFORD: Thank you.  
 21 CHAIRMAN KRONK: Any other board members?  
 22 Okay. At this time I'll open up to members  
 23 of public -- or I'm sorry, board professionals any  
 24 questions?  
 25 MR. SLATE: I have none.

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1 CHAIRMAN KRONK: Mr. Philips?  
 2 MR. PHILIPS: Just so I'm clear, the  
 3 supplemental apartment is one bedroom?  
 4 THE WITNESS: Yes.  
 5 MR. PHILIPS: And then by my count the  
 6 primarily dwelling is now supposed to be five  
 7 bedrooms?  
 8 THE WITNESS: That's by my math.  
 9 MR. PHILIPS: And I can't remember the floor  
 10 plan, but the supplemental apartment is indeed  
 11 separate and apart from the main primary dwelling?  
 12 THE WITNESS: Yes. It's separate access. I  
 13 was inside the home when I first started with this  
 14 matter. And I saw it for myself.  
 15 MR. PHILIPS: And would continue to be so  
 16 based on if this application was approved?  
 17 THE WITNESS: Yes.  
 18 MR. PHILIPS: Just one other question  
 19 relating to the D3 variance regarding the lot being  
 20 not conforming, being roughly 1000 square feet less  
 21 than what the zoning prescribes, did you -- I mean,  
 22 I'm just looking at the submission and other lots  
 23 within the block and it appears that this lot in part  
 24 being a corner lot is -- it may not being the largest,  
 25 but it appears to be one of the largest lots in terms

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1 of size within the block and certainly it may be the  
 2 widest. I mean, is that a basis -- does that provide  
 3 any basis for you to argue that the site can  
 4 accommodate the deviation sought consistent with the  
 5 Coventry square case?  
 6 THE WITNESS: Yeah, that is a reasonable  
 7 conclusion and I didn't frame it that way because I  
 8 saw that the parking was adequate, the drainage was  
 9 provided. It mattered less how much land area was on  
 10 the property. If it hadn't been 1000 square feet  
 11 less, than those features would still be supportive of  
 12 this proposal. But since you mentioned it, it  
 13 certainly is a plus to have a larger lot rather than a  
 14 smaller one for accommodating the proposal.  
 15 MR. PHILIPS: Thank you.  
 16 THE WITNESS: You're welcome.  
 17 CHAIRMAN KRONK: Okay. Members of the  
 18 public with any questions of the planner, please come  
 19 forward at this time.  
 20 MR. GOLDBERG: Good evening. Lee Goldberg,  
 21 10 Arrowhead Road.  
 22 I'm sorry, what was your name?  
 23 THE WITNESS: Mike Pessolano.  
 24 MR. GOLDBERG: Mr. Pessolano?  
 25 THE WITNESS: Yes.

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1 MR. GOLDBERG: Mr. Pessolano, earlier in  
 2 your comments you had referenced five existing  
 3 nonconforming uses and then later on when you were  
 4 talking about the setbacks you referenced an  
 5 additional three nonconformities?  
 6 THE WITNESS: They are all the same. And  
 7 it's actually four categories of deviation rather than  
 8 five. I misspoke at the beginning when I said five.  
 9 MR. GOLDBERG: So there is total of four  
 10 nonconformities?  
 11 THE WITNESS: Yes, existing nonconformities.  
 12 They are being increased a little by this application.  
 13 MR. GOLDBERG: And when you indicate that, I  
 14 believe you said the land use law or the case law, you  
 15 referenced that viewing or making -- it's viewed as an  
 16 improvement to -- the application, I guess, is viewed  
 17 as an improvement. You are talking about improving  
 18 it. But if it's a nonconforming use are you talking  
 19 about improving it. But if it's a nonconforming use  
 20 are you improving the conforming use of the lot or is  
 21 the application making the lot more conforming or?  
 22 THE WITNESS: The lot --  
 23 MR. GOLDBERG: Go ahead.  
 24 THE WITNESS: The lot is the lot. We can't  
 25 change the dimensions of the lot, however, that's the

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1 fifth one.

2 MR. GOLDBERG: What is the fifth one?

3 THE WITNESS: The lot area. Okay, so there

4 is five.

5 MR. GOLDBERG: Okay.

6 THE WITNESS: But the lot is what it is.

7 The existing structures are what they are.

8 MR. GOLDBERG: So what is the improvements?

9 THE WITNESS: So the renovation of the

10 exterior, the additional landscaping and the storm

11 drainage facility is not there today all moves this

12 property to a better condition for its use moving

13 forward rather than not doing those things and just

14 keeping it as is.

15 MR. GOLDBERG: I guess the part I got

16 confused is with the improving the nonconforming, it's

17 nonconforming but you are also improving it at the

18 same time. But the improvements that are being made

19 are steering it towards a more conforming use?

20 THE WITNESS: No, just making a

21 nonconforming thing a better fit by the visual needs

22 that are available. It's a small increment.

23 Certainly this is not the meat of our application.

24 The D3 relief of the proposed supplemental apartment

25 as a conditional use permit almost negates the D2

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1 relief. You need the D2 relief to get to the D3. So

2 it is a technical variance at that. So the real

3 substance of the application is the second part, which

4 is the D3 variance for the conditional use for the

5 supplemental apartment.

6 MR. GOLDBERG: Thank you. So can you just

7 reiterate what the five nonconforming? It's the lot.

8 THE WITNESS: It's the lot area, the two

9 front yard setbacks, the three deficiencies with the

10 setbacks of the garage and the height of the principal

11 structure 36 feet where 35 is the maximum.

12 AUDIENCE MEMBER: Thank you.

13 MR. GOLDBERG: Thank you.

14 THE WITNESS: You're welcome.

15 MS. BROWN: Good evening. My name is

16 Kimberly Brown I'm at 2 Kroklin Street and now I'm

17 kind of interested. Do have you another copy of the

18 document that you gave out? Yeah, I'd like to see

19 that. And see a little bit about what you are talking

20 about. Thank you.

21 THE WITNESS: You're welcome.

22 CHAIRMAN KRONK: Anybody else from the

23 public with questions? Please come forward.

24 MS. AYERS: Hi. Debbie Ayers again. The

25 second floor apartment, how many entrances and exits

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1 are there.

2 THE WITNESS: There is one entrance going

3 from the staircase in the area and the other one is

4 within the existing structure, but that is kept

5 closed.

6 MS. AYERS: Okay. And they can get also to

7 the front door from there?

8 THE WITNESS: Through the exists dwelling?

9 MS. AYERS: Is that how they would get to

10 the front door to get their mail and whatever?

11 THE WITNESS: I don't think so. I think

12 that is exclusively through the stairwell.

13 MS. AYERS: There are two mailboxes out

14 front. That's why I ask.

15 THE WITNESS: Access to the supplemental

16 apartment is through the rear staircase only.

17 AUDIENCE MEMBER: And I took the door out

18 that was in the inside so you walk through to the

19 front.

20 THE WITNESS: Your question will be

21 answered.

22 MR. OLLER: So I rather you just take a

23 minute and speak to him because he hasn't been sworn.

24 We can't accept that testimony. If you want to take a

25 minute and speak to him to clarify the answer, you can

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1 do that.

2 THE WITNESS: Thank you.

3 (Brief pause.)

4 THE WITNESS: Thank you, ladies and

5 gentlemen, I appreciate the opportunity to sort that

6 out. According to my client, I have been advised that

7 the access in and out of the supplemental apartment

8 will be through the rear stairwell not through the

9 home.

10 MS. AYERS: Well, how do the people get

11 their mail?

12 CHAIRMAN KRONK: Hold on. Please come

13 forward.

14 MS. AYERS: There are two mailboxes in the

15 front. How does that person get their mail?

16 THE WITNESS: That person would walk around

17 to the front, fetch their mail and return to the

18 apartment.

19 CHAIRMAN KRONK: Thank you. Anybody else?

20 MS. SIMMS: Patricia Simms, 4 Locust Street.

21 I have a bunch of questions, sorry.

22 I was under the understanding also at one of

23 the planning boards that the supplemental apartment

24 was off of the plan, that this is just basically for

25 an addition to the home for their family only. That

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1 seems to be a big issue in the neighborhood because  
 2 they are rentals.  
 3 MR. OLLER: Well, it's a preexisting use  
 4 right now, the supplemental apartment.  
 5 MS. SIMMS: Right.  
 6 MR. OLLER: And the way it was presented at  
 7 TCC level was that they are going to continue the  
 8 supplemental apartment. Really the apartment itself  
 9 was unaffected by the addition, but because of the  
 10 reasons you heard here before, it did create some  
 11 variances that were required, a D2 and a D3 variance  
 12 because there is a supplemental apartment.  
 13 So if they were going to say we are no  
 14 longer going to have a supplemental apartment, then  
 15 the D variances would go away and we would only have a  
 16 C variance. But really what I think we are hearing  
 17 and we are going to clarify that in a minute is that  
 18 in the near future they would like to have that  
 19 ability to have that supplemental apartment that is  
 20 rented to a non-family member.  
 21 MS. SIMMS: Then you are going to need to  
 22 bring in more parking, which parking is an issue.  
 23 MR. OLLER: No, it's the same.  
 24 MS. SIMMS: Because I live up this street.  
 25 MR. OLLER: The municipality has an

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1 ordinance that says ordinance variance relief has to  
 2 be used within 18 months or the variance terminates.  
 3 So they really would be coming in now from hearing  
 4 this, right, saying we want to maintain an apartment  
 5 that we can rent to a non-family member, so we do want  
 6 to get our D2 and our D3 variance. Currently, we may  
 7 utilize it for a family member, but in the next 18  
 8 months they can rent it to a non-family member  
 9 pursuant to the any variance that would be granted  
 10 today. If they didn't do it in 18 months, then the  
 11 variance would expire.  
 12 MS. SIMMS: So currently the house is four  
 13 bedrooms, plus the apartment, one bathroom.  
 14 MR. OLLER: No, I think we are hearing it's  
 15 five bedrooms with the addition and the one-bedroom  
 16 apartment.  
 17 MS. SIMMS: So it would be a total of six  
 18 bedrooms after the addition?  
 19 CHAIRMAN KRONK: Four existing.  
 20 MS. SIMMS: It's four existing.  
 21 MR. OLLER: I'm sorry, four existing.  
 22 MS. SIMMS: Okay.  
 23 MR. OLLER: But when it's all built, it  
 24 would be five for the house and one for the apartment.  
 25 MS. SIMMS: And then what is going to be on

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1 the second floor of the addition?  
 2 THE WITNESS: Two bedrooms.  
 3 MS. SIMMS: What is on the ground floor?  
 4 THE WITNESS: Living space.  
 5 AUDIENCE MEMBER: Wasn't it basically for  
 6 two handicapped people? How would they get to the  
 7 second floor?  
 8 THE WITNESS: This is the first floor plan.  
 9 There is a new bedroom on the first floor level and a  
 10 new sitting room opposite that with a bathroom. Where  
 11 is the second floor plan?  
 12 MR. TREPKAU: Just flip this back.  
 13 THE WITNESS: The second floor mirrors the  
 14 first. It's a bedroom and a sitting room and a full  
 15 bath.  
 16 MS. SIMMS: So the two are not -- because we  
 17 are told you needed handicapped accessibility for the  
 18 first floor suite.  
 19 THE WITNESS: Perhaps Mr. Trepkau can  
 20 address that question. I didn't do the design.  
 21 MS. SIMMS: Okay. I have some other  
 22 questions.  
 23 During the construction where are the  
 24 construction -- because the way Locust Street is now  
 25 for parking, if a vehicle is parked on both sides of

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1 the road, it's not a two-lane road, only one car can  
 2 come. So if you are coming down Locust to Western and  
 3 cars are on both sides, you can only have one car  
 4 passing and I don't know if anybody knows in the  
 5 township, we have the one-armed bandits and they have  
 6 two garbage cans, two recycling. So when you have  
 7 pickup days, you have four of those large garbage cans  
 8 spaced out. So that wipes out that parking. So I'm  
 9 wondering how and where these contractors are going to  
 10 be parking? Where is the material?  
 11 THE WITNESS: Generally construction  
 12 interruptions to day-to-day life are things we have to  
 13 basically put up with. They are not a reason to deny  
 14 this application, generally speaking. They are a  
 15 temporary inconvenience.  
 16 MS. SIMMS: So I know we have a firehouse  
 17 across the street and it's not manned every day  
 18 anymore, but still we have a firehouse with a fire  
 19 truck across the street.  
 20 THE WITNESS: And as for parking, this  
 21 property has more than enough parking on it. And it's  
 22 taking care of its own parking and technically not a  
 23 contributor to any other parking.  
 24 MS. SIMMS: Well, they are on the street  
 25 sometimes, but.

