

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of August 6, 2008 to order at 7:00 p.m.

**MEMBERS PRESENT:** Elliott Averett, Morris Bauer, Felix Graziano, Harvey Ort, Craig Schwemmer, Anthony Spina  
**Alternate Members:** Frank Baguiao, Dorothy Walter  
**Members Absent:** Bauer, Turick  
**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 18, 2008 and posted on the Bulletin Board on the same date. Two notices were mailed as there were two requests

Pledge of Allegiance

***MINUTES***

1. July 2, 2008 Regular Meeting

Tabled to the September meeting.

***RESOLUTIONS***

08-16 Chandra/Singh – Block 40, Lot 10.04 – R-5 Zone - .92 Acres–  
 Approval of Request for variances for: front yard setback, pre-existing front and side yard setback, nonconforming structure and nonconforming lot size variances

The resolution was reviewed.

Mr. Graziano made a motion to adopt resolution 08-16 as written.  
 Seconded by Mr. Spina. A roll call vote was taken:

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

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. Kadosh (Neighbor House) – Block 34, Lot 47 – R-5 zone 3.607 Acres – Request for Preliminary and Final Site Plan with Variances for expansion granted with Use Variance 08-13– Decision on Completeness and Public Hearing  
**Adjourned at the Applicant's request to September 3, 2008**
2. Kanen – Block 46, Lot 32 – 16 Lawrence Trail - R/20 Zone - .344 Acres – Request for Permission to Rebuild on a lot without frontage on a public street, front yard, rear yard and side yard setback variances and non-conforming lot size

Anthony Sposaro, Applicant's Attorney  
William Kanen, Applicant  
Schaffer, Applicant's Engineer

Mr. Sposaro reviewed the application to demolish a small home and replace it with a larger, two story home. He reviewed the variances required for this application as: rebuild on a lot without frontage on a public street, front yard, rear yard and side yard setback variances and non-conforming lot size. He stated that the shed will be relocated to eliminate the variance for it.

Mr. Kanen was sworn in by Attorney Fraser.

Mr. Kanen stated that he and his family have resided in the current home since 1981. He described the current two bedroom home. He stated that they have installed a new septic system when the previous septic system failed two years ago. Due to the construction problems of the once country cottage he would like to replace it with a modular home as submitted with the application. The current foundation sits on block and the new home is larger and they would like to knock down the existing foundation and put in a new foundation and basement.

He stated that he is on the Township First Aid Squad and has been police officer in Chester Township for 22 years. It was his opinion that the road was safe and passable. He explained that he brought the new rescue truck (same size as a fire truck) to the house and it was maneuverable. There are approximately ten homes on Lawrence Trail and also that there are other private roads in the area. He cannot meet the front yard setback variance because of the location of the septic system.

He answered Mr. Schwemmer that the new septic system was built to handle a three or four bedroom house. He is proposing a three bedroom home.

Mr. Kanen stated that there are no other properties that he could acquire to negate the need for the variances. He stated that there have been at least three other homes in the area that have been similarly expanded.

Mr. Kanen answered Mr. Banisch that the emergency trucks can turn around one house down the street from him in a large open driveway. He stated that the garbage trucks come down the street twice a week and make the maneuver.

Mr. Banisch reviewed his report of August 6, 2008 and stated that the testimony demonstrated a hardship for relief to rebuild on a private road and front yard setback variance. He addressed the shed and the possible variance. He did not object to the variance to keep the shed where it is in order to allow the applicant a useable back yard.

The meeting was open to the public for questions on Mr. Kanen's testimony. There were no questions from the public.

Mr. Sposaro stated that the applicant will comply with the requirements in Mr. Hall's letter of July 22, 2008.

Mr. Schaeffer was sworn in by Attorney Fraser.

Mr. Spina stated that he was acquainted with Mr. Schaeffer but he did not believe he had a conflict of interest.

Mr. Schaeffer concurred with Mr. Sposaro that they would comply with Mr. Hall's letter and the soils were good in the area and could accommodate the requested drywell.

The meeting was opened to the public for questions and comments on the application. There were not questions or comments and the application was closed to the public for questions and comments.

Mr. Averett made a motion to approve the application and variances as discussed this evening, including the variance for the shed, subject to compliance with Mr. Halls report and revised plans. Seconded by Mr. Spina.

A roll call vote was taken:

Ayes: Baguiaio, Graziano, Spina, Schwemmer, Ort, Walter, Averett

Nays: None            Abstentions: None            Absent: Bauer Ineligible:

3. Deats – Block 36, Lot 53 – 195 East Mill Road - R/5 Zone – 3.4 Acres – Request to continue to use an apartment in a single family home under the Fair Housing Act - Reasonable Accommodation

***Mr. Schwemmer announced that the application was adjourned at the Applicant's request to September 3, 2008***

***DISCUSSION - CORRESPONDENCE***

1. Vouchers

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

Mr. Baguiaio made a motion to adjourn, seconded by Mr. Spina. 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