

**TOWNSHIP OF MORRIS  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
AUGUST 27, 2018**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, August 27, 2018, at 7:40 pm 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 August 22, 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  
Mr. Paul Woodford  
Mr. Paul Staudt  
Mr. John Christensen

Members Absent

Ms. Joen Luy Ferrari  
Mr. Jeremiah Loughman, Alternate #2  
Mr. Donnell Williams

Also Present

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

Consideration for approval of minutes of April 23, 2018, March 28, 2016, July 25, 2016, August 22, 2016 regular meetings and August 29, 2016 special meeting.

On motion duly made by Mr. Woodford, seconded by Ms. Kalaher, and unanimously carried, the minutes of the April 23, 2018, March 28, 2016, July 25, 2016, August 22, 2016 regular meetings and August 29, 2016 special meeting were 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 June 25, 2018 meeting.

BA-19-17

John Anzul

Block 3906, Lot 6, 131 Western Avenue, RB-11 zone. Section C and D.

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

Mr. Woodford moved, seconded by Mr. Christensen, 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 June 25, 2018 meeting.

Roll Call: (Voting Members) Mr. Woodford, Mr. Christensen, Mr. Kronk

**Public Hearings**

BA-02-18

122 Mt. Kemble, LLC

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

Continuation from the June 25, 2018 public hearing, applicant proposes construction of a two family dwelling which requires bulk variance relief for pre-existing, non-conforming conditions including deficient lot area, lot width and accessory building side yard setback 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.

Mr. Oller informed the Board that he had a discussion with the applicant's attorney and informed her that there would not be a full Board available this evening and they sent an email indicating that they would prefer to carry the application to the next hearing date so that we can explore them with a full Board. Ms. Kalaher moved, seconded by Mr. Woodford and unanimously carried; the application is carried to the September 24, 2018 Board meeting without further notice.

**Mr. Woodford recused himself from the following application.**

BA-07-18

Marcio & Blanca Salas

Block 7302, Lot 3, 349 South Street, RA-15 zone. Section C.

Applicant proposes construction of a 24 x 24 two car garage creating a side yard setback of 6 feet where 20 feet is required and a combined side yard setback of 13.71 feet where 50 feet is required.

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

Mr. Marcio Salas & Mrs. Blanca Salas, entered their appearance and sworn in by the Board attorney presented the application to the Board.

No exhibits were submitted as evidence.

**Summary of Testimony** – Blanca Salas, Homeowner

Mrs. Salas stated that they are looking to improve their house after they have lived in the house almost 30 years. The lots on South Street are large but narrow and therefore the prior owner built the garage right behind the house. Unfortunately, that hinders their ability to see or enjoy the backyard. At this point our family has grown and when our grandchildren come to visit, it is impossible for us to care for them. For this reason, we have decided to do an addition and move our garage to the far left of the lot. According to the ordinance requirements we are to place the garage 20 feet from the property line; if we place the garage 20 feet it will be in the center of the property, for this reason we are asking for a variance to place the garage 6 feet from the property line. We will remove the existing garage and the new one will be a two car garage. There will be electricity to the garage, but no plumbing. The current garage will be removed and that location will be made into a patio with pavers. The lot to the right is a little smaller without a garage; the 2 houses consecutive to their house on the other side are similar structures. Ms. Salas spoke with both of her neighbors and they did not have any complaints.

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

Public portion closed at 7:53 pm

Mr. Staudt moved, seconded by Ms. Kalaher that approval be granted to the application of Marcio & Blanca Salas thereby permitting on Block 7302, Lot 3 the construction of a two car garage 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 September 24, 2018 meeting.

**Roll Call: (Voting Members)**

Ms. Kalaher	YES
Mr. Staudt	YES
Mr. Christensen	YES
Mr. Kronk	YES

4 Ayes 0 Nay 0 Abstain

Mr. Woodford is seated at this time.

**BA-04-18**

Block 8006, Lot 20, 22 Bradwahl Drive, RA-15 zone Section C.

**John & Tymara Delatush**

Applicant proposes construction of an 18 x 20 deck creating a rear yard setback of 8.3 feet where 25 feet is required.

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

Mr. & Mrs. Delatush, entered their appearance and sworn in by the Board attorney presented the application to the Board.

No exhibits were submitted as evidence

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

Mr. Delatush stated they have been residents of Morris Township for over 8 years and have owned the property for 5 years. The property has been a work in progress, and putting this deck in the rear of our property is an extension of that. It is a natural flow from the kitchen in our house to the outdoors. The reasons we are asking for relief are that the lot is irregularly shaped, we are a corner lot, and the house is not centered on the lot. The house is parallel to Bradwall St., and the topography is very hilly. The upper part of the lot descends rapidly towards York Street. We are looking to put a deck on the rear of property at the top of the hill. We spoke with the neighbors, those within sight of the deck, and received positive feedback from them. The reason for putting the deck at this location is that the house is located on a hill, and this is the most logical spot in order to go from our kitchen and access the backyard.