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1 Okay. Let's see.  
 2 Okay. Like I said, it just seems here they  
 3 are asking to keep the apartment, they are asking for  
 4 the addition, now they are doing the garage. It just  
 5 seems they have enough space within they can do what  
 6 they need. I have no problem I see they made the size  
 7 of the addition smaller, but like I said, just the  
 8 parking --  
 9 MR. OLLER: Okay, but this is just questions  
 10 right now.  
 11 MS. SIMMS: Okay. Thank you.  
 12 THE WITNESS: Thank you.  
 13 MS. BROWN: I'm just curious about  
 14 something --  
 15 MR. OLLER: Wait, I'm sorry. Your name?  
 16 MS. BROWN: Kimberly Brown, 2 Carlton  
 17 Street, Morristown, New Jersey, Morris Township. Just  
 18 curious why they decided not to add the addition on  
 19 the back instead of the side. It seems like they are  
 20 encroaching on the other house.  
 21 THE WITNESS: That's a great question, but  
 22 the addition conforms more to the side because that's  
 23 where the allowable building envelope is and the  
 24 building envelope left over after setbacks from the  
 25 front, side and rear are deducted from the lot. So

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1 it's not shown on the diameter, but it is shown on the  
 2 site plan prepared by our architect. It's a very  
 3 narrow space. So to put the addition directly behind  
 4 the existing dwelling would bring more of it  
 5 encroaching on the Locust Street front setback, much  
 6 more of it. Right now a little sliver barely 2 feet  
 7 wide is the extent of the encroachment. That's why I  
 8 said it's such a good fit for that reason.  
 9 CHAIRMAN KRONK: Anybody else from the  
 10 public with any questions of the planner? Please come  
 11 forward.  
 12 Seeing none, hearing none, close the public  
 13 portion.  
 14 MR. WIDTH: Thank you. At this point, I  
 15 would like to call the applicant himself, John Anzul,  
 16 to testify as to the use of the supplemental  
 17 apartment.  
 18 CHAIRMAN KRONK: Thank you.  
 19 JOHN ANZUL, after having been duly  
 20 sworn, was examined and testified as follows:  
 21 MR. OLLER: State your full name for the  
 22 record.  
 23 THE WITNESS: John C. Anzul.  
 24 MR. OLLER: Thank you, Mr. Anzul. You can  
 25 be seated.

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1 DIRECT EXAMINATION  
 2 BY MR. WIDTH:  
 3 Q. Earlier this evening we briefly touched on  
 4 the requirement to apply for D variances in order to  
 5 utilize -- to continue to utilize the supplemental  
 6 apartment. Do you intend to keep the apartment vacant  
 7 until such time as you are able to find an appropriate  
 8 tenant for the apartment?  
 9 A. Yes. Do you need me to expand on that?  
 10 Q. That's fine.  
 11 MR. OLLER: Mr. Anzul, I thought before the  
 12 testimony was that you are going to use the  
 13 supplemental apartment for family.  
 14 THE WITNESS: So if you mean the time before  
 15 when we appeared here previously.  
 16 MR. OLLER: No, twenty minutes ago.  
 17 THE WITNESS: So what I am looking for is to  
 18 expand the use of our home for our very large family.  
 19 We have ten family members. In addition, I also when  
 20 we purchased the house felt that it's real value was  
 21 that it's a two-family home. So we wanted to take  
 22 advantage of the fact that there was an existing  
 23 apartment in there. So we've played with a couple of  
 24 different ideas of how we would use it. I think that  
 25 what is particularly important to me is to be able to

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1 preserve the ability to use that supplemental  
 2 apartment.  
 3 MR. OLLER: Let's just back up a step. Ten  
 4 family members. Are some of them handicapped now?  
 5 THE WITNESS: Our two grandmothers are  
 6 simply elderly. They are both in their 80s. I don't  
 7 call that a handicap, it's just that they are a little  
 8 slow getting around. If we needed to, we could put a  
 9 chair lift to help them get up and down the stairs.  
 10 That wouldn't be a problem.  
 11 MR. OLLER: Currently is the supplemental  
 12 apartment rented?  
 13 THE WITNESS: No.  
 14 MR. OLLER: Is it your plan in the short  
 15 future, let's say in the next 18 months, to rent the  
 16 apartment?  
 17 THE WITNESS: Yes. Yes.  
 18 MR. OLLER: And in the nearer future, is it  
 19 your plan to use it for family members?  
 20 THE WITNESS: The way that we are using it  
 21 right now is that my wife is using it as a studio. So  
 22 when you asked about is it used by family members, she  
 23 is doing artwork there. But that's why we wanted to  
 24 make the improvement in our garage in order to give  
 25 her the space to move her studio out there.

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1 MR. OLLER: Okay. I do not have any other  
 2 questions.  
 3 CHAIRMAN KRONK: Board members, any  
 4 questions?  
 5 Nope.  
 6 Board professionals?  
 7 MR. SLATE: Just a general question,  
 8 something I picked up during the review of the plan.  
 9 I noted there is an existing fountain in front of the  
 10 garage proposed to be replaced and then there is also  
 11 a trellis that's in the front yard and side yard  
 12 setback. I'm just curious, maybe this gets directed  
 13 more back to Rich, technically they would be  
 14 considered structures as far as our ordinance goes, so  
 15 they would need to meet the setback requirements.  
 16 MR. OLLER: I'm trying to find that on the  
 17 plans.  
 18 MR. SLATE: And that's on the landscape  
 19 plan, specifically the trellis, but the fountain is  
 20 shown on the site plan on Sheet T1.  
 21 MR. OLLER: Are those new or proposed, Jim?  
 22 MR. SLATE: Well, it looks likes there's an  
 23 existing foundation on the proposed plan that is  
 24 proposed to be modified and replaced. This trellis I  
 25 did see that in the photos from the planner or at

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1 least a trellis in the background in one of the  
 2 photos. I don't know if that's the same trellis. I  
 3 guess I would ask the applicant that question.  
 4 THE WITNESS: There is an existing one.  
 5 It's just a small little piece of lattice work and I  
 6 think that the landscape plan did call for a slightly  
 7 larger one, but it's just lattice.  
 8 MR. SLATE: And I understand it's just a  
 9 landscape element. It's going to be grown over and  
 10 you probably wouldn't see it, but it still becomes a  
 11 structure or it still would be considered a structure  
 12 with our definition of structure.  
 13 MR. OLLER: I think it does satisfy the  
 14 definition of the structure, so starting with the  
 15 fountain that's within the setback, isn't it, Jim?  
 16 Isn't this the setback line?  
 17 MR. SLATE: The foundation extends over the  
 18 line, a portion of it. It looks like it could be slid  
 19 towards Locust Street -- well, it looks like then it  
 20 would go out to the front yard.  
 21 MR. WIDTH: That's behind the setback line  
 22 of Locust Street.  
 23 MR. OLLER: So with respect to the fountain,  
 24 it would be a structure. Let me just double check the  
 25 notice. So it does have the conditional language if

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1 other variances are observed at the time of the  
 2 hearing, so you could amend your application to  
 3 include a setback variance for the foundation and for  
 4 the trellis or slide the fountain over to conform.  
 5 MR. WIDTH: I think that would be the most  
 6 appropriate course of action.  
 7 MR. OLLER: Which one? Moving it?  
 8 MR. WIDTH: To include that relief in  
 9 connection with this variance.  
 10 MR. OLLER: So the board understands, we are  
 11 just noticing the additional variance for a portion of  
 12 that fountain structure just outside the setback line  
 13 and/or the trellis.  
 14 MR. WIDTH: We are comfortable with striking  
 15 the trellis from the application if that would cause  
 16 any complication.  
 17 MR. OLLER: Okay. We are going to omit the  
 18 trellis and include a setback variance for the  
 19 fountain. Is there a dimension for the fountain?  
 20 MR. SLATE: I don't see a dimension, but  
 21 it...  
 22 The overall width of it is 16 feet, but I  
 23 will say there's approximately 6 feet over the 15 foot  
 24 side yard setback line.  
 25 MR. OLLER: I think we would probably have

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1 Mr. Trepkau give some testimony on the fountain.  
 2 MR. WIDTH: Before we do, I may be able to  
 3 short circuit that process. We are willing to waive  
 4 the fountain as well. We are willing to strike that  
 5 from the application.  
 6 MR. OLLER: Or you can move it over inside  
 7 the lot.  
 8 THE WITNESS: Either way, that's fine.  
 9 CHAIRMAN KRONK: Okay. At this time I will  
 10 open up to members of the public for any questions of  
 11 Mr. Anzul. Please come forward questions only.  
 12 MS. AYRES: Is this the only time you have  
 13 to ask questions?  
 14 CHAIRMAN KRONK: Of Mr. Anzul, yes. This is  
 15 the only time. Are you up or down?  
 16 MS. AYRES: I'm up. I'm up. It's  
 17 Debbie Ayres again. No, I just have concerns because  
 18 I know when we are here they talked about dismantling  
 19 the kitchen, which would give them --  
 20 MR. OLLER: Questions only.  
 21 MS. AYRES: I'm sorry?  
 22 MR. OLLER: Questions only.  
 23 MS. AYRES: Oh, God, I'm so nervous. Or  
 24 never mind, I'll wait.  
 25 MR. AYRES: Let's stick with the apartment.

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1 MR. OLLER: Okay. But can I have your name  
 2 first?  
 3 MR. AYRES: My name is Art Ayres.  
 4 So Mr. Anzul basically right now the only  
 5 access to the apartment is the back door?  
 6 THE WITNESS: Yes.  
 7 MR. AYRES: So there will never be the  
 8 ability for someone to walk from your house into that  
 9 apartment until you put the door back?  
 10 THE WITNESS: Right.  
 11 MR. AYRES: So is it bolted shut or boarded  
 12 over?  
 13 THE WITNESS: It simply will be closed and  
 14 locked.  
 15 MR. AYRES: Well, I have a closet that is  
 16 closed and locked so that means somebody can  
 17 technically walk through there. So it doesn't become  
 18 an apartment until you physically make it so nobody  
 19 else can access it; that's number one.  
 20 That fish pond, I mean, I don't know. I  
 21 think that's a mute point.  
 22 CHAIRMAN KRONK: Okay. Well, they removed  
 23 it from the application. Next question.  
 24 MR. AYRES: I have a bunch of questions. I  
 25 don't know what I want to ask. Has anybody ever did

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1 some kind of thing to figure out what the ground is  
 2 like to do this addition? What is actual ground? Is  
 3 it sand or rock? Does anybody know what they are  
 4 going to dig into?  
 5 CHAIRMAN KRONK: That's not something that  
 6 would be part of the zoning application. They would  
 7 need to do additional work. The first step is the  
 8 zoning process.  
 9 MR. AYRES: So now when you do this basement  
 10 and walk there, there is no way from the old house  
 11 into the basement, correct? From the old house you  
 12 would have to cut the foundation.  
 13 THE WITNESS: So there is some access from  
 14 one to the other.  
 15 MR. AYRES: Right. No access. So how do  
 16 you get into the basement?  
 17 THE WITNESS: We designed it with a Bilco  
 18 door so you can go down from the outside or there is a  
 19 stairway from the entry area down to the lower floor.  
 20 MR. AYRES: What are we considering the  
 21 entry area, from the back of the house or the front of  
 22 the house? I really don't have the privilege of the  
 23 plans, so I don't know. In other words, what I'm  
 24 asking you is let's face facts you are not going to go  
 25 down there doing weightlifting going through a Bilco

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1 door. That means there has to be another way to get  
 2 to the basement.  
 3 THE WITNESS: That's correct.  
 4 MR. AYRES: It's either from the inside of  
 5 the house or from the back. Well, actually you can't  
 6 do it. You can't do it from the front. You would  
 7 have to dig out and everything else so you've got to  
 8 go up through the house.  
 9 THE WITNESS: So, yes. I'm sorry,  
 10 Mr. Trepkau reminded me, I didn't recall that we were  
 11 talking about removing a window that is in the  
 12 existing basement in order to make a passthrough  
 13 there.  
 14 MR. AYRES: To the basement, from the old  
 15 basement to the new bathroom is what you are saying.  
 16 THE WITNESS: Yes.  
 17 MR. AYRES: So if somebody wants to go from  
 18 the house, they have to go through that small stairway  
 19 behind the kitchen to get downstairs, correct?  
 20 THE WITNESS: There is two different ways to  
 21 go down from the inside and there is also an exterior  
 22 access.  
 23 MR. AYRES: Where is the second place from  
 24 the inside?  
 25 THE WITNESS: There is a stairway --

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1 MR. AYRES: Well, let me ask you a question  
 2 because I haven't seen the plan. The first floor will  
 3 be grade level to the floor. Will there be a door  
 4 going in there from the back? You've got the plan, I  
 5 don't. My point is I've got two reasons for asking  
 6 this question because this opens -- all right. Let me  
 7 ask you another question. This one is even more  
 8 interesting. Is there a bathroom in the basement?  
 9 THE WITNESS: Yes. Basement.  
 10 MR. AYRES: Jeez. Bathroom basement,  
 11 bathroom first floor, bathroom second floor. Bedroom,  
 12 sitting room. Very good. All you need is a kitchen.  
 13 Game over. Just so you know, I've watched my  
 14 neighborhood go from people living there to rental  
 15 property and I don't mean renting a house, I mean  
 16 renting a room.  
 17 CHAIRMAN KRONK: I'm sorry, this time is for  
 18 questions only. You will have time for comments  
 19 after.  
 20 MR. AYRES: Can I ask it that way? Do you  
 21 know that this is the way it is? Yes? Done. Thank  
 22 you.  
 23 CHAIRMAN KRONK: Okay. Anybody else in the  
 24 public with questions for Mr. Anzul? Anybody else?  
 25 Seeing none, hearing none, close the public

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1 portion.

