

Chairman Hatcher called the regular Meeting of the Board of Adjustment of January 7, 2004 to order at 7:30 p.m.

MEMBERS PRESENT:

Present: Morris Bauer, Elliot Averett, Ralph Hatcher, Harvey Ort, Craig Schwemmer, John Turick
Alternate Members: Felix Graziano*
Members Absent: Walter
Others Present: Attorney Rago, Engineer Hall, Clerk Kesper

*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 15, 2003 and posted on the Bulletin Board on the same date.

MINUTES

1. December 3, 2003 Regular Minutes

Mr. Ort made a motion to approve the minutes; seconded by Mr. Averett. Minor corrections were made. A voice vote was taken on the amended minutes; all were in favor and the motion carried.

RESOLUTIONS

04-06 Migliaccio – Block 20, Lot 81 – Mission Road – R-5 Zone – 3.756 acres – Request for permission to build on a lot without frontage on an improved public street, insufficient lot size and lot width and steep slope variance – Previously Heard October 1, 2003 and November 5, 2003 – Expires January 29, 2004

The resolution was reviewed.

Mr. Silvaggi's letter of December 29, 2003 was reviewed.

Mr. Hall was in agreement with striking condition 1. He reviewed his report of December 31, 2003. He stated that he did not object to the resolution being adopted.

Mr. Schwemmer made a motion to approve the resolution as amended.
Seconded by Mr. Bauer. A roll call vote was taken:

AYES: Averett, Bauer, Hatcher, Schwemmer

NAYS: None ABSTENTIONS: None ABSENT: Walter

Ineligible: Turick (absent 10/1), Ort (absent 11/5), Graziano (absent 12/3)

Mr. Graziano arrived and joined the meeting at 7:23 p.m.

04-07 Heath Village – Block 20 – Lot 72 – 430 Schooley's Mountain Road – R-MDU Zone - Preliminary and Final Site Plan to relocate existing carport and reconfiguration of existing loading dock

The resolution was reviewed.

Mr. Hall reviewed his letter of December 23, 2003 and stated that he did not object to the adoption of the resolution.

Mr. Bauer made a motion to approve the resolution, seconded by Mr. Schwemmer

A roll call vote was taken:

Ayes: Averett, Bauer, Hatcher, Schwemmer, Turick, Ort

Nays: None Abstentions: None Absent: Walter

Ineligible: Graziano

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. James & Maureen Sciortino – 17 Dogwood Drive – Block 23, Lot 48.08 – R-5 zone – request for front and side yard setback and insufficient lot size

James Sciortino, Applicant

James Sciortino was sworn in by Attorney Rago.

Mr. Sciortino stated that he wanted to add a 500sf addition for a family room. He stated that he does not have a basement. He referred to the R-5 zone setbacks and the need for a variance. He stated that his house is part of the Merrybrook Subdivision.

Mr. Hatcher referred to Planner Banisch's letter of January 5th regarding the fact that this property is part of the Merrybrook Subdivision which is zone R-1, while this property and a few others were zoned R-5.

Mr. Sciortino presented photographs of surrounding homes taken today by his wife. The photos were marked A-1, A-2 and A-3. He stated that his home is similar in design and square footage to the photographs submitted, without the additions.

The Board reviewed the photographs and plans submitted. He explained the drainage pipe on his property. The addition was planned so as not to interfere with the drainage.

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

Mr. Schwemmer made a motion to approve the application as submitted, seconded by Mr. Averett. A roll call vote was taken:

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

Nays: None Abstentions: None Absent: Walter

2. Bruce Barella – 46 West Valley Brook Road – Block 34, Lot 11.06 – R-5 Zone – 5.12 acres – request for insufficient setbacks for flag lot – Expires April 1, 2004

Bruce Barella, Applicant

Bruce Barella was sworn in by Attorney Rago,

Mr. Barella stated that he wants to add an addition to the side of his home, which will have a garage on the lower level, below grade, and living space above. He pointed out the septic and well and answered the board that the house was built in 1969. He was looking for a side yard setback. He stated that lot 11 is vacant but a subdivision had recently been approved for the property. He showed a copy of the minor subdivision map to the board which was obtained from the township files that was marked Exhibit A-1. There are no proposed dwellings immediately adjacent to his home. The addition will be on the existing driveway. He stated that the living space is 500 sf on two floors and the garage (basement) is 1150 sf. He answered Mr. Bauer that there is currently a garage under the home which he will use as additional garage/basement area. The property is served by a private well and septic system. The house currently has four bedrooms and he is not adding any bedrooms. The existing garage will have the doors removed and opened into the new addition. The first story of the addition will be a living room/great room and the kitchen and dining room are being added to. The second floor will be an addition to the master bedroom and bath. The architectural plans were marked A-2, A-3, A-4, A-5 and A-6. He answered Mr. Turick that he was not expanding the living space to the size of the garage because he does not need the additional living space.