**Summary of Testimony** –Tymara Delatush, Owner

We have a walk out basement. In the front of the yard the house is one story, the rear is two stories. If we placed the deck more in the center of the existing house, it would obscure the natural light that comes into the second story which is a nice living space we use all of the time. It would take away a nice aspect of the house. The walk out basement that goes toward the pavers is quite far from the kitchen, making it difficult to have a family meal outside. The reason we are asking for the deck placement is to be close to the kitchen and avoid blocking windows in the lower level of the house. The existing sliders and stairs are there already to go to the deck. There will be steps from the deck to go into the backyard and the pavers.

Mrs. Delatush stated the deck will be closest to the structure of our neighbor's house on Bradwall St. Between us there is a hedge, a driveway and the neighbor's outside patio. Regarding the neighbor on York St., our deck would be back towards the rear of their yard and there is a retaining wall with shrubs between us. It would be toward the rear of their driveway. Mr. Delatush added between our house and our neighbor's on York St. the neighbor's property descends, we have a hedge of forsythia and other trees. There is a retaining wall and the house is centered on the lot, parallel to York St. The deck would be far from the neighbor's dwelling.

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

James Maynard	12 York Road
Kimberly Brown	2 Carlton Street

Public portion closed at 8:07 pm

Mr. Woodford moved, seconded by Ms. Kalaher that approval be granted to the application of John & Tymara Delatush thereby permitting on Block 8006, Lot 20 the construction of a rear deck 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 September 24, 2018 meeting.

**Roll Call: (Voting Members)**

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

5 Ayes 0 Nay 0 Abstain

BA-09-18

Averam Watsky

Block 5502, Lot 11, 47 Molly Stark Drive, RA-15 zone. Section C.

Applicant proposes construction of a second story addition expanding a non-conforming structure creating a front yard setback of 2.5 feet on Chestnut Street.

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

Mr. Averam Watsky and Sandra Heintz entered their appearance and sworn in by the Board attorney presented the application to the Board.

No exhibits were submitted as evidence.

**Summary of Testimony** – Averam Watsky, Owner

Mr. Watsky stated the request is for an addition to our home. It is a unique home in which we have 2 bedrooms, 1.5 bathrooms, a kitchen and dining room downstairs, and the only room upstairs is the living room. We would like to add a bedroom and a full bathroom upstairs. The upstairs will be turned into two bedrooms with a full bathroom. The current bedroom downstairs will become a living room. We will then have a living room, dining room and kitchen downstairs with an additional small bedroom. It will be more like the floor plan of a home, and we will have more use of the space upstairs because right now it is only a living room.

Ms. Heintz stated the property shows up on the property maps in the early 1800's, it had looked like it was storage or perhaps a barn but has been a house since 1919. Mr. Watsky stated the intent is not to add to the house's footprint, but to simply go up. The home across the street is two stories; the houses on either side are two stories. Our house is built into the hill. From Chestnut you would only see the one story but it will be two stories similar to the houses surrounding us.

A discussion was carried between the Board and Applicants. Ms. Heintz stated there is a front door going out onto the open porch, a 2.5x8 foot slab of cement, which goes into the Chestnut St. Right of Way. The front door will be changed to a window. The intent is to have a walkway from Chestnut St. down to the main entrance on Molly Stark Drive.

Mr. Oller explained to the Board that the ordinance requires a minimum front yard setback of 25 feet and the properties existing setback is 2.5 feet which creates the variance. A discussion was carried regarding the variance and what is there today. A discussion was carried regarding the fence into the right of way and the front porch. Mr. Watsky and Ms. Heintz stated they would accept the condition that the open porch would be removed from the Township's Right of Way on Chestnut Street. They plan to expand their garden. There is a split rail fence going into the Township's right of way off of the existing shed. Conditions for this application would be to remove the porch and portion of fence from the Chestnut Street Right of Way.

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

Public portion closed at 8:19pm

Ms. Kalaher moved, seconded by Mr. Christensen approval be granted to the application of Averam Watsky thereby permitting on Block 5502, Lot 11 the construction of a second story addition 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 September 24, 2018 meeting.

Roll Call: (Voting Members)

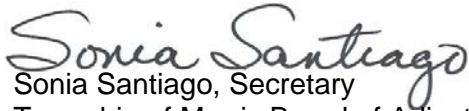
Ms. Kalaher	YES
Mr. Woodford	YES
Mr. Staudt	YES
Mr. Christensen	YES
Mr. Kronk	YES

5 Ayes 0 Nay 0 Abstain

**Other Matters** – none to be heard.

With no further business for consideration by the Township of Morris Board of Adjustment, on motion duly made, seconded and unanimously carried, the meeting was adjourned at 8:21 P.M.

Respectfully submitted,



Sonia Santiago, Secretary  
Township of Morris Board of Adjustment  
Approved: October 22, 2018