

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of January 7, 2009 to order at 7:15 p.m.

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

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. December 3, 2008 Regular Meeting

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

RESOLUTIONS

09-06 Miller – Block 62, Lot 13-1 – 136 Black River Road – R-5 Zone – 3.02 Acres – Approval of Request for front yard setback, insufficient and non-conforming lot size for in ground pool

The resolution was reviewed. Mr. Ort made seconded by Mr. Bauer
A roll call vote was taken:

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

09-07 Brandes – Block 9, Lot 6 – 109 Drakestown Road – R-5 Zone – 3 Acres – Approval of Request for variances for front yard setback, expansion of non-conforming structure and waiver from stream corridor and open water buffers

JANUARY 7, 2009

A roll call vote was taken:

The resolution was reviewed. Mr. Bauer made a motion to approve the resolution. Seconded by Mr. Baguiao.

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

Nays: None Abstentions: None Absent: Walter

Ineligible: Graziano, Spina, Schwemmer

09-08 Muttart – Block 14, Lot 9 – 14 Laketown Road – R-5 Zone – 4.733 Acres - Approval of Request for front yard setback variance and expansion of non-conforming structure

The resolution was reviewed. Mr. Ort made a motion to approve resolution 09-08, seconded by Mr. Bauer. A roll call vote was taken:

Ayes: Averett, Bauer, Ort, Turick, Baguiao

Nays: None Abstentions: None Absent: Walter

Ineligible: Graziano, Spina, Schwemmer

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. Sobolewski – Block 43, Lots 57, 58, 59, 61 and 62.03 – 80 Stephensburg Road – Request for on a lot and steep slope variance – Previously Heard October 1, 2008

Anthony Sposaro, Applicant's Attorney
Craig Sobolewski, Applicant

Mr. Sposaro reviewed the former hearing and the required variance for more than one principal structure. The property is sixty acres. He noted that the proposed house location avoids the ridgeline on the property and uses the existing driveway and avoids the disturbance of additional steep slopes.

Mr. Sposaro reviewed the site walk of November 11, 2008 at which the Board staff and three members, Mr. Schwemmer, Mr. Spina and Mr. Bauer, attended. He stated that at the site walk it was found that the

property could not be viewed from public roads. As a result of the site meeting revised plans were submitted to the Board. He referred to Mr. Hall's, Dr. Keller's and Mr. Banisch's reports