

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of March 7, 2007 to order at 7:10 p.m.

MEMBERS PRESENT: Elliott Averett, Morris Bauer, Felix Graziano, Harvey Ort, Craig Schwemmer, Anthony Spina, John Turick
Alternate Members: Dorothy Walter, Frank Baguiao
Members Absent:
Others Present: Clerk Kesper, Attorney Fraser, Planner Banisch, Engineer Hall

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 12, 2007 and posted on the Bulletin Board on the same date.

Pledge of Allegiance

MINUTES

1. February 7, 2007 Regular Meeting

Mr. Averett made a motion to approve the minutes, seconded by Mr. Spina. Minor changes were made a voice vote was taken; Mr. Ort abstained, all others were in favor and the motion carried.

RESOLUTIONS

07-08 Stanzione – Block 12, Lot 30.14 – 19 Arrowhead Drive – R-1 Zone -.80 acres – Approval of Request for Side Yard Setback Variance and expansion of non-conforming structure

Mr. Spina made a motion to approve resolution 07-08. Seconded by Mr. Averett. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Spina, Schwemmer, Turick, Baguiao
 Nays: None Abstentions: None Absent: Ort

07-09 Primax – Advanced Auto Parts – Block 2 Lots 9 & 10 – Route 46 – C-1
Zone – Approval of Request for Preliminary and Final Site Plan with
Variances

Ms. Fraser Mr. Hall and Attorney Lavery have reviewed the resolution and their requested changes have been made.

Mr. Hall drywell Dr. Oweis stated he could live with the drywell with conditions. A letter will be forth coming on this issue. The applicant's engineer stated that they would be able to meet the conditions

Mr. Averett made a motion to approve resolution 07-09. Seconded by Mr. Bauer. A roll call vote was taken:

Ayes: Bauer, Spina, Schwemmer, Turick, Baguiao, Walter
Nays: None Abstentions: None Absent: Ort
Ineligible: Averett, Graziano

07-10 Montgomery – Block 54, Lot 21 – 400 West Mill Road – R-5 Zone –2.538
Acres – Denial of Request for Interpretation Regarding Use of the
Property

Ms. Fraser reviewed minor changes made to the resolution.

Mr. Spina made a motion to approve resolution 07-10. Seconded by Mr. Graziano. A roll call vote was taken:

Ayes: Averett, Graziano, Schwemmer, Spina, Turick, Baguiao, Walter
Nays: None Abstentions: None Absent: Ort
Ineligible: Bauer

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. DelTufo – Block 37 Lot 20 – 137 E. Valley Brook Road, R-5 Zone - .65 Acres - Request for front and side yard variance and expansion of non-conforming structure to replace porch with two-story addition

Robert DelTufo
Hope DelTufo

Hope and Robert DelTufo were sworn in by Attorney Fraser.

Mr. DelTufo explained that he wanted to put a two story addition on the side of the home where a porch exists. The variance is needed because the house was built in 1860, along with a neighboring home, very close to the road. He cannot put the addition to the back because the yard slopes up sharply. They will not be going more than 6 inches closer to the road. The existing foundation will be replaced and they will have a crawl space. He stated that he could not put a full basement because of the location of the septic system. It will be space for a family room and a bedroom and possibly a bathroom. The siding will match the existing siding. The addition is 16' x 16'. The existing house is about the same size. One of the current bedrooms will become a closet. The number of bedrooms will remain the same.

The plans were reviewed and a side yard setback is also required because the whole house is within the westerly side yard setback at 6.45', although the applicant is not encroaching any further on that side yard.

The meeting was opened to the public for questions or comments on this application. There were no questions or comments and the meeting was closed to the public for this application.

Mr. Spina made a motion to grant the variance as requested, with a front yard setback from the center line of the road of 38' keeping the addition following the plane of the current house. Seconded by Mr. Graziano

Ayes: Averett, Bauer, Graziano, Ort, Schwemmer, Spina, Turick,
Nays: None Abstentions: None Absent: None
Ineligible: None

2. Zaikowski – Block 15, Lot 11 – 212 Bartley Road – R-5 Zone – 5.274 Acres – Request for side and rear setback variances, structure in flood plain and expansion of non-conforming structure for furnace room

Steven Zaikowski, Applicant

Steven Zaikowski was sworn in by Attorney Fraser.

