

Chairman Hatcher called the regular Meeting of the Board of Adjustment of December 1, 2004 to order at 7:05 p.m.

**MEMBERS PRESENT:**

**Present:** Elliott Averett, Morris Bauer, Felix Graziano,  
Ralph Hatcher, Harvey Ort\*, Craig Schwemmer,  
John Turick  
**Alternate Members:** Anthony Spina, Dorothy Walter  
**Members Absent:**  
**Others Present:** Clerk Kesper, Attorney Fraser, 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 17, 2004 and posted on the Bulletin Board on the same date.

***MINUTES***

1. October 6, 2004 Regular Minutes

Mr. Schwemmer made a motion to approve the minutes, seconded by Mr. Graziano. Minor corrections were made. A voice vote was taken; all were in favor and the motion carried.

***RESOLUTIONS***

04-20 Falzarano – Block 58, Lot 4 – 211 Beacon Hill Road – R-5 Zone – Acres – Approval of Variance Request for Side Yard Setback, Insufficient Lot Size and Expansion of Non-conforming structure

The resolution was reviewed. Mr. Bauer made a motion to approve resolution 04-20, seconded by Mr. Grazaino. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Hatcher      Nays: None Abstentions: None  
Absent: Mr. Turick

***COMPLETENESS  
DETERMINATION***

Mr. Turick arrived and joined the meeting.

1. Sixteen Hands Farm – Block 34, Lot 1.01 - Fairmount Road – R-5 Zone  
43.83 acres – Request for conditional use D variance, preliminary and  
final site plan for private equestrian facility – Completeness Hearing

James Laughlin – Applicant's Attorney

John Hansen – Applicant's Engineer

Mr. Hansen explained that they were before this board because the applicant could not meet all the conditional use standards. He stated that this property is in farmland preservation and that the applicant has appeared before the Morris County Agricultural Board who have approved the proposed use.

Mr. Hansen referred to Mr. Hall's letter of November 10,2004. He asked that Mr. Hall accept the flood plain delineation from the Valley Shepard site across the street.

Mr. Hall wanted to see the information on this plan.

Mr. Hansen agreed. He asked for a waiver from the house numbers and tree location as there are no trees being taken down in the area of the development. He submitted photos to the board depicting the site. The three photos were marked A-1. He stated that the photographs were taken this week and accurately depicted the site. He pointed out the area of tree removal for the driveway.

Mr. Ort asked if the farmer could take trees down for other purposes such as firewood.

Mr. Hall stated that yes, as long as it did not violate any easements. He explained to the Board that there would be more tree clearing for utilities. He wanted to see trees located for the three areas of tree removal..

Mr. Hansen agreed to mark these areas for the site walk.

Mr. Hansen stated that the house numbers, benchmark and lighting details would be added to the next revision of the plan.

Mr. Hansen stated that a stormwater management plan has been submitted and he would make the required revisions and he request a waiver of the meadow concept calculation method. He said he would address this issue during the course of the hearing.

Mr. Hall agreed to this.

Mr. Hansen requested a waiver from the development impact statement because it was his opinion that the all disturbance created by this application would be located within the currently disturbed area.

Ms. Kesper stated that Dr. Keller did not recommend waiving the endangered species study or the water quality portion of the DIS.

Mr. Hall reviewed for the board the requirements of the DIS and the need for it. He did not object to waiving some of the requirements and would work with the applicants as to which sections he would require.

Mrs. Walter wanted to see the traffic portion of the DIS complied with.

Mr. Hansen stated that during the course of the hearing the applicant would present testimony to the board showing that this is a low impact use and would not impact the traffic on Fairmount Road, which is already currently busy road.

Mr. Ort stated that it was his opinion that this is an application for a farm on preserved land and that it should not be treated as a major development. He recommend that the traffic study be waived for completeness and if the board finds it is needed during the hearing the board could require it at that time.

Mr. Hansen stated that they have submitted the required information to the Health Department

Mr. Hansen stated that the WTMUA letter of October 25 would be addressed as part of the DIS.

Mr. Hansen referred to the variances and disagreed that there is a need for a parking variance.

Mr. Hall agreed that there are no defined parking spaces required with the ordinance and agreed at this point in time there may not be a variance required, but that cannot be determined until the applicant presents his testimony.

Mr. Hansen answered the board that the farm is currently pasture planted with grass and alfapha.

A site walk will be scheduled for early morning in the next week or so.

Mr. Hall reviewed the open completeness items (I A, C (stating the areas of trees to be disturbed) D, E and G ) and reminded the applicant the revised plans must be submitted ten days prior to the next meeting.

Mr. Averett made a motion to deem the application incomplete, seconded by Mr. Schwemmer. A voice vote was taken, all were in favor and the application was deemed incomplete.

The meeting was adjourned to January 5, 2005 at which time there will be a completeness hearing and if deemed complete a public hearing.

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. Delaney – Block 12.01, Lot 45 - 5 Rachael Court – R-1 Zone - .98 acres  
– Request for front yard setback variance – Expires March 22, 2005

Kevin Delaney - Applicant

Kevin Delaney was sworn in by Attorney Fraser.

Mr. Delaney distributed photographs of his property which were marked A - 1. He stated that he took the photos and they accurately depict the property. He would like to put a porch across the front of the house. He explained that because the house is not aligned with the cul-de-sac he will violate the setback. He noted that the other homes in the area are placed at an angle to the cul-de-sac and do not have this problem. He proposes to extend the current porch to be a wrap around porch. The water and sewer and gas lines would not be impacted.

The Board reviewed the request.

Mr. Schwemmer made a motion to approve the setback of 38' seconded by Mr. Bauer. A roll call vote was taken:

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

Nays: None Abstentions, None

2. Basile – Block 4 Lot 7.04 – 74 Route 46 – C-2 Zone, 1.65 Acres -Request for preliminary and final site plan for used car dealership Deemed Complete October 6, 2004 – Public Hearing October 6, 2004 – Public Hearing Continued

Mr. Hatcher announced that the Basile application had been adjourned at applicant's request to January 5, 2005

*DISCUSSION -  
CORRESPONDENCE*

1. Vouchers

Mr. Ort made a motion to approve the vouchers reviewed by the Chairman and found in order, seconded by Mr. Hatcher. A voice vote was taken; all were in favor and the motion carried.

2. Year End Report

The Board reviewed the list of applications they heard this year. They did not have any recommendations except to reiterate there concerns expressed last year regarding the telecommunications ordinance.

Mr. Ort made a motion to adjourn, seconded by Mrs. Walter. 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