2 Now, you can explain what a Bilco Escape

3 Well window well is? Anybody?

4 MR. WIDTH: Yes, I'd like to call

5 Mr. Trepkau to address that question.

6 MR. TREPKAU: A Bilco Escape Well is a

7 manufactured fiberglass well that has couple of steps

8 in it that allows for a larger opening, a larger

9 window to be installed in a basement to get out of in

10 case of an emergency situation.

11 CHAIRMAN KRONK: So it's not a real Bilco

12 door?

13 THE WITNESS: No, it's not a door. It's

14 literally an area.

15 CHAIRMAN KRONK: And two of the windows will

16 have that and the other two are just steel?

17 THE WITNESS: Just normal size. They are

18 about 2 foot width by 2 foot high.

19 CHAIRMAN KRONK: Thank you.

20 MR. OLLER: Do you have any other witnesses?

21 MR. WIDTH: That's it.

22 CHAIRMAN KRONK: Okay. Mr. Philips would

23 you like to provide your planning report at this time?

24 MR. PHILIPS: So, Mr. Chairman, the report

25 essentially summarizes the proposal which you heard

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1 this evening. We also conducted a zoning analysis,

2 which I think the applicant's witnesses have confirmed

3 in terms of the relief sought, a D2, a D3 are two

4 conditions that are not met for supplemental

5 apartments. And then the bulk variances for the

6 setback to Locust Street being 2.1 feet deficient and

7 also the maximum coverage being 27.5 percent where 25

8 percent is permitted. And then I think the

9 applicant's planner also addressed all of the existing

10 deficiencies, which are not being exacerbated as part

11 of this application.

12 So the report lays out the proof

13 requirements for a D2 variance expansion of a

14 nonconforming use. The applicant did provide planning

15 testimony, seeking to address that standard and also

16 for the D3 conditional use deficiencies and, again, as

17 the board is aware the standard for D3 variance, which

18 comes out of the Coventry Westwood case is that the

19 applicant has to demonstrate to your satisfaction that

20 the site can overcome any problems that might be

21 associated with the deviations sought. And you heard

22 the applicant's testimony to that affect, as well.

23 We had asked for details about the

24 relationship between the dwelling and the

25 supplementary apartment, which I think were provided.

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1 Testimony was provided with regard to the setback and

2 coverage, a variance. They conform to the RSIS

3 parking requirement. They address the issue raised

4 about the artist studio and I think they indicated

5 there would be no plumbing, because we asked whether

6 there would be utility connections. We also raised

7 the issue that has been raised by at least two board

8 members about the ability to convert a lot of

9 additional rooms essentially to bedrooms, that was

10 raised in our report as well.

11 And I think that, essentially, summarizes

12 our report, Mr. Chairman.

13 CHAIRMAN KRONK: Mr. Slate, do you have

14 anything?

15 MR. SLATE: I have no comments.

16 CHAIRMAN KRONK: Okay. Then at this time I

17 will open up to members of the public. Again, this

18 will be for anything, comments, questions of the

19 application. Please come forward if you have any.

20 Mr. Oller will swear you in.

21 D E B B I E A Y R E S, after having been duly

22 sworn, testified as follows:

23 MS. AYRES: I just have real concerns. You

24 are saying there are ten people in the house. Now you

25 are going to use this apartment as a rental. Without

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1 that there could be 6 bathrooms, possibly basement,

2 whatever. I have concerns. Out of the approximately

3 ten houses between Locust and Lovell on Western

4 Avenue, there are only three of us that live in the

5 actual house. Every single one has been bought and is

6 rented. And now it's not like they are only rented to

7 a couple, they are renting rooms.

8 We have multiple people, multiple cars on

9 the street. It's not the same. Maybe I'm getting

10 older. I've lived here; I raised my family here; I

11 work here; my kids have gone to school. I'm really

12 unhappy with how much is going on in our area, in our

13 neighborhood.

14 You know, ten people in this house. It's

15 not saying these ten people are going to live here

16 forever. They bought this house without even checking

17 all this out first. What is going to happen if they

18 move? Is this going to be a boarding house

19 eventually? We just really have concerns in our area

20 about the use and how big the construction is going to

21 be. There are no eight- and nine-bedroom houses in

22 our area. And every single lot is small.

23 We are just concerned. And we hope you

24 understand if you lived in this area. I'm all for

25 keeping families together and understanding elderly



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1 parents and whatever but we are just really concerned  
2 about the use now versus later. First, it was going  
3 to be only family use, now they are going to rent out  
4 an apartment. We are just concerned about how many  
5 people are living and coming in and out of our area  
6 all the time. Thank for listening.  
7 CHAIRMAN KRONK: Thank you.  
8 L E E G O L D B E R G, after having been duly  
9 sworn, testified as follows:  
10 MR. GOLDBERG: Lee Goldberg. 10 Arrowhead  
11 Road.  
12 Just a clarification on the explanation that  
13 was given to Mr. Kronk for the Bilco door system. I  
14 have Bilco doors. They are doors that open up. I  
15 thought I heard at the end Mr. Kronk saying that there  
16 is not going to be doors and you had confirmed that.  
17 Is that correct; they are no doors?  
18 MR. TREPKAU: The existing foundation has a  
19 Bilco door on the existing side of the house. On the  
20 addition, we are proposing Bilco areaways that are a  
21 formed window well that is not a door access or  
22 anything like that, it just allows for a larger window  
23 to get more light and ventilation into the basement.  
24 MR. GOLDBERG: So it has nothing to do with  
25 accessing or gaining entry or leaving the building

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1 whatsoever.  
2 MR. TREPKAU: Correct. It's mainly for  
3 emergency egress purposes and light and ventilation.  
4 MR. GOLDBERG: So if there was an emergency  
5 you could knock out that window and crawl through that  
6 well.  
7 CHAIRMAN KRONK: It's not opening doors and  
8 having a set of stairs there.  
9 MR. GOLDBERG: I was not aware that was also  
10 called a Bilco. Thank you very much. I appreciate  
11 it.  
12 A R T A Y R E S, after having been duly sworn,  
13 testified as follows:  
14 MR. AYRES: My name is Art Ayres.  
15 Well, let's cut this to the chase. Number  
16 one, Mr. and Mrs. Anzul, doing something you said you  
17 were going to do for your parents, I can see that as a  
18 great thing. I really do. I understand what that's  
19 about. Now understand what that is about for us,  
20 someone made a comment that we have to get used to the  
21 traffic when you do this addition. I think you both  
22 know what that street is like and it's a horror story.  
23 That answer was bad. And, number one, it needs to be  
24 addressed. Either the township has to say no parking  
25 on one side, which also in the winter does happen. So

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1 that eliminates parking spaces.  
2 I'd just like people to understand what this  
3 street is like. This is a horror story. They rebuilt  
4 this street a few years ago. It's narrow. You can't  
5 get two cars down it. You literally can't get a truck  
6 up it with another car coming at you. Okay. End of  
7 that statement.  
8 Jeez. Now, I forgot. This Bilco door  
9 thing, back to that. This is a means of escape from  
10 the new basement. So how do you get into the new  
11 basement? Is it through the house?  
12 MR. TREPKAU: There are multiple ways to  
13 enter the new basement as was discussed previously.  
14 One is through the existing basement. There is what  
15 we are proposing is a window to be knocked out and the  
16 foundation to be enlarged to provide a secondary  
17 access to this space. The other way is through our  
18 brand new staircase, that is from the hallway on the  
19 first floor and you go down into the basement area.  
20 So there are two ways and there is a means of egress  
21 out.  
22 MR. AYRES: So basically the first door area  
23 will be the only way into the basement on that side.  
24 MR. TREPKAU: Yes. Correct. The primary.  
25 MR. AYRES: I really had a lot to say, but I

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1 forgot what the hell I was going to say in plain  
2 English. Basically, it's just a lot of conditions.  
3 Like I said, I give them a lot of credit for taking  
4 care of the family, but it's the little things.  
5 Which, you know, if they get addressed it won't be  
6 bad.  
7 The parking, part of it is going to have to  
8 give up part of the backyard. I plowed that driveway.  
9 An 8 foot plow does it in two shots. But at 16 feet,  
10 I don't know what a parking space is, but I could  
11 figure it out if I had to. So there are a few things  
12 that need to be looked at.  
13 My other great concern is the pine tree. It  
14 may sound stupid, it's your option, but when you start  
15 to excavate you are going to be cutting the root on  
16 the back of that tree and you and I both know the  
17 roots on the front are already exposed. It's a  
18 hundred feet -- well, give or take it's not a hundred  
19 feet. But if it falls across the street, it's going  
20 to take the power lines out. So I just want to  
21 address things like that so you have an idea. I'm not  
22 trying to be hard nosed. It's a concern to me because  
23 every time Sandy or one of those comes through it may  
24 go. In plain English.  
25 I don't know what else I'm going to say.

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1 I'm not going to complain. You do what you have to  
 2 do, just do it honestly. That's all I ask. Thank  
 3 you.  
 4 CHAIRMAN KRONK: Thank you.  
 5 MS. RIZZO: Hello, my name is Minor Rizzo  
 6 and I live at 139 Western Avenue at the next corner.  
 7 M I N O R R I Z Z O, after having been duly  
 8 sworn, testified as follows:  
 9 MS. RIZZO: I've lived on that street my  
 10 whole life. I have lived originally at 167, which is  
 11 where I was born almost 80 years ago. So it's been  
 12 very hard in my neighborhood to park. I'm lucky -- I  
 13 am fortunate I should say, that I have a three-car  
 14 garage because I live on the corner of Lovell and  
 15 Western so I don't have too much problems. But if I  
 16 have company, I have a problem.  
 17 And besides most of the cars with all of  
 18 these houses being one-family, they have one room and  
 19 that's all we have. I'm one of the three people on  
 20 that street that live in my own house. So that's all  
 21 I wanted to say. It's going to be very hard when all  
 22 these cars come and we can't even park. Sometimes I  
 23 can't even get out of my driveway. I'm fortunate if  
 24 there is traffic on Western, I can go around the  
 25 corner.

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1 So that's the only thing. Thank you.  
 2 CHAIRMAN KRONK: Thank you.  
 3 MS. SANDERS: Patricia Sanders, 4 Lovell  
 4 Street.  
 5 P A T R I C I A S A N D E R S, after having been  
 6 duly sworn, testified as follows:  
 7 MS. SANDERS: Just a couple questions for  
 8 Mr. and Mrs. Anzul. The tree that is there now. Will  
 9 that be coming down, the pine tree? For the architect  
 10 or whoever.  
 11 MR. ANZUL: Yes, I had a tree expert who  
 12 examined it, who advised that it should be removed.  
 13 And I asked our landscape planner to create some  
 14 decorative flowering tree coverage to replace it with.  
 15 AUDIENCE MEMBER: The one in the front you  
 16 are talking?  
 17 MR. ANZUL: Yes.  
 18 MS. SANDERS: The one like if you are  
 19 looking at your house, that big one.  
 20 MR. ANZUL: Yes. So we have been advised to  
 21 remove the pine tree from the front and we would like  
 22 to replace it with something decorative.  
 23 MS. SANDERS: And as I mentioned it with the  
 24 garbage cans, is there any way you can start putting  
 25 your cans on Western Avenue to avoid that backup on

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1 Locust Street?  
 2 MR. ANZUL: I guess. I never thought about  
 3 it. I suppose. I didn't know it was a problem.  
 4 AUDIENCE MEMBER: When we first moved there,  
 5 I thought --  
 6 CHAIRMAN KRONK: Hold on. You can't talk.  
 7 MR. OLLER: You were never a witness. You  
 8 weren't sworn in.  
 9 AUDIENCE MEMBER: Sorry.  
 10 MR. ANZUL: If that is something that I'm  
 11 being told I'm allowed to do, that would make things,  
 12 that would be an improvement. I have no objection to  
 13 that. I just never thought about it. I was never  
 14 even aware it was an issue.  
 15 MS. SANDERS: Just because the way his yard  
 16 is, it's the side of the hill so it's not like he can  
 17 get them off his lawn, so to speak, he would have to  
 18 put them in his driveway. As you know four of those  
 19 cans spaced out the way they need to be, if you bring  
 20 in the contractors plus the parking like they  
 21 mentioned, you have all the people on Western Avenue  
 22 they park on Locust Street.  
 23 CHAIRMAN KRONK: That's really not something  
 24 that is the purview of this board. It's really not a  
 25 zoning issue. I don't know even know how the public