Mr. Zaikowski stated that his house was built in 1850. In 1870 the railroad took most of the back yard. He referred to the plans submitted and described the area he wishes to build a 6' x 10' addition for a utility room to bring his furnace up out of his basement. He explained that when the area floods his basement gets water. He is going to convert the furnace to gas when he moves it out of the basement into the proposed addition. The addition would be 2' from the property line. The centerline of the railroad tracks is 50' from his property line. The neighbor to the rear is approximately ¼ mile. His nearest neighbor is off Elizabeth Lane.

Ms. Fraser explained that the planning board has exclusive jurisdiction for the variance from the structure in a flood plain. The flood plain ordinance is not under the land use law.

The meeting was opened to the public for questions or comments on this application. There were no questions or comments and the meeting was closed to the public for this application.

Mr. Spina made a motion to approve the rear yard setback variance and expansion of non-conforming structure as presented. Seconded by Mr. Graziano.

Ayes: Averett, Bauer, Graziano, Ort, Schwemmer, Spina, Turick
Nays: None Abstentions: None Absent: None
Ineligible: None

3. Cannavo – Block 46 Lot 53.06 – 7 Settlers Ridge – R-5 Zone – 6.43 Acres
– Request for steep slope variance

Michael Cannavo, Applicant

Michael Cannavo was sworn in by Attorney Fraser.

Mr. Cannavo presented the history of the Settlers Ridge subdivision. He stated that he is the owner of an individual lot. He stated that before he purchased the lot he had investigated the property and found that this was a buildable lot with all the proper approvals, but when he applied for his building permit he found out that due to a sink hole that had developed in the detention basin building permits were not being issued for this subdivision.

Mr. Hall concurred with the events cited by Mr. Cannavo and stated that he has written a letter recommending the Township accept the road and in his opinion the subdivision is now ready for acceptance by the Township. The situation with the detention basin has been remedied.

Mr. Hall stated that in August 2004 he approved the original grading plan for this lot, which is basically what is before the board tonight. Since that time the Township adopted a new steep slope ordinance. He also explained that the time of protection from final subdivision expired in April 2006.

Mr. Banisch reviewed his memo of March 7th and stated that the trees are in a conservation easement and he did not object to the location of the home.

Mr. Cannavo accepted the conditions in Mr. Halls's letter of February 13th. He stated that he has already applied for the driveway permit.

Mr. Banisch reviewed the ridgeline ordinance for the board.

The meeting was opened to the public for questions or comments on this application. There were no questions or comments and the meeting was closed to the public for this application.

Mr. Graziano made a motion to approve the application as presented, seconded by Mr. Spina. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Ort, Schwemmer, Spina, Turick,

Nays: None Abstentions: None Absent: None

Ineligible: None

4. Colonial Investment – Block 56 Lots 10 & 11 – West Valley Brook Road – R-5 Zone – 4.259 Acres – Request for Steep Slope Variance, Ridgeline Variance – Deemed Complete December 6, 2006 – Previously Heard December 6, 2007 and February 7, 2007 -Public Hearing Continued – Expires – April 5, 2007

Mr. Schwemmer announced that this application was adjourned at the Applicant's request to April 4, 2007

5. Rosado – Block43, Lot 62.01 –Stephensburg Road – R-5 Zone – 3.21 Acres – Request for Steep Slope Variance - Deemed Complete January 3, 2007 – Previously Heard January 3, 2007 - Public Hearing Continued – Expires May 3, 2007

Mr. Schwemmer announced that this application was adjourned at the Applicant's request to April 4, 2007

6. Montgomery – Block 54, Lot 21 – 400 West Mill Road – R-5 Zone –2.538 Acres – Request for Use Variance for mixed use residential/agriculture/landscape support

Mr. Schwemmer announced that this application was adjourned at the Applicant's request to April 4, 2007

ELECTION OF OFFICERS

1. Second Vice Chairman

Mr. Schwemmer made a motion to elect Mr. Averett as second vice chairman
Seconded by Mr. Ort.

Mr. Bauer made a motion to close nominations, seconded by Mr. Ort. A voice vote was taken; all were in favor and the motion carried.

A roll call vote was taken on the nomination:

Ayes: Bauer, Turick, Ort Schwemmer, Graziano, Spina, Baguiao, Walter
Nays: None Abstentions: None Absent: Averett

DISCUSSION - CORRESPONDENCE

1. Vouchers

The vouchers were reviewed. Mrs. Walter made a motion to approve the vouchers reviewed by the Chairman and found in order and send same on for payment. Seconded by Mr. Averett. A voice vote was taken; all were in favor and the motion carried.

Mr. Bauer made a motion to adjourn, seconded by Mr. Baguiao. A voice vote was taken; all were in favor and the meeting was adjourned at 8:05 p.m.

Virginia R. Kesper, Clerk