

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of June 4, 2008 to order at 7:00 p.m.

**MEMBERS PRESENT:** Elliott Averett, Morris Bauer, Harvey Ort, Craig Schwemmer, Anthony Spina, John Turick  
**Alternate Members:** Frank Baguiao  
**Members Absent:** Walter, Graziano  
**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. April 8, 2008 Regular Meeting

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

***RESOLUTIONS***

08-11 Hall – Block 37, Lot 26.01 – 201 Parker Road – R-5 Zone – 2.8 acres -Request for front yard setback variance for addition to home and detached garage and expansion of non-conforming structure

The resolution was reviewed.

Mr. Averett made a motion to approve the resolution, seconded by Mr. Spina. A roll call vote was taken:

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

08-1228 Route 46 Realty, LLC – Block 4, Lot 1 – 28 Route 46 - C-2 Zone  
 – 1.263 Acres – Request for Amended Use Variance and  
 Preliminary and Final site plan for new car dealership

The resolution was reviewed. On page three the resolution was amended to read Philipsburg Hyundai, not Hackettstown.

Mr. Ort made a motion to approve the resolution as amended, seconded by Mr. Averett. A roll call vote was taken:

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

08-13 Kadish (Neighbor House) – Block 34, Lot 47 – 143 West Mill Road  
 – R-5 Zone – 3.6 Acres – Request for Use Variance for two principal  
 structures and rear yard setback, lot size, floor area and parking  
 variances

Mr. Ort made a motion to approve the resolution as amended, seconded by Mr. Averett. A roll call vote was taken:

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

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. Maroney – Block 35, Lot 3.08 – 59 Old Farmers Road, Long Valley  
 – R-5 Zone – 3.6 acres - Request for flag lot setback variance and  
 insufficient lot size

Harry Maroney and Jennifer Maroney were sworn in by Attorney Fraser.

Mr. Spina stepped down due to a conflict of interest.

Mr. Schwemmer put on the record that applicants son worked for him

Mr. Maroney did not object to Mr. Schwemmer

Mr. Maroney explained that the existing two bay garage has deteriorated due to rot and needs to be replaced. He would like to replace it with a three car garage and mud room. He stated that he is on a 3<sup>3</sup>/<sub>4</sub> acre lot flag lot and that you cannot see his home from any road. He stated that his wife's father is not well and his wife mother is handicapped and wheelchair bound and may be coming to live here and he would also like to have ramps in the garage into the home to allow access for her. The second floor of the garage would be for storage. This addition will also increase the value of his home.

He answered the board that the handicap ramps would be inside the current building envelope. He stated that where he proposes the portico, which is within the setbacks, there was a cement stoop and steps and it would be built on the existing footings. He explained the maintenance he has done so far because of some original construction problems that have caused rot to the home.

Mr. Maroney stated if there is a need for his in-laws to live with them permanently he would eventually like to put a bedroom over the garage, but that is not being planned at this time. If it is needed he would obtain the necessary permits and one of the current bedrooms would be turned into a fully handicapped accessible bathroom, so there would be no additional bedrooms.

Mr. Hall stated that in reviewing the application he noted that this property is within the ridgeline, view shed steep slope area of the Township.

Mr. Maroney answered Mr. Hall that there are no public roadways that are visible from his home now. He stated that the trees tower over his home.

Mr. Maroney stated that the current garage is 1.5 stories or approximately 16' high and the new garage is proposed to be 24'. He stated that he would probably not be putting up the cupola. He submitted photographs placed on his sheet of elevations, which was marked A-1 and pointed out the relationship to the house. He testified that he would not be putting any further stone or macadam on the property and he would not be taking down any trees for the addition. He pointed out the highest point of his home as the chimney. He stated he would be removing the swing set area and replacing with grass. He explained the drainage system/roof leaders he has for his home.

Mr. Hall stated that if the cupola is put on that it be painted a dark earth tone color.