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1 workers handle that. So that is not something this  
 2 board is going to get involved in.  
 3 MS. SANDERS: And like I said, just concerns  
 4 about that apartment again. So many places in the  
 5 area are going to apartments and like I said it just  
 6 adds more people, more cars. Thank you for your  
 7 consideration.  
 8 CHAIRMAN KRONK: Okay. Thank you.  
 9 Anybody else from the public? Last chance.  
 10 Hearing none, seeing none close public  
 11 portion.  
 12 Do you have a summation.  
 13 MR. WIDTH: No, Mr. Chairman, I think based  
 14 on the report and the analysis of the proofs that  
 15 we've offered to this point, I believe we have met the  
 16 criteria for both the C and the D variances and I am  
 17 prepared to leave it to the board's consideration.  
 18 CHAIRMAN KRONK: Okay. Thank you.  
 19 MR. WIDTH: Thank you.  
 20 CHAIRMAN KRONK: Mr. Oller, do we have any  
 21 conditions that were discussed during the application?  
 22 MR. OLLER: They were a couple at this point  
 23 in time. One condition would be that there would be  
 24 no plumbing in the garage. And that both the fountain  
 25 and the trellis that are on the landscape plan would

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1 be removed from the plans.  
 2 MR. WIDTH: Agreed.  
 3 MR. OLLER: And that is all.  
 4 CHAIRMAN KRONK: And also I think we were  
 5 going to designate in the resolution the apartment as  
 6 being one bedroom.  
 7 MR. OLLER: Which is the current condition  
 8 of the apartment, one bedroom. Yes, we will reflect  
 9 that in the resolution, the supplemental apartment is  
 10 one bedroom.  
 11 CHAIRMAN KRONK: If you can just go through  
 12 with the board exactly the legal status of the  
 13 existing apartment and how that is affected by this  
 14 application and how that would change should it be  
 15 approved or not?  
 16 MR. OLLER: So this application has -- there  
 17 is an existing one-bedroom supplemental apartment. If  
 18 the application were approved there is -- as a result  
 19 of the modifications to the property, the applicant is  
 20 creating a D2 situation because he is modifying the  
 21 existing apartment of the property, not the apartment  
 22 itself, but the property which requires a D2 variance.  
 23 The greater variance is the D3, conditional  
 24 variance for the apartment and there were two  
 25 conditions that weren't satisfied in the zoning, which

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1 was I think the size of the lot does not comply and  
 2 any exterior changes have to be within the existing  
 3 foundation and there is a new foundation. So those  
 4 are the two conditions that aren't satisfied in the  
 5 conditional use ordinance. So if the application were  
 6 denied, the applicant would still have a supplemental  
 7 apartment because it exists today as a preexisting  
 8 nonconforming use.  
 9 If the application were granted, it would  
 10 then exist under the D3 variance to be granted by the  
 11 board. The applicant is currently not using it as a  
 12 supplemental apartment, but under the municipal  
 13 ordinance, you have 18 months to utilize any variance  
 14 granted by the board. So the applicant would have 18  
 15 months to use the supplemental apartment. And if they  
 16 didn't, then barring any extensions, which they can  
 17 ask for, then the variance would expire.  
 18 CHAIRMAN KRONK: Okay. Everybody  
 19 understand that?  
 20 MR. WOODFORD: Yes.  
 21 CHAIRMAN KRONK: Questions?  
 22 Any discussions? Motions?  
 23 MR. CHRISTENSEN: Do we want to restrict the  
 24 basement so that it can't be bedrooms or apartments in  
 25 the future?

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1 CHAIRMAN KRONK: Well, it certainly can't be  
 2 apartments because the existing apartment is limited  
 3 to one bedroom. In terms of restricting it to  
 4 bedrooms, I really don't think we have --  
 5 MR. OLLER: There is nothing that I'm aware  
 6 of that restricts the number of bedrooms in a  
 7 single-family or a two-family home.  
 8 CHAIRMAN KRONK: So you can't put bedrooms  
 9 in your basement?  
 10 MR. CHRISTENSEN: I believe there are some  
 11 code requirements for a bedroom. If they satisfy the  
 12 code requirements for a bedroom, they can put in a  
 13 bedroom.  
 14 CHAIRMAN KRONK: Basically what we can say  
 15 is it can't be a separate apartment and that the  
 16 existing apartment can't be expanded.  
 17 MR. CHRISTENSEN: So we have it that way.  
 18 CHAIRMAN KRONK: Any other discussions?  
 19 Motions?  
 20 MR. WOODFORD: I was concerned about this  
 21 expansion of the bedrooms, but since there is no  
 22 restriction on the number of bedrooms that can be  
 23 placed in a single-family house and the addition is  
 24 within the setback lines, I would vote that we approve  
 25 this application with the restrictions noted by

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1 counsel.  
 2 CHAIRMAN KRONK: Thank you, Mr. Woodford.  
 3 Do we have a second?  
 4 MS. FERRARI: Second.  
 5 CHAIRMAN KRONK: Thank you. Who was that?  
 6 Mr. Ferrari.  
 7 Ms. Santiago, roll call, please.  
 8 MS. SANTIAGO: Ms. Kalaher.  
 9 MS. KALAHER: I'm voting against this  
 10 application.  
 11 MR. OLLER: Can your state the reasons why?  
 12 MS. KALAHER: Because it's an undersized  
 13 lot, I think the building coverage is just too high.  
 14 My concerns about the bedrooms in the basement. I  
 15 think there is way too many existing nonconformities  
 16 that are not helped by this. I am not convinced by  
 17 the planner's testimony that there is no substantial  
 18 detriment. I think it is too much for this  
 19 neighborhood.  
 20 MS. SANTIAGO: Ms. Ferrari.  
 21 MS. FERRARI: Yes.  
 22 MS. SANTIAGO: Ms. Johnson.  
 23 MS. JOHNSON: Yes.  
 24 MS. SANTIAGO: Mr. Woodford.  
 25 MR. WOODFORD: Yes.

1 MS. SANTIAGO: Mr. Staudt.  
 2 MR. STAUDT: For same reasons stated by  
 3 Ms. Kalaher I am going to vote no for this  
 4 application. I think it's just too much for this  
 5 neighborhood. I'm concerned what may happen with the  
 6 next generation. I can understand why they want to  
 7 have family come in, I think that is an admirable  
 8 thing to do; however, I think when the time passes we  
 9 will have an additional multifamily home in this  
 10 district which really can't handle the traffic so I  
 11 will vote no.  
 12 MS. SANTIAGO: Mr. Christensen.  
 13 MR. CHRISTENSEN: Yes.  
 14 MS. SANTIAGO: Mr. Kronk.  
 15 CHAIRMAN KRONK: Yes.  
 16 MR. OLLER: So the motion passes and the  
 17 application has been granted.  
 18 I do need the transcript to prepare the  
 19 resolution, so when you get that to me we will have a  
 20 resolution for you.  
 21 MR. WIDTH: We'll have it to you.  
 22 Thank you.  
 23 (Hearing concluded 9:31 p.m.)  
 24  
 25

1 C E R T I F I C A T I O N .  
 2  
 3 STATE OF NEW JERSEY )  
 : ss:  
 4 COUNTY OF MORRIS )  
 5  
 6  
 7 I, TONIANN ACQUARO, a shorthand reporter and  
 8 notary public for and within the State of New Jersey, do  
 9 hereby certify that the foregoing proceedings, taken at  
 10 the time and place aforesaid, is a true and correct  
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 12 I further certify that I am neither  
 13 counsel for nor related to any part to said action, nor  
 14 in any wise interested in the result or outcome thereof.  
 15 IN WITNESS WHEREOF, I have hereunto set  
 16 my hand this 25th day of June, 2018.  
 17  
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TOWNSHIP OF MORRIS  
 BOARD OF ADJUSTMENT  
 MONDAY, JUNE 25, 2018  
 COMMENCING AT 9:57 P.M.

..... : TRANSCRIPT  
 IN THE MATTER OF : OF  
 : PROCEEDING

CASE NO. BA-02-18 :  
 122 MT. KEMBLE, LLC :  
 241 Martin Luther King Avenue :  
 Block 10308, Lot 13, RB-7 Zone :  
 Section C :

**B E F O R E :**

TOWNSHIP OF MORRIS BOARD OF ADJUSTMENT

THERE BEING PRESENT:

TIMOTHY M. KRONK, CHAIRMAN

PAUL A. WOODFORD, MEMBER

PAUL STAUDT, MEMBER

JOHN CHRISTENSEN, MEMBER

JOEN FERRARI, MEMBER

KATHLEEN KALAHAR, MEMBER

LOUISE JOHNSON, ALTERNATE 1

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
 CERTIFIED COURT REPORTERS  
 P.O. BOX 505  
 SADDLE BROOK, NJ 07663-0505  
 201-641-1812 (201) 843-0515 FAX  
 LauraACarucciLLC@gmail.com

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**1** **A P P E A R A N C E S :**

**2** RICHARD OLLER, ESQUIRE

**3** Counsel to the Board

**4** PRIME LAW

**5** BY: NANCY A. LOTTINVILLE, ESQUIRE

14000 Horizon Way, Suite 325

**6** Mount Laurel, New Jersey 08054

Counsel to the Applicant

**7**

**8**

**9** **A L S O P R E S E N T :**

**10** SONIA SANTIAGO

**11** SECRETARY

**12** PAUL PHILLIPS

**13** BOARD PLANNER

**14** JAMES SLATE

**15** BOROUGH ENGINEER

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00:-17 **1** CHAIRMAN KRONK: Next application,

00:-17 **2** BA-02-18. Ms. Santiago, will you please read the

00:-17 **3** summary of this application into the record?

00:-17 **4** MS. SANTIAGO: Yes, Mr. Chairman.

00:-17 **5** This is Application BA-02-18, Block

00:-17 **6** 10308, Lot 13, 241 Martin Luther King Avenue in the

00:-17 **7** RB-7 zone for Section C, 122 Mt. Kemble, LLC.

00:-17 **8** Applicant proposes construction of a

00:-17 **9** two-family dwelling, which requires a bulk variance

00:-17 **10** relief for preexisting, nonconforming conditions

**11** including deficient lot area, lot width and accessory

**12** building side yard setback 5.6 feet where 10 feet is

**13** required and a front yard setback for the principal

**14** structure on Walnut Street of 14.7 feet where 25 feet

**15** is required.

00:-16 **16** CHAIRMAN KRONK: Mr. Oller, do we have

00:-16 **17** jurisdiction to proceed with this application?

00:-16 **18** MR. OLLER: We do, Mr. Chairman.

00:-16 **19** The notice was published properly,

00:-16 **20** timely, proper form and served on the property owners

00:-16 **21** within 200 feet.

00:-16 **22** The board does have jurisdiction.

00:-16 **23** CHAIRMAN KRONK: Okay. Applicant?

00:-16 **24** MR. STAUDT: Want me to go grab him?

00:-16 **25** CHAIRMAN KRONK: Huh?

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00:-16 1 MR. STAUDT: I know where he is, he's  
 00:-16 2 in the conference room.  
 00:-16 3 CHAIRMAN KRONK: Okay. Do you want to  
 00:-16 4 grab them?  
 00:-16 5 MS. SANTIAGO: They're coming.  
 00:-16 6 CHAIRMAN KRONK: Are you the attorney?  
 00:-16 7 MALE AUDIENCE MEMBER: Not tonight.  
 00:-15 8 CHAIRMAN KRONK: Good evening.  
 00:-15 9 MS. LOTTINVILLE: Good evening,  
 00:-15 10 Mr. Chairman.  
 00:-15 11 CHAIRMAN KRONK: Your application  
 00:-15 12 summary has been read into the record.  
 00:-15 13 Mr. Oller verified that your notice is  
 00:-15 14 complete in compliance and please proceed.  
 00:-15 15 MS. LOTTINVILLE: Thank you. My name  
 00:-15 16 is --  
 00:-15 17 CHAIRMAN KRONK: It's actually one  
 00:-15 18 thing, it's 10:00. We have a couple more items on  
 00:-15 19 the agenda, so you have a half hour.  
 00:-15 20 MS. LOTTINVILLE: A half hour?  
 00:-15 21 CHAIRMAN KRONK: Yes.  
 00:-14 22 MR. GRANT: Seriously?  
 00:-14 23 MR. OLLER: Yes. We end at 11:00 and  
 00:-14 24 we have other items that we need at least a half an  
 00:-14 25 hour at the end.

