

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of September 3, 2008 to order at 7:00 p.m.

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

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 and August 6, 2008 Regular Meetings

Mr. Bauer made a motion to approve the minutes, seconded by Mr. Spina. A voice vote was taken; Ms. Walters abstained on the July 2, 2008 minutes; all others were in favor and the motion carried.

RESOLUTIONS

08-17 Kanen – Block 46, Lot 32 – 16 Lawrence Trail - R/20 Zone - .344 Acres – Approval of 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

The resolution was reviewed.

Mr. Spina made a motion to adopt resolution 08-17 as written. Seconded by Mr. Graziano. A roll call vote was taken:

A roll call vote was taken:

Ayes: Graziano, Spina, Schwemmer, Walter, Averett
 Nays: None Abstentions: None Absent: Baguiao, 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. 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

Mr. Schwemmer announced that the application has been adjourned at the Applicant's request to October 1, 2008

2. Galloway – Block 34.01, Lot 3.02 – 148 Beacon Hill Road – R-5 Zone 2.77 Acres – Request for amendment to Resolution 06-30 – Condition 2 to allow for running water and toilet fixtures to be installed in barn

Richard Galloway, Applicant

Richard Galloway was sworn in by Attorney Fraser.

Mr. Averett stated that he teaches Mr. Galloway's daughter but did not think this would be a conflict of interest.

Mr. Galloway stated that the original resolution had a condition that a toilet and running water not be allowed and he was asking for this condition to be removed. He stated that he will tie this into the existing plumbing of the home. He stated that the Board of Health had approved this connection.

The bathroom is on the first floor next to the workshop. He stated he would not be adding a shower or tub. He answered the board that the toilet will be a new technology low flow toilet and turn offs for the sink. The area will be heated with electric or an electric heat pump. He stated he may add a back up generator.

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

Mr. Averett made a motion to approve the requested amendment, seconded by Mr. Spina.

A roll call vote was taken:

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

Nays: None Abstentions: None Absent: Ort, Baguiao

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 has been adjourned at the Applicant's request to October 1, 2008

4. Sobolewski – Block 43, Lots 57, 58, 59, 61 and 62.03 – 80 Stephensburg Road – Request for variance for more than one principal structure on a lot and steep slope variance

Mr. Schwemmer announced that the application has been adjourned at the Applicant's request to October 1, 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. Averett. A voice vote was taken; all were in favor and the motion carried.

2. COAH

The new regulations were discussed and it was noted that homes, such as the Kanen application, that are being demolished and rebuilt will now have to pay COAH development fees.

Mr. Bauer made a motion to adjourn, seconded by Mr. Spina. A voice vote was taken; all were in favor and the meeting was adjourned at 7:25 p.m.

Virginia R. Kesper, Clerk