Mr. Banisch reviewed the ridgeline ordinance. He suggested that the trees to the rear of the home be put into an easement so that they could not be taken down. He asked the applicant why he could not move the addition forward to eliminate the variance.

Mr. Maroney answered Mr. Banisch that the reason he did not want to move his garage forward to eliminate the variance was for handicap access and referred to the plans to demonstrate the area. He also stated that house would look off balance and it would also be moved closer to his front yard neighbor, cover his current front yard and causes more impervious coverage. He stated that his architect also told him about that but it was not acceptable.

Mr. Maroney answered Mr. Schwemmer that emergency vehicles would be able to turn around in the area provided, and there is a K turn area. The swing set and shed is going to be removed which will also allow for more turn around area.

The meeting was opened to the public for questions and comments on this application.

Joseph Hatala, 57 Old Farmers Road stated that he could only see the applicants home through the trees in the winter. He stated that he has reviewed the applicants' plans and he has no objections to the application.

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

Mr. Averett made a motion to grant the variance with a 55' setback from the back property line and 72' foot setback from the driveway side, cupola to be in earth tones, a 20' tree buffer to run around the property, excluding the staff, and the requirement that the resolution be recorded. Seconded by Ort. A roll call vote was taken:

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

Nays: None            Abstentions: None            Absent: Graziano, Walter

Ineligible: Spina

Mr. Spina returned to the meeting.

2. Yarussi – Block 34.01, Lot 2 – 158 Beacon Hill Road – R-5 Zone – 1 Acre -Request for variance for side yard setback and insufficient lot size

Paul Yarussi was sworn in by Attorney Fraser.

Mr. Yarussi stated that he would like to build a detached garage with the doors facing his existing home and allow sufficient turn around space and room for snow plowing. He referred to the photographs submitted to the board. He explained he looked at putting the garage in other locations and it was his opinion that the proposed location was the best place because he did not want to have the garage doors facing the street. The height would be approximately the same height as the house. He stated that he has removed the shed shown in the photos and on the survey. The existing garage has a chimney and stairway protruding into it and that his Ranger truck can barely fit in the side with the chimney and the side with the stairway is too short to fit any vehicle. He stated that no trees will be removed for the garage and he referred to the photographs and pointed out the recently planted evergreen trees along his front property line. The siding and windows of the garage will match the house.

Mr. Yarussi answered Mr. Banisch that the garage will be the same height as the house. The pitch of the roof will be the same as the house. The current attached garage would remain as a garage but that he would be replacing the doors. He answered Mr. Hall that he brought in about five truck loads of dirt to level the area where he plans to put the garage.

Mr. Hall made Mr. Yarussi aware of the soil disturbance regulations and that if he brings in 100 cy or more of soil a permit would be required.

Mr. Yarussi stated that if he moved the garage up the 7' to eliminate the variance it would cause a hardship for turn around and snow plowing, that it is a safer situation and allows for delivery trucks.

The board discussed the variance request.

The meeting was opened to the public for questions and comments, there were no questions and comments and the meeting was closed to the public.

Mr. Ort made a motion to approve the variance as presented, seconded by Mr. Averett. A roll call vote was taken:

Ayes: Averett, Bauer, Ort, Schwemmer, Spina, Baguiao

Nays: Turick      Abstentions: None      Absent: Graziano, Walter

Ineligible: None

3. Galloway – Block 34.01, Lot 3.02 -148 Beacon Hill Road – Second Request for Extension of Time on Resolution 06-30 – Side Yard setback variance for barn

Mr. Ort made a motion granting an additional six months to obtain a building permit. Seconded by Mr. Baguiao. A voice vote was taken; all were in favor and the motion carried.

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. Ort made a motion to adjourn, seconded by Mr. Turick. A voice vote was taken; all were in favor and the meeting was adjourned at 9:00 p.m.

---

Virginia R. Kesper, Clerk