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00:-14 1 MR. GRANT: Well, we'll talk really  
 00:-14 2 fast. I don't know if we can get this done in a half  
 00:-14 3 an hour.  
 00:-14 4 I've got all my professionals here.  
 00:-14 5 These guys don't go cheap, you know. They're 1,000  
 00:-14 6 bucks a night.  
 00:-14 7 We can't get more than 30 minutes?  
 00:-14 8 MR. OLLER: I spoke to your attorney  
 9 about moving this to the next month and you decided  
 10 to proceed, which is fine, but you have half an hour.  
 11 MS. LOTTINVILLE: Thank you,  
 12 Mr. Chairman.  
 13 My name is Nancy A. Lottinville,  
 14 L-O-T-T-I-N-V-I-L-L-E, from the Prime Law Group  
 15 representing the applicant, 122 Mt. Kemble, LLC.  
 00:-14 16 We're here this evening on notice  
 00:-14 17 pertaining to the application that has been before  
 00:-14 18 you previously on two separate hearing dates.  
 00:-14 19 We would request the board's guidance  
 00:-14 20 as to how you would like us to proceed in terms of  
 00:-14 21 the notice.  
 00:-14 22 I recognize this evening that we have a  
 00:-13 23 slightly different makeup of the board than was  
 00:-13 24 previously the case. And I was wondering if you  
 00:-13 25 wanted us to begin anew or if you wanted us to

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00:-13 1 proceed in a continuation mode?  
 00:-13 2 And the reason that I bring that up is  
 00:-13 3 the fact that Mr. Christensen is sitting instead of  
 00:-13 4 Mr. Williams. And I am unaware of whether he's had  
 00:-13 5 an opportunity to review the transcripts.  
 00:-13 6 MR. OLLER: So let me just go over that  
 00:-13 7 with the board.  
 00:-13 8 MS. LOTTINVILLE: Sure.  
 00:-13 9 MR. OLLER: So at the conclusion of the  
 00:-13 10 last hearing the applicant's application was denied.  
 00:-13 11 Subsequently, I received notice from  
 00:-13 12 Mr. Grant and/or his attorney about holding off on  
 00:-13 13 preparing a resolution because he wanted to address  
 00:-13 14 the board about reopening the hearing and presenting  
 00:-13 15 a different plan. He has since presented a plan. It  
 00:-12 16 has gone before the TCC.  
 00:-12 17 So the question that Ms. Lottinville  
 00:-12 18 raises is there's two ways that we could go. At his  
 00:-12 19 request, I've held off on preparing the resolution.  
 00:-12 20 We could simply have a resolution, which would, in  
 00:-12 21 fact, conclude the first hearing, because there is --  
 00:-12 22 there was a motion for me to prepare such a  
 00:-12 23 resolution. That would end that hearing. We would  
 00:-12 24 then open this as a new hearing. Her concern being  
 00:-12 25 that we have -- and I'm not sure -- were you on the

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00:-12 1 last --  
 00:-12 2 MS. JOHNSON: Yes.  
 00:-12 3 MS. KALAHER: Ms. Johnson was.  
 00:-12 4 MR. OLLER: So was everyone here on the  
 00:-12 5 last hearing?  
 00:-12 6 CHAIRMAN KRONK: Except John, John was  
 00:-12 7 not.  
 00:-12 8 MR. OLLER: Was not, okay.  
 00:-12 9 CHAIRMAN KRONK: John wasn't and  
 00:-12 10 Donnell was here.  
 00:-12 11 MR. OLLER: Okay. So, you know, the  
 00:-12 12 issue then is for John to vote if we only -- if we  
 00:-12 13 reopened the meeting, John would have to read all of  
 00:-11 14 the transcripts from the hearings that he was not at.  
 00:-11 15 So since this is really a new plan and  
 00:-11 16 I think substantially different from the first plan,  
 00:-11 17 I don't believe there would be a res judicata issue  
 00:-11 18 with respect to the second plan and so the cleanest  
 00:-11 19 way, perhaps, of proceeding is to just take this as  
 00:-11 20 though it were a new application before the board.  
 00:-11 21 We'll catch up with the resolution on the first  
 00:-11 22 application so that we can properly conclude that  
 00:-11 23 first vote and that first application.  
 00:-11 24 And we will deal with the subsequent  
 00:-11 25 plan as a new application before the board.

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00:-11 1 MS. LOTTINVILLE: Thank you, Mr. Oller.  
 00:-11 2 That would be fine. We'll proceed then ab initio.  
 00:-11 3 MR. OLLER: Okay.  
 00:-11 4 MS. LOTTINVILLE: Would you want to --  
 00:-11 5 okay. At this point I'd like to present to the board  
 00:-11 6 Mr. Jay Grant, who is the managing member of the  
 00:-11 7 applicant LLC, 221 Mt. Kemble -- I'm sorry, 122.  
 00:-10 8 MR. OLLER: Mr. Grant, please stand and  
 00:-10 9 raise your right hand, please.  
 00:-10 10 Do you solemnly swear that the  
 00:-10 11 testimony you will give to this board will be the  
 00:-10 12 truth, the whole truth and nothing but the truth, so  
 00:-10 13 help you God?  
 00:-10 14 MR. GRANT: I do.  
 00:-10 15 MR. OLLER: Thank you.  
 00:-10 16 J A Y G R A N T,  
 00:-10 17 7 Buddy Lane, Morristown, New Jersey 07960,  
 00:-10 18 having been duly sworn, testifies as follows:  
 00:-10 19 MR. GRANT: So this was in the  
 00:-10 20 submission package. Can I hold it here so you guys  
 00:-10 21 can see it then?  
 00:-10 22 MS. SANTIAGO: Can you use the  
 00:-10 23 microphone, please.  
 00:-10 24 MR. GRANT: Sure. I'll use the  
 00:-10 25 hand-held.

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00:-09 1 let me put this here, it will be easier. The  
 00:-09 2 property in question --  
 00:-09 3 MR. OLLER: Describe it for the record  
 00:-09 4 first, Jay, if you would.  
 00:-09 5 It's just a sketch of the property  
 00:-09 6 showing the setback line to the property; is that  
 00:-09 7 right, and the outline of the --  
 00:-09 8 MR. GRANT: So the blue is the property  
 00:-09 9 that we have. It's 50 feet by 150 feet. We're  
 00:-09 10 showing the existing barn that we would convert into  
 00:-09 11 a two-car garage if approved. We're showing the  
 00:-09 12 footprint of the proposed new home.  
 00:-09 13 We're also showing in the green area,  
 00:-09 14 which is an area that's 10 foot by 100 foot, looks  
 00:-09 15 like a train track, it is the building envelope that  
 00:-09 16 would be permitted if we got zero variances, that's  
 00:-09 17 all you could build here whether it was a trailer  
 00:-09 18 home or a caboose or a train. It's not a house that  
 00:-08 19 would be appropriate to build almost anywhere, not in  
 00:-08 20 New Jersey.  
 00:-08 21 So the green is a  
 00:-08 22 10-foot-by-100-foot-building envelope that's given by  
 00:-08 23 all of the conditions, which include three front  
 00:-08 24 yards. A front yard on MLK, a front yard on Walnut  
 00:-08 25 and a front yard on the 12-foot alleyway behind this.

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1 Was this in the first package, this  
 2 image, is this in your package now?  
 3 MS. SANTIAGO: Yes, it is.  
 4 MR. GRANT: Okay.  
 00:-10 5 MR. OLLER: Is that the same as in the  
 00:-10 6 package, though?  
 00:-10 7 MR. GRANT: It's the same.  
 00:-10 8 MR. OLLER: Okay.  
 00:-10 9 MR. GRANT: Yeah. I mean, with the  
 00:-10 10 exception of my notes and we could -- you could --  
 00:-10 11 MR. OLLER: Well, let's mark it.  
 00:-10 12 MS. LOTTINVILLE: Let's mark it and we  
 00:-10 13 are up to, I believe, A --  
 00:-10 14 MR. GRANT: Well, it's a new --  
 00:-10 15 MS. LOTTINVILLE: We're a new  
 00:-10 16 application.  
 00:-10 17 MR. OLLER: So it's going to be A-1.  
 00:-10 18 MS. LOTTINVILLE: A-1 with today's  
 00:-10 19 date.  
 00:-10 20 MR. OLLER: Yes.  
 00:-10 21 (Whereupon, Sketch of the Property is  
 00:-10 22 received and marked as Exhibit A-1 for  
 00:-10 23 identification.)  
 00:-09 24 MR. GRANT: So what we want to show  
 00:-09 25 with this map is we have the property in question --

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00:-08 1 So we end up with three front yards, which is how the  
 00:-08 2 envelope shrinks as much as it does.  
 00:-08 3 In the interest of time --  
 00:-08 4 MR. OLLER: So just clarify for me, so  
 00:-08 5 the setback in -- the existing setback is 10 feet by  
 00:-08 6 100; is that right?  
 00:-08 7 MR. GRANT: So the setbacks are 25, 25  
 00:-08 8 --  
 00:-08 9 MR. OLLER: No, no, no, your green  
 00:-08 10 lines, your building envelope.  
 00:-08 11 MR. GRANT: So the building envelope --  
 00:-08 12 MR. OLLER: Your building envelope.  
 00:-08 13 MR. GRANT: 10-foot wide by 100-foot  
 00:-08 14 long --  
 00:-08 15 MR. OLLER: Okay. Thank you.  
 00:-08 16 MR. GRANT: -- under current zoning.  
 00:-08 17 MR. OLLER: Okay.  
 00:-08 18 MR. GRANT: In -- in this example we  
 00:-08 19 show future proposed parking as well.  
 00:-08 20 Okay. So we also made a summary. This  
 00:-07 21 would be the next exhibit.  
 00:-07 22 MS. LOTTINVILLE: A-2, entitled "241  
 00:-07 23 MLK Table."  
 00:-07 24 (Whereupon, 241 MLK Table is received  
 00:-07 25 and marked as Exhibit A-2 for identification.)

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00:-07 1 MR. GRANT: So on this side of the  
00:-07 2 summary, we listed the concerns that we heard  
00:-07 3 previously and we wanted to state very clearly that  
00:-07 4 we had heard the comments from the public and we  
00:-07 5 wanted to address them.

00:-07 6 So the first comment that we heard loud  
00:-07 7 and clear was that it was too much house. It was a  
00:-07 8 two-family house proposing with six bedrooms. We're  
00:-07 9 coming back and asking for a two-family house with a  
00:-07 10 total of four bedrooms. So two bedrooms on unit one  
00:-07 11 and a two-bedroom on unit two. Smaller by 33  
00:-07 12 percent.

00:-07 13 There was a lot of discussion that  
00:-07 14 bedroom three was too small, although it met code, it  
00:-07 15 was called "tiny" and so we eliminated the third  
00:-07 16 bedroom in both cases and we have now one-third less  
00:-07 17 bedrooms, so a total of four instead of six.

00:-06 18 The footprint previously was 1500  
00:-06 19 square feet, 30 by 50. We heard comments that that  
00:-06 20 was too big.

00:-06 21 So we have a footprint now that's 25 by  
00:-06 22 49. That equals about 1225 square feet. That's a 19  
00:-06 23 percent reduction in the overall footprint of the --  
00:-06 24 of the proposed new home.

00:-06 25 And finally -- well, not finally,  
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00:-05 1 would not change the footprint in -- at all. We  
00:-05 2 would just put new garage doors, new siding, new  
00:-05 3 roof, new windows. So the whole exterior would be  
00:-05 4 new.

00:-05 5 We would park two cars in the existing  
00:-05 6 barn and that causes many variances because it's an  
00:-05 7 existing grandfathered condition, but it's -- we're  
00:-05 8 not making it any larger or smaller. We're not  
00:-05 9 changing.

00:-05 10 So the house now faces Walnut Street.  
00:-05 11 So this would be the front elevation facing Walnut  
00:-05 12 Street.

00:-04 13 Do you want to mark this?  
00:-04 14 MS. LOTTINVILLE: And we're going to  
00:-04 15 mark that as A-4 and that is elevations, front and  
00:-04 16 rear.

00:-04 17 (Whereupon, Elevations, front and rear  
00:-04 18 is received and marked as Exhibit A-4 for  
00:-04 19 identification.)

00:-04 20 MR. GRANT: So this faces Walnut. The  
00:-04 21 unit in the front would be entered from this doorway  
00:-04 22 and the unit to the other side would be entered here  
00:-04 23 (indicating).

00:-04 24 This was the back of the house facing  
00:-04 25 away from Walnut.

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00:-06 1 number four, the house was too skinny. Both units  
00:-06 2 were 15 feet wide by 50 feet long. We heard comments  
00:-06 3 that that was too -- not going to be a good place to  
00:-06 4 live. So now we have two units. One is 24 by 32.  
00:-06 5 The other would be 24 by 16.

00:-06 6 We heard comments that we didn't  
00:-06 7 propose enough landscaping. I have a landscaping  
00:-06 8 plan. We have over 45, 50 bushes and trees proposed  
00:-06 9 surrounding the entire property.