The Board reviewed the plans.

Mr. Hall asked about the equipment on the property and if it would be stored in the garage. He stated that on the site walk for the Gallets property he had noticed that there was a lot of construction and landscaping equipment on the applicants' property.

Mr. Barella stated that the equipment is on site for tree removal on his property and when the work is done the equipment will be moved to his property in Sussex. He only intends to have the one truck he drives home at night to be on the property, he would agree, as a condition of approval, that the construction and landscaping equipment would not be stored on the site. He answered Mr. Hall about the drainage and the new turn around on the driveway. He stated the reason for the location of the addition is because of the grade and that the proposed location is the best area on the property for the addition as it is the flatter part of the property. His trucks are two pick-ups and a dump truck. The addition will match the rest of the house.

The meeting was opened to the public for questions or comments.

Dianne Gallets – 52 West Valley Brook – stated that she owns the property in front and along this property as well as the property that the applicants driveway is located. She also stated that trees and railroad ties were recently

removed by the applicant from her and another neighbor's property at the end of the driveway. She asked Mr. Barella if his testimony was that the tandem tractor trailers of landscaping materials that have made deliveries to his property would no longer be making deliveries and that the trailers and extra trucks that are currently on the property would no longer be stored in his front yard.

Mr. Barella answered Ms. Gallets and the board that the mulch and trucks were mostly for the work he was doing on his property, but not all of it. He stated that the work at the end of the driveway referred to by Ms. Gallets was to put in a new mailbox, clean up the area and remove rotted railroad ties as well as fix some drainage and icing problems that had been occurring in that area. He did not believe he was removing trees from neighboring properties.

Ms. Gallets pointed out for the board where the actual driveway to this lot was located and explained how the driveway to the lot in question ended up on her property and that there is an easement for the use of her land for this driveway.

Mr. Barella answered Mr. Bauer that he has a landscaping business in Sussex County on a farm with a barn but no residence. He stated that sometimes he would bring the mulch and landscape materials to the property to be re-distributed to other areas.

Mr. Barella agreed to a condition that no landscape materials could be stored at his West Valley Brook Road property.

Mr. Barella stated that there is no maintenance agreement for the driveway.

There were no other questions or comments from the public and the meeting was closed to the public.

Mr. Schwemmer made a motion to approve the side yard setback variance subject to compliance with township ordinances regarding slopes and grading, the siding on the existing house and the new addition will be consistent, restriction on trailer storage or landscape materials and no business to be run on the property. Seconded by Mr. Graziano

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

Nays: None

Abstentions: None

Absent: Walter

3. Gordan-Johnansen, Inc. – Block 43, lot 74 – Fishers Mine Road – R-5 Zone – Request for review of conditions of resolution 03-14 -Approval of request for permission to build on a lot without frontage on a public street and variance for lot frontage

Adjourned to February 7, 2003 at the applicant's request.

*DISCUSSION -
CORRESPONDENCE*

1. Vouchers

Mr. Schwemmer made a motion to approve the vouchers as 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.

3. Year End Report

The board discussed adding a recommendation as stated in Mr. Banisch's letter regarding the zoning of Merrybrook Estates.

The board reviewed the draft yearend report letter as prepared by Ms. Kesper.

Mr. Schwemmer made a motion to move the report to the Township Committee amended to include a recommendation that the zoning for the Merrybrook Estates homes that are in R-5 be made R1. Seconded by Mr. Ort. A voice vote was taken; all were in favor and the motion carried.

Mr. Schwemmer made a motion to adjourn, seconded by Mr. Averett. A voice vote was taken; all were in favor and the meeting was adjourned at 8:30 p.m.

Virginia R. Kesper, Clerk