

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of October 3, 2007 to order at 7:05 p.m.

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

\*Arrived Late

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. September 5, 2007 Regular Meeting

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

***RESOLUTIONS***

07-24 Iacampo – Block 25, Lot 4.01 - 176Fairview Avenue – R-5 Zone – 3.43 Acres – Request for front yard, side yard and insufficient lot size Variance

The resolution was reviewed. Mr. Walter made a motion to approve resolution 07-24. Seconded by Mrs. Averett. A roll call vote was taken:

Ayes: Averett, Schwemmer, Walter

Nays: None                      Abstentions: None                      Ineligible: Ort, Turick, Baguiao  
 Absent: Spina, Graziano, 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. 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, May 2, 2007 -Public Hearing Continued – Expires – November 7, 2007

Mr. Schwemmer announced that this application was adjourned at the applicant's request to November 7, 2007

2. Ackerman – Block 30, Lot 22.02 – Schooley's Mountain Road - R-5 Zone – 5.52 Acres – Request for Steep Slope, Ridgeline and stream corridor variances – Previously Heard June 6, 2007 and August 1, 2007 -Expires November 7, 2007

Mr. Schwemmer announced that this application was adjourned at the applicant's request to November 7, 2007

3. Klindt – Block 3.10, Lot 2 – 95 East Route 46 – C-2 Zone – 1.271 Acres – Request for front yard setback variance for new garage, front and rear yard setback variance for kitchen addition and expansion of non-conforming use

Otto Klindt, Applicant  
Nadine Klindt, Applicant

Otto Klindt and Nadine Klindt were sworn in by Attorney Fraser.

Mr. Klindt stated that they were asking for a variance for a new garage and an addition to the home for a kitchen.

Mr. Banisch stated that based on the shape of the lot and the placement of the existing structure and the information submitted, the applicant has demonstrated the criteria for the variance.

Mr. Klindt stated that the garage would be a standard two-story garage. It will follow the lines of the house. He referred to the plans submitted with the application and stated that it would be stucco and stone, one story with storage above and a 7/ 12 roof. The shingles would be same quality they used for the house. He answered the board that a new driveway entrance is not necessary to access the garage.

Mrs. Klindt referred to the photos and plans and stated that the existing driveway is a U-shape driveway. She answered Ms. Fraser that the home is located in the commercial, C-2 highway zone, making the residence a non-conforming use. The kitchen will be replaced with a one-story addition for a new kitchen. The original kitchen is from the 1940s.

Mr. Klindt answered the board that the home is now on public sewer and water.

Mr. Klindt stated that they have had their engineer and architect check the dimensions and garage/addition placement in the field and they are comfortable with the variances requested.

The board reviewed the plans and photographs submitted with the application.

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

Mrs. Walter made a motion to approve the variances requested: 21' front yard setback for the garage, the setbacks for the existing structure and for the kitchen and a rear yard setback for the kitchen of 25'. Seconded by Mr. Baguiao

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

4. McDougal – Block 33, Lot 5.02 – 123 Schooley's Mountain Road – R-5 Zone – Acres – Request for Front, Rear and Side Yard  
 Variances for additions and expansion of non-conforming structure

Anna Maria McDougal, Applicant  
 Scott McDougal, Applicant

Anna Maria McDougal and Scott McDougal were sworn in by Attorney Fraser.

Ms. Kesper informed the board that the setbacks shown on the survey were set by the zoning officer.

Mr. McDougal explained that the addition was for additional living space and a garage. They would not be taking down any trees or landscaping for this project.

Mr. Turick arrived and joined the meeting.

Mr. McDougal answered Mr. Hall that the driveway currently exists and that there is no driveway to the existing barn.

The board reviewed the photographs submitted with the application.

Mr. McDougal the existing roof would be raised and replaced to match the addition and the entire home would be resided. He answered the board that the road is actually a private driveway for the three neighbors. There is only a verbal agreement to take care of the road.

Mr. McDougal stated that he was raised in this house and he recently repurchased it. The lots were subdivided in 1965.

Mr. McDougal answered the board that the well is 66' from the septic system.

Mr. Banisch reviewed the application and noted that the addition appeared to be design to minimize any impacts to the property or neighborhood.

Mr. McDougal stated that behind the addition there are woods and then a home. He stated that he had a meeting with the rear neighbor who stated that he did not object to the McDougal project. They do not plan on removing trees and intend to add some additional landscaping after the addition. He answered Mrs. Walter that the patio will be relocated after the addition

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

Mr. Averett made a motion to approve the variance as presented. Seconded by Mrs. Walter. A roll call vote was taken:

Ayes: Averett, Baguiao, Ort, Schwemmer Walter

Nays: None Absent: Bauer, Graziano, Spina, Turick

5. Staropoli – Block 3.12, Lot 17 – 5 Northridge Court – R-1 Zone -  
.5524 acres – Request for impervious coverage variance for pool

Richard Staropoli

Richard Staropoli was sworn in by Attorney Fraser.

Mr. Staropoli stated that he wanted to put in a pool in his backyard that would bring him over the allowed impervious coverage.

Mr. Hall was sworn in by Attorney Fraser.

Mr. Hall referred to his memo of September 12<sup>th</sup>. He recommended providing a drywell to contain the additional runoff. The neighbor to the west is lower in elevation and therefore he recommended a grading plan to deal with this. He did not recommend a variance greater than the coverage needed for the pool and patio (25%) only considered the 19.2% required for the pool and patio.

Ms. Fraser stated that under the law the board could not grant a variance for items not being requested. She concurred with Mr. Hall.

Mr. Staropoli stated that he would meet the requirements enumerated in Mr. Hall's letter. He specifically agreed to the 19.2% impervious coverage as a maximum. He answered Mr. Hall that the lot coverage figures were calculated by Sylvan Pool Company.

Mr. Hall stated that he previously approved a lot grading plan for this lot before the building permit was issued and he was comfortable with the figures presented.

Mr. Staropoli stated that he does not intend to put a walkway between the house and pool, it would continue to be grass.

The board reviewed the photographs submitted with the application

Mr. Staropoli answered Mrs. Walter that his pool and fencing would be similar to the fencing on 3 Northridge Drive. 7 Northridge is the lower lot.

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

Mrs. Walter made a motion to approve the application as presented subject to the conditions in Mr. Hall's letter. Seconded by Mr. Ort. A roll call vote was taken:

Ayes: Averett, Baguiao, Ort, Schwemmer Turick, Walter

Nays: None                      Absent: Bauer, Graziano, Spina

The board complimented Mr. Staropoli was complimented on the completeness of the application.

***DISCUSSION - CORRESPONDENCE***

1. Vouchers

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

Mrs. Walter made a motion to adjourn, seconded by Mr. Baguiao. A voice vote was taken; all were in favor and the meeting was adjourned at 8:00 p.m.

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Virginia R. Kesper, Clerk