00:-06 10 As a carryover from last meeting, we  
00:-05 11 continue to propose -- I mean, I think this was part  
00:-05 12 of the submission, but we can -- if you want to be  
00:-05 13 sure, we can maybe put an exhibit --

00:-05 14 MS. LOTTINVILLE: We're using it as an  
00:-05 15 exhibit. We'll call it A-3 and this is Sheet C-2 of  
00:-05 16 the submission set showing the --

00:-05 17 MR. GRANT: Garage.  
00:-05 18 MS. LOTTINVILLE: -- garage.

00:-05 19 (Whereupon, Sheet C-2 is received and  
00:-05 20 marked as Exhibit A-3 for identification.)

00:-05 21 MR. GRANT: So on the property you may  
00:-05 22 recall there's an existing dilapidated, I'm going to  
00:-05 23 call it a barn, it has a one-car garage door right  
00:-05 24 now. We propose changing that one-car garage door  
00:-05 25 into two. So this is the new face of the barn. We

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00:-04 1 The floor plan has been simplified and  
00:-04 2 made more rectangular, because -- rather than long  
00:-04 3 and rectangular. It's more square, I should say.  
00:-04 4 The front unit, which would be a two-bedroom unit,  
00:-04 5 you would walk into the unit, you would have a  
00:-04 6 kitchen and a center island, a stairwell going up, a  
00:-04 7 family room behind (indicating).

00:-04 8 This whole unit is about 18 by 25.  
00:-04 9 That's about 450 square feet approximately of living  
00:-04 10 space, which is a very comfortable space for a family  
00:-04 11 to live and then a powder room as well. So I have  
00:-04 12 that.

00:-03 13 Going upstairs of that same unit, we've  
00:-03 14 got two bedrooms and a hall bath. That's one of the  
00:-03 15 two-family units.

00:-03 16 The other one is larger, takes up an  
00:-03 17 area of 30 by the same width, 25. So that's  
00:-03 18 approximately 600 feet on the first floor. We also  
00:-03 19 have two bedrooms and two bathrooms and an office  
00:-03 20 upstairs.

00:-03 21 MS. LOTTINVILLE: And for the record  
00:-03 22 that will be A-5 and that is the floor plan.

00:-03 23 MR. GRANT: Correct.  
00:-03 24 (Whereupon, Floor plan is received and  
00:-03 25 marked as Exhibit A-5 for identification.)

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00:-03 1 MR. GRANT: I mentioned in my brief  
 00:-03 2 introduction that we heard that the landscaping  
 00:-03 3 wasn't adequate. So we did create a landscaping  
 00:-03 4 plan. There's over 40 bushes and trees listed here.  
 00:-03 5 I see red maples, six large red maples and a couple  
 00:-03 6 more trees, some other trees. There's one -- there's  
 00:-03 7 six and 3- to 4-foot height. So that looks like  
 00:-02 8 seven -- 13 trees and the rest are bushes. So the  
 00:-02 9 house will be adequately landscaped.  
 00:-02 10 MR. OLLER: So Mr. Grant, is your  
 00:-02 11 architect here?  
 00:-02 12 MR. GRANT: He was not available this  
 00:-02 13 evening.  
 00:-02 14 MR. OLLER: Is your landscape architect  
 00:-02 15 available?  
 00:-02 16 MR. GRANT: He was not available this  
 00:-02 17 evening.  
 00:-02 18 But, you know, I felt that the plan was  
 00:-02 19 -- spoke for itself.  
 00:-02 20 So that's how the house is different.  
 00:-02 21 And I'm prepared to answer any questions about the  
 00:-02 22 plans that we have in front of you.  
 00:-02 23 MR. OLLER: So are you going to bring  
 00:-02 24 your architect at the next meeting?  
 00:-02 25 MR. GRANT: Only if I can't answer your

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00:-01 1 architectural plan. He's not an architect.  
 00:-01 2 MR. GRANT: I am the designer. I  
 00:-01 3 helped design -- I've designed the space.  
 00:-01 4 MR. OLLER: I think it needs to be  
 00:-01 5 testified to by an architect.  
 00:-01 6 MS. LOTTINVILLE: I think we -- we'd  
 00:-01 7 like to proceed this evening in the remaining 15  
 00:-01 8 minutes --  
 00:-01 9 MR. OLLER: Sure.  
 00:-01 10 MS. LOTTINVILLE: -- insofar as  
 00:-01 11 introducing our -- our new concept and moving forward  
 00:-01 12 with the application.  
 00:-01 13 And so I'm concerned that without first  
 00:00 14 having the architect speak to the signed and sealed  
 00:00 15 plans that have been submitted and reviewed by the  
 00:00 16 township, we'd like to proceed with our planner who  
 00:00 17 is available.  
 00:00 18 CHAIRMAN KRONK: Well, we could proceed  
 00:00 19 with Mr. Grant. We're just going to open up to the  
 00:00 20 public now on the testimony that he just provided.  
 00:00 21 MS. LOTTINVILLE: All right. Why don't  
 00:00 22 --  
 00:00 23 CHAIRMAN KRONK: We can do that.  
 00:00 24 MS. LOTTINVILLE: We can do that.  
 00:00 25 CHAIRMAN KRONK: And he can answer

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00:-02 1 questions tonight. I think this is a pretty simple  
 00:-02 2 house and a simple plan. I think I've -- I've been  
 00:-02 3 building for 30 years, over 300 houses. I think I  
 00:-02 4 can explain this house pretty -- pretty adequately.  
 00:-02 5 So if I need to bring in my architect, I can.  
 00:-02 6 MR. OLLER: Well, I think you should  
 00:-02 7 have -- you know, there's a substantial number of  
 00:-02 8 objectors to your plan and I think there should be  
 00:-02 9 professional testimony for the architectural plan.  
 00:-01 10 MR. GRANT: We had a chance to meet  
 00:-01 11 with the folks from the neighborhood.  
 00:-01 12 MR. OLLER: That's great. I'm sure  
 00:-01 13 we're going to hear from every one of them.  
 00:-01 14 MR. GRANT: And -- I'm sure we will.  
 00:-01 15 But, we -- you know, we've tried to increase our  
 00:-01 16 communication with them and I'm going to welcome  
 00:-01 17 their questions. I think, like I said, for the house  
 00:-01 18 plan, it's fairly simple. I've been building for 30  
 00:-01 19 years. I think I can answer questions about a  
 00:-01 20 rectangular house that's 25 by 49.  
 00:-01 21 MR. OLLER: I don't think he's  
 00:-01 22 qualified to testify to the architectural plan.  
 00:-01 23 CHAIRMAN KRONK: That he didn't  
 00:-01 24 prepare.  
 00:-01 25 MR. OLLER: That he didn't prepare the

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00:00 1 questions, but he can't testify to those signed and  
 00:00 2 sealed plans.  
 00:00 3 MS. LOTTINVILLE: All right. So we'll  
 00:00 4 view Mr. Grant's testimony as an introduction and an  
 00:00 5 overview --  
 00:00 6 CHAIRMAN KRONK: Yes.  
 00:00 7 MS. LOTTINVILLE: -- of the changes  
 00:00 8 between the prior plan and the current plan and at  
 00:00 9 this time then we'll proceed as you direct.  
 00:00 10 CHAIRMAN KRONK: Okay. So at this time  
 00:00 11 we'll open up to members of the public who have any  
 00:00 12 questions for Mr. Grant.  
 00:00 13 We're in questions only, no comments at  
 00:00 14 this time.  
 00:00 15 I know there's got to be one.  
 00:00 16 MS. BROWN: Hi. Kimberly Brown, 2  
 00:00 17 Carlton Street.  
 00:00 18 MR. OLLER: I'm sorry, I didn't get  
 00:00 19 that.  
 00:00 20 MS. BROWN: I'm sorry. My name is  
 00:00 21 Kimberly Brown, 2 Carlton Street.  
 00:00 22 You've heard me over and over. I live  
 00:00 23 in Morris Township.  
 00:00 24 A couple of questions already. The  
 00:00 25 first apartment, 450 square feet on the bottom and

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00:00 1 tell me again what size the two bedrooms are, would  
 00:00 2 you mind?  
 00:00 3 MR. GRANT: Right. So the first floor  
 00:00 4 was approximately 450 and the upper second floor  
 00:00 5 would be approximately 450. I --  
 00:00 6 MS. BROWN: Right. But the bedrooms  
 00:00 7 will be what size?  
 00:00 8 MR. GRANT: The total -- the bedroom  
 00:00 9 sizes for that unit?  
 00:00 10 MS. BROWN: Yes, sir.  
 00:00 11 MR. GRANT: I have one that's 11 by 10  
 00:00 12 foot 4-and-a-half inches and one that's 12 foot,  
 00:00 13 7-and-a-half inches by 9 feet.  
 00:00 14 MS. BROWN: Okay. And the 600 square  
 00:00 15 foot one?  
 00:00 16 MR. GRANT: The size of those bedrooms?  
 00:00 17 MS. BROWN: Yes, sir.  
 00:00 18 MR. GRANT: We -- there's two bedrooms.  
 00:00 19 One is 12 foot by 11 and one is 11 by 12-foot-4.  
 00:01 20 Building code allows a bedroom --  
 00:01 21 MS. BROWN: Okay.  
 00:01 22 MR. GRANT: -- to be 7 foot by 7 foot,  
 00:01 23 7-and-a-half by 7-and-a-half.  
 00:01 24 MS. BROWN: Okay. Okay.  
 00:01 25 MR. GRANT: So we're bigger than what

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00:02 1 we have an option to either keep it or to sell it.  
 00:02 2 We don't know which.  
 00:02 3 MS. BROWN: We'd like somebody who  
 00:02 4 cares about the neighborhood. Do you -- do you  
 00:02 5 realize that?  
 00:02 6 MR. GRANT: Well, I think anyone who  
 00:02 7 could pay what we're going to spend on -- we're going  
 00:02 8 to spend a half a million dollars or more to build  
 00:02 9 this. I think anyone who can buy this --  
 00:02 10 MS. BROWN: I mean I'm not trying to --  
 00:02 11 MR. GRANT: May I answer your question,  
 00:02 12 please?  
 00:02 13 MS. BROWN: I'm not talking about  
 00:02 14 money. I'm not talking about money.  
 00:02 15 MR. GRANT: I know but I want to answer  
 00:02 16 your question.  
 00:02 17 Anyone who could afford to buy this  
 00:02 18 house, would have the pride of ownership to maintain  
 00:02 19 it for a long time. Nobody is going to buy this  
 00:02 20 house and ignore it. There's too much money  
 00:02 21 invested. That's as -- that's as straight as I could  
 00:02 22 be.  
 00:02 23 MS. BROWN: Well, I'm not talking about  
 00:02 24 ignoring it either.  
 00:02 25 MR. GRANT: Okay.

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00:01 1 code allows.  
 00:01 2 MS. BROWN: Let me -- let me also say,  
 00:01 3 do you think that that size lot needs 40 bushes and  
 00:01 4 trees? Do you think that's overkill?  
 00:01 5 MR. GRANT: No, I don't. I think  
 00:01 6 bushes and trees enhance the beauty of the house and  
 00:01 7 I don't think they will be overgrown. It -- most of  
 00:01 8 them will be -- you know, they're designed by an  
 00:01 9 architect, a landscape architect. There will be --  
 00:01 10 look good for a long time. I don't think there's too  
 00:01 11 much.  
 00:01 12 MS. BROWN: Let me say this to you, I  
 00:01 13 really appreciate you talking to use back in the  
 00:01 14 back.  
 00:01 15 But we still have some questions.  
 00:01 16 MR. GRANT: Sure.  
 00:01 17 MS. BROWN: If you don't mind?  
 00:01 18 MR. GRANT: Absolutely.  
 00:01 19 MS. BROWN: There was another question  
 00:01 20 I had, do you plan -- the other question is --  
 00:01 21 another question I have is: Do you plan to build  
 00:01 22 this unit, these two units and then sell this off?  
 00:02 23 MR. GRANT: So my partners and I  
 00:02 24 haven't made that decision yet. We can make that  
 00:02 25 decision in the future after it's constructed. We --

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00:02 1 MS. BROWN: Anyway, I would like for  
 00:02 2 Mr. Christensen to -- to read some of what we said  
 00:02 3 last time, too, if at all possible.  
 00:02 4 CHAIRMAN KRONK: Well, since we  
 00:02 5 actually are starting this application over from the  
 00:02 6 beginning, he does not need to read the transcripts,  
 00:02 7 so anything --  
 00:02 8 MS. BROWN: All right. Great.  
 00:02 9 CHAIRMAN KRONK: Well, it's -- wait,  
 00:02 10 this is a brand new application and that's why --  
 00:03 11 MS. BROWN: If you want to, you can.  
 00:03 12 CHAIRMAN KRONK: Okay. If he wants to,  
 00:03 13 but he doesn't have to.  
 00:03 14 MS. BROWN: All right.  
 00:03 15 CHAIRMAN KRONK: If he has any free  
 00:03 16 time.  
 00:03 17 It would have been a different story if  
 00:03 18 we had made this a continuation to the original  
 00:03 19 application, then he couldn't have voted without  
 00:03 20 reviewing the transcripts.  
 00:03 21 But we're starting --  
 00:03 22 MS. BROWN: Please read it, please.  
 00:03 23 MR. GOLDBERG: Lee Goldberg, 10  
 00:03 24 Arrowhead Road.  
 00:03 25 To echo the woman that spoke before me

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00:03 1 said, and I appreciate the 10 minutes or so or the  
 00:03 2 time you spent back in the conference room  
 00:03 3 elaborating some of the changes you've made here to  
 00:03 4 the plan, I appreciate your effort on coming back  
 00:03 5 with what seems like a more reasonable plan.  
 00:03 6 I was asking you, do you mind -- well,  
 00:03 7 I guess my question is --  
 00:03 8 CHAIRMAN KRONK: Questions.  
 00:03 9 MR. GOLDBERG: Yeah. The -- could you  
 00:04 10 reiterate, because it came as a surprise to learn,  
 00:04 11 that the affordable housing unit needs to sort of be  
 00:04 12 somewhere off-site from where you're currently  
 00:04 13 developing, the Mt. Kemble project on Mt. Kemble Ave  
 00:04 14 with the townhouse units.  
 00:04 15 How did you arrive at determining to  
 00:04 16 put it someplace else?  
 00:04 17 MR. GRANT: And that wasn't part of my  
 00:04 18 testimony just now.  
 00:04 19 MR. GOLDBERG: All right.  
 00:04 20 MR. GRANT: So maybe I should defer to  
 00:04 21 Phil. He'll give testimony to that. And he'll give,  
 00:04 22 perhaps, a more accurate answer than I would give,  
 00:04 23 Lee.  
 00:04 24 MR. GOLDBERG: Okay. Thank you.  
 00:04 25 MR. GRANT: I think I should defer to

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00:05 1 Street.  
 00:05 2 MR. OLLER: I'm sorry. Could I have  
 00:05 3 your name again please?  
 00:05 4 MS. McKAY: Jeannie McKay, 10 Walnut  
 00:05 5 Street.  
 00:05 6 MR. OLER: Thank you.  
 00:05 7 MS. McKAY: I just -- I have an old  
 00:05 8 landscaping thing that you brought the last time and  
 00:05 9 what -- like Kim said, the old one only had 27 trees  
 00:05 10 -- well, combined, 27 trees and bushes. And I'm  
 00:05 11 thinking that 40 might be too much.  
 00:05 12 FEMALE AUDIENCE MEMBER: It's overkill.  
 00:05 13 MR. GRANT: Well, on the bushes,  
 00:05 14 Jeannie, I think, are -- they're buckets -- they come  
 00:05 15 in buckets that are 18-by-24 inches three-gallon  
 00:05 16 buckets. They're not big. If they're not trees,  
 00:05 17 they're little buckets that are shrubs.  
 00:05 18 So to say that there's 20 of them, you  
 00:05 19 can spread them out over an area, it wouldn't look  
 00:05 20 like it filled up a lot. A lot of them are just  
 00:05 21 shrubs.  
 00:06 22 MS. McKAY: Yeah, you have that listed  
 00:06 23 here too, you have the sizes 18, 24, three-gallon.  
 00:06 24 MR. GRANT: Right.  
 00:06 25 MS. McKAY: You had nine of those size

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00:04 1 Phil on that.  
 00:04 2 MR. GOLDBERG: Okay. Thank you.  
 00:04 3 And then was there any other  
 00:04 4 consideration to just making this a single-family  
 00:04 5 home and just a 2200-square-foot home and just  
 00:04 6 providing it that way or that would not enable you to  
 00:04 7 comply with what you need to comply with?  
 00:04 8 MR. GRANT: That is not -- it's not  
 00:04 9 feasible --  
 00:04 10 MR. GOLDBERG: It's not feasible?  
 00:04 11 MR. GRANT: -- for us to do that.  
 00:04 12 Not feasible for me to do that.  
 00:04 13 FEMALE AUDIENCE MEMBER: No?  
 00:04 14 MR. GRANT: No.  
 00:04 15 MR. GOLDBERG: Well, Mr. -- is it  
 00:04 16 Mr. Abrahamsen (phonetic), will he be giving  
 00:04 17 testimony this evening?  
 00:05 18 MR. GRANT: If we have time. I'm  
 00:05 19 trying to talk fast.  
 00:05 20 MR. GOLDBERG: Thank you. Thank you.  
 00:05 21 CHAIRMAN KRONK: Anybody else in the  
 00:05 22 public?  
 00:05 23 MS. McKAY: Jeannie McKay --  
 00:05 24 CHAIRMAN KRONK: Good evening.  
 00:05 25 MS. McKAY: Jeannie McKay, 10 Walnut

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00:06 1 and you had two of 36, 42 seven gallons; three of 36,  
 00:06 2 47 seven gallons; two of 30, 36 five gallons; four  
 00:06 3 24, 30 five gallons.  
 00:06 4 Then you had two 6- to 7-foot height  
 00:06 5 and four 2-and-a-half and then one 2-and-a-half.  
 00:06 6 So that was a total of 27.  
 00:06 7 MR. GRANT: We're open to doing --  
 00:06 8 we're open --  
 00:06 9 MS. McKAY: Can we see -- can we see  
 00:06 10 how -- we saw how you were going to lay it out the  
 00:06 11 last time.  
 00:06 12 Can we see how you're going to lay it  
 00:06 13 out now?  
 00:06 14 MR. GRANT: It's on this plan. You can  
 00:06 15 come look at it.  
 00:06 16 And we're happy to do less, but we  
 00:06 17 don't think that you can really over plant with  
 00:06 18 bushes. I think it just adds to the beauty of the  
 00:06 19 home, but I'm happy to do less if the board directs  
 00:06 20 me to do less.  
 00:06 21 MS. McKAY: That's my only question.  
 00:07 22 MR. GRANT: Thank you.  
 00:07 23 MR. SOLOMON: Good evening. My name is  
 00:07 24 William Solomon. I live at 38 Highland Avenue,  
 00:07 25 Morris Township.

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00:07 1 The question that I have for the  
 00:07 2 gentleman there, I was thinking about the size of the  
 00:07 3 bedrooms. I have a small bedroom, size is 12 feet by  
 00:07 4 11 feet. And I can only get a single bed in there  
 00:07 5 and a dresser, but he has bedrooms much smaller. I  
 00:07 6 doubt if you get any furniture in there. No -- that  
 00:07 7 size is just about the size of a king-size bed, no  
 00:07 8 bedroom. It's not much bigger.  
 00:07 9 MR. GRANT: I believe a king-size bed,  
 00:07 10 Lauren, correct me if I'm wrong, is, like, 5 by 8,  
 00:07 11 that's 40 square feet. It's much, much smaller. I  
 00:07 12 don't know what size --  
 00:08 13 FEMALE AUDIENCE MEMBER: That's a full  
 00:08 14 size.  
 00:08 15 MR. GRANT: You can check for me, but  
 00:08 16 there's room. There's a full closet in each bedroom.  
 00:08 17 And there is room for furniture in each room, plus a  
 00:08 18 bed. Probably a full -- I would say either a full-  
 00:08 19 or queen-size bed would fit in there.  
 00:08 20 MR. SOLOMON: Do you think you can get  
 00:08 21 a queen-size in there?  
 00:08 22 MR. GRANT: I know it would fit. I  
 00:08 23 don't know if -- it would take up a part of the room,  
 00:08 24 but it would definitely fit.  
 00:08 25 MR. SOLOMON: Okay. It looks -- it  
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00:08 1 seems to be very small.  
 00:08 2 FEMALE AUDIENCE MEMBER: It looks  
 00:08 3 deficient. And a dresser too?  
 00:08 4 MR. GRANT: With a dresser.  
 00:08 5 MS. BROWN: Again, sir, my name is  
 00:08 6 Kimberly Brown. I live at 2 Carlton Street.  
 00:08 7 What makes it unfeasible just for a  
 00:08 8 one-family home? What makes it unfeasible for you?  
 00:08 9 MR. GRANT: In my children's lifetime  
 00:08 10 it would never pay back, this is not -- I'm not --  
 00:08 11 I'm not a person who can do things that don't make  
 00:08 12 economic sense and at the end of the day I'm a  
 00:08 13 business person. It has to make economic sense.  
 00:08 14 MS. BROWN: Right.  
 00:08 15 MR. GRANT: That's just the straight  
 00:09 16 truth. I can't -- I can't pay 150 for the land and  
 00:09 17 build a single-family house and then call it a  
 00:09 18 moderate-income unit. Nobody spends that kind of  
 00:09 19 money on a moderate-income unit in this state. And  
 00:09 20 there's a reason. It just -- it can't be done.  
 00:09 21 MS. BROWN: Well, don't you think the  
 00:09 22 land was pretty reasonable, though?  
 00:09 23 MR. GRANT: Not if I had to build one  
 00:09 24 house on it, no.  
 00:09 25 MS. BROWN: Oh, compared to some other  
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00:09 1 places in Morris Township?  
 00:09 2 MR. GRANT: Not if I -- not if I had to  
 00:09 3 build a single-family house, no.  
 00:09 4 MS. BROWN: Well, you say you have a  
 00:09 5 partner, right?  
 00:09 6 MR. GRANT: Again, we're -- you know,  
 00:09 7 I'm not going to apologize for being a businessman  
 00:09 8 that's here to make sure that I don't lose money on a  
 00:09 9 project. I'm here to do a good job. I've built 30  
 00:09 10 -- for 30 years 300 houses, every one people are  
 00:09 11 proud to live in. I believe someone would be proud  
 00:09 12 to live in this house for a long time.  
 00:09 13 MALE AUDIENCE MEMBER: Too small.  
 00:10 14 CHAIRMAN KRONK: Anybody else with any  
 00:10 15 questions, please come forward?  
 00:10 16 (No response.)  
 00:10 17 CHAIRMAN KRONK: Seeing none, hearing  
 00:10 18 none, close the public portion.  
 00:10 19 Board members, do we have --  
 00:10 20 MR. OLLER: Yeah, we didn't do board  
 00:10 21 questions.  
 00:10 22 CHAIRMAN KRONK: Yeah, board member  
 00:10 23 questions of Mr. Grant.  
 00:10 24 Yes, Ms. Kalaher?  
 00:10 25 MS. KALAHER: Are there any laundry  
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00:10 1 facilities?  
 00:10 2 MR. GRANT: We plan -- it shows on the  
 00:10 3 foundation we have hookups on both basements --  
 00:10 4 MS. KALAHER: Okay.  
 00:10 5 MR. GRANT: For both units, a laundry  
 00:10 6 room in both basements.  
 00:10 7 A separate one for each.  
 00:10 8 MS. KALAHER: A separate one for each I  
 00:10 9 must have missed that.  
 00:10 10 Okay. Thank you.  
 00:10 11 CHAIRMAN KRONK: Other board members?  
 00:10 12 (No response.)  
 00:10 13 CHAIRMAN KRONK: Okay.  
 00:10 14 MR. GRANT: Is there time to let Phil  
 00:10 15 give his presentation?  
 00:10 16 MR. OLLER: I have a question, Nancy,  
 00:10 17 did we mark the landscape plan?  
 00:10 18 MR. GRANT: Yes, you did, A-6.  
 00:10 19 MS. LOTTINVILLE: A-6.  
 00:10 20 (Whereupon, Landscape Plan is received  
 00:10 21 and marked as Exhibit A-6 for identification.)  
 00:11 22 MR. GRANT: Can you present in four  
 00:11 23 minutes, Phil?  
 00:11 24 MR. OLLER: Is your engineer going to  
 00:11 25 testify?  
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00:11 1 MS. LOTTINVILLE: Not this evening.  
 00:11 2 MR. OLLER: Not this evening. Okay.  
 00:11 3 And you want to do planning before  
 00:11 4 engineering.  
 00:11 5 CHAIRMAN KRONK: You want to do  
 00:11 6 planning before engineering and architecture?  
 00:11 7 MR. OLLER: And you want to do planning  
 00:11 8 in four minutes?  
 00:11 9 MS. LOTTINVILLE: I don't.  
 00:11 10 MR. GRANT: I mean, we -- you know, we  
 00:11 11 could be -- you know, Kathy's here. You can talk --  
 00:11 12 if you give her -- we'll give her the mic and let her  
 00:11 13 introduce the plan, I'll be happy to do that.  
 00:11 14 MR. OLLER: Well, you have to remember,  
 00:11 15 this is a new application, so you have to address it  
 00:11 16 as though --  
 00:11 17 CHAIRMAN KRONK: Everything you said  
 00:11 18 before is gone, so you're starting over.  
 00:12 19 MR. OLLER: Would you raise your right  
 00:12 20 hand, please?  
 00:12 21 Do you solemnly swear that the  
 00:12 22 testimony you will give to this board will be the  
 00:12 23 truth, the whole truth and nothing but the truth so  
 00:12 24 help you God?  
 00:12 25 MS. MUELLER: Yes, I do.

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00:12 1 CATHERINE MUELLER,  
 00:12 2 5 Powder Horn Drive, Suite 4, Warren, New Jersey  
 00:12 3 07059, having been duly sworn, testifies as  
 00:12 4 follows:  
 00:12 5 MR. OLLER: And just state your full  
 00:12 6 name for the record, please?  
 00:12 7 MS. MUELLER: Catherine with a "C",  
 00:12 8 Mueller, M-U-E-L-L-E-R.  
 00:12 9 I'm a principal at the firm of  
 00:12 10 Page-Mueller Engineering Consultants located in  
 00:12 11 Warren Township, New Jersey.  
 00:12 12 I'm a registered professional engineer  
 00:12 13 in the State of New Jersey and my license is in good  
 00:12 14 standing.  
 00:12 15 DIRECT EXAMINATION  
 00:12 16 BY MS. LOTTINVILLE:  
 00:12 17 Q. And have you previously testified  
 00:12 18 before planning and zoning boards in New Jersey?  
 00:12 19 A. Yes, I have.  
 00:12 20 MR. OLLER: Including this one --  
 00:12 21 THE WITNESS: Including this one.  
 00:12 22 MR. OLLER: -- with the last  
 00:12 23 application, right?  
 00:12 24 THE WITNESS: Yes.  
 00:12 25 CHAIRMAN KRONK: And the board accepts

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1 her qualifications on the prior application.  
 2 MS. LOTTINVILLE: Most recently.  
 3 Thank you.  
 4 CHAIRMAN KRONK: Please proceed.  
 5 THE WITNESS: Thank you.  
 00:12 6 So it's on the board, I have the plans  
 00:12 7 that were submitted as part of the application,  
 00:12 8 originally dated February 1st, 2008 [sic] with a  
 00:12 9 revision date of June 14th, 2018, originally dated  
 00:12 10 2018.  
 00:13 11 The cover page shows the area of the  
 00:13 12 subject lot, which is Block 10308, Lot 13. It is a  
 00:13 13 rectangular lot which has frontage along Martin  
 00:13 14 Luther King, I'll say to the west by using north up  
 00:13 15 on the page as a reference, Walnut street to the  
 00:13 16 south and a 12-foot alleyway as shown on the  
 00:13 17 municipal tax map to the east. And a single-family  
 00:13 18 home to the north. And across Walnut street is the  
 00:13 19 -- a chicken restaurant.  
 00:13 20 So the site has three frontages along  
 00:13 21 Martin Luther, Walnut and also the municipal  
 00:13 22 alleyway.  
 00:13 23 There are -- there's one improvement,  
 00:13 24 the existing two-car garage/barn, which Mr. Grant had  
 00:13 25 referenced to and is currently mostly gravel, it's

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00:13 1 been used to store cars for different businesses, I  
 00:14 2 believe a neighbor parks on the lot.  
 00:14 3 There's one tree towards the corner of  
 00:14 4 the lot, which will remain as part of our project.  
 00:14 5 And I'll just point out the zone lines,  
 00:14 6 we're in the RB-7 zone. There is a zone line along  
 00:14 7 Martin Luther King. On the other side of Martin  
 00:14 8 Luther King to the west is the D-11 zone. And the  
 00:14 9 other said of the alleyway is the RA-7 zone.  
 00:14 10 Switching to Sheet 2, this is our site  
 00:14 11 dimension and lot development plan. We show in the  
 00:14 12 black outline, the footprint of the proposed  
 00:14 13 two-family house will have the frontage and access  
 00:14 14 facing Walnut Street. So -- and then be have a  
 00:14 15 walkway coming parallel down Walnut Street where  
 00:15 16 we're proposing two parking spaces on grade  
 00:15 17 side-by-side and also an additional two spaces to  
 00:15 18 utilize the two-car garage, which will be renovated.  
 00:15 19 The parking requirements for a  
 00:15 20 two-bedroom house is 1.5 spaces. So we've provided  
 00:15 21 two per unit on-site.  
 00:15 22 The proposed dwelling will be serviced  
 00:15 23 by public utilities, water, public sewer, gravity  
 00:15 24 sewer, gas and underground services from a pole  
 00:15 25 across the street.

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00:15 1 The proposed improvements will increase  
 00:15 2 the impervious on the site by 1891 square feet.  
 00:15 3 We've done soil tests on the lot, we have sandy  
 00:15 4 soils.  
 00:15 5 So what we're proposing for stormwater  
 00:15 6 management is a yard drain in the back, because we're  
 00:15 7 creating a small low point, which is this now, so  
 00:15 8 we're improving the drainage that's there now next to  
 00:15 9 our neighbor and also collecting the roof runoff. So  
 00:15 10 all the downspouts will be collected under ground and  
 00:15 11 conveyed to a dry well system in the front of the  
 00:15 12 lot.

00:15 13 During larger storms we're proposing an  
 00:15 14 overflow, which will connect to the existing inlet at  
 00:15 15 the corner of Walnut and Martin Luther King.

00:16 16 There are a number of variances which  
 00:16 17 Phil will go -- our planner will go into more  
 00:16 18 testimony later.

00:16 19 As Mr. Grant has stated and shown as a  
 00:16 20 previous exhibit, we have three front yards, the  
 00:16 21 required front yard setback being 50 feet and our lot  
 00:16 22 is -- excuse me -- 25 feet and our lot is only  
 00:16 23 50-feet wide.

00:16 24 So we are proposing a 25-foot compliant  
 00:16 25 front yard setback for Martin Luther King Avenue.

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00:16 1 We're proposing a 14.7 setback from  
 00:16 2 Walnut.

00:16 3 We have a compliant setback of over 75  
 00:16 4 feet from the alleyway, in reference to the principal  
 00:16 5 building.

00:16 6 And a side yard setback of 10 feet  
 00:17 7 where 15 feet is required for a two-family house.

00:17 8 There are also preexisting  
 00:17 9 nonconformities and variances that we're requesting  
 00:17 10 for the two-car garage or barn to remain. It is  
 00:17 11 technically in the front yard adjacent to the  
 00:17 12 alleyway. So the existing setback from that alleyway  
 00:17 13 is 0.9 feet. That will remain unchanged, proposed  
 00:17 14 0.9 feet. The side yard for the accessory building  
 00:17 15 is at 5.6 feet, that's existing and also proposed.

00:17 16 The building coverage is also -- the  
 00:17 17 building coverage will be compliant, 30 percent is  
 00:17 18 allowed. We're at 26 percent. That's for both the  
 00:17 19 principal building and the existing garage. So we  
 00:17 20 comply there.

00:17 21 The maximum lot coverage allowable is  
 00:18 22 75 percent. Both buildings are included, our parking  
 00:18 23 areas, a walkway to the parking area, our proposed  
 00:18 24 coverage is 39.6 percent when 75 percent is allowed.

00:18 25 So with exception to our walkway, two  
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00:18 1 -- two spots in the driveway way to the garage, it  
 00:18 2 will all be lawn. The gravel will be removed, we'll  
 00:18 3 topsoil and put lawn on the property.

00:18 4 I think that just about -- oh, one  
 00:18 5 other thing I wanted to just touch on is the sight  
 00:18 6 triangle. We are a corner lot. There is a stop bar  
 00:18 7 along Walnut Street for cars that will be entering  
 00:18 8 out onto Martin Luther King Avenue.

00:18 9 So we've set and shown the sight line  
 00:18 10 from the point of the eye from the driver as if they  
 00:18 11 were stopped at the stop bar looking to the east or  
 00:18 12 -- excuse me, to the north on Martin Luther King for  
 00:18 13 250 linear feet, which is reflective of the  
 00:19 14 25-mile-an-hour speed limit. We have not proposed  
 00:19 15 any improvements on the corner that will inhibit that  
 00:19 16 sight distance.

00:19 17 So we've made sure that all of our  
 00:19 18 proposed improvements on the lot, we can still  
 00:19 19 maintain that sight distance for the line that's  
 00:19 20 crossing our property.

00:19 21 We've done general grading. The lot is  
 00:19 22 fairly flat. We've mimicked the drainage patterns  
 00:19 23 that are there now.

00:19 24 There is an encroaching fence from the  
 00:19 25 neighbor to the north. We've indicated that to be

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00:19 1 relocated to the property line as part of the  
 00:19 2 improvements.

00:19 3 And that sums up the engineering  
 00:19 4 testimony, if anybody has any questions.

00:19 5 CHAIRMAN KRONK: Board members?  
 00:19 6 Ms. Kalaher?

00:19 7 MS. KALAHER: I probably should have  
 00:19 8 asked this of Mr. Grant, but because you mentioned  
 00:19 9 the grading and the topsoil. In the prior  
 00:20 10 application, there's the apron right next to the road  
 00:20 11 there, Walnut Street, which is currently gravel.

00:20 12 Is the -- like, the prior application  
 00:20 13 we're going to do -- are you going to continue the  
 00:20 14 topsoil and the grass to that location, even though  
 00:20 15 it's not your property.

00:20 16 THE WITNESS: No, as part of this, and  
 00:20 17 we've had some discussions amongst the applicant and  
 00:20 18 also with the township engineer, that does provide  
 00:20 19 on-street parking under current conditions.

00:20 20 If we were to curb it and put topsoil,  
 00:20 21 that would eliminate that parking. I know it's  
 00:20 22 utilized not by our property, but the property across  
 00:20 23 the street.

00:20 24 But when the restaurant is not open, it  
 00:20 25 would provide some parking adjacent to the -- the

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00:20 1 proposed dwelling.  
 00:20 2 So we are proposing to have that stay  
 00:20 3 as a gravel shoulder within the right-of-way.  
 00:20 4 MS. KALAHER: Okay.  
 00:20 5 CHAIRMAN KRONK: Any other board member  
 00:20 6 questions?  
 00:20 7 MS. FERRARI: Nope.  
 00:20 8 CHAIRMAN KRONK: Nope?  
 00:20 9 Okay. That's probably a -- a good  
 00:21 10 place to wrap it up. We'll start with opening up to  
 00:21 11 the public.  
 00:21 12 MS. LOTTINVILLE: Start with the  
 00:21 13 public?  
 00:21 14 CHAIRMAN KRONK: Start with the public  
 00:21 15 next time, yup.  
 00:21 16 Okay. We currently have July 23rd  
 00:21 17 available. July 23rd, are you available for that  
 00:21 18 date?  
 00:21 19 MS. LOTTINVILLE: I believe -- July  
 00:21 20 23rd? Yes.  
 00:21 21 CHAIRMAN KRONK: Okay.  
 00:21 22 MS. LOTTINVILLE: Thank you,  
 00:21 23 Mr. Chairman.  
 00:21 24 CHAIRMAN KRONK: Board members, do we  
 00:21 25 have a motion to carry this application to the July  
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CERTIFICATE

1  
 2  
 3  
 4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary  
 Public of the State of New Jersey, Notary ID. #15855,  
 5 Certified Court Reporter of the State of New Jersey,  
 and a Registered Professional Reporter, hereby  
 6 certify that the foregoing is a verbatim record of  
 the testimony provided under oath before any court,  
 referee, board, commission or other body created by  
 7 statute of the State of New Jersey.  
 8 I am not related to the parties  
 involved in this action; I have no financial  
 9 interest, nor am I related to an agent of or employed  
 by anyone with a financial interest in the outcome of  
 this action.  
 10 This transcript complies with  
 regulation 13:43-5.9 of the New Jersey Administrative  
 11 Code.  
 12  
 13  
 14  
 15 \_\_\_\_\_  
 LAURA A. CARUCCI, C.C.R., R.P.R.  
 License #X102050, and Notary Public  
 of New Jersey #15855, Notary  
 Expiration Date March 1, 2019  
 16  
 17 Dated: \_\_\_\_\_  
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00:21 1 23rd hearing?  
 00:21 2 MS. KALAHER: So moved.  
 3 CHAIRMAN KRONK: Thank you.  
 4 Do we have a second?  
 5 MR. CHRISTENSEN: Second.  
 6 CHAIRMAN KRONK: All in favor?  
 7 (Whereupon, all Board Members respond  
 8 in the affirmative.)  
 00:21 9 CHAIRMAN KRONK: All opposed?  
 00:21 10 (No response.)  
 00:21 11 CHAIRMAN KRONK: Motion carries. The  
 00:21 12 meeting is adjourned to July 23rd.  
 00:21 13 MR. OLLER: So for members of the  
 00:21 14 public, this meeting will continue on July 23rd in  
 00:21 15 this room at 7:30.  
 00:22 16 There will be no further notices from  
 00:22 17 the applicant.  
 18 (Whereupon, the application is carried  
 19 to a future 0date. Time noted: 10:37 p.m.)  
 20  
 21  
 22  
 23  
 24  
 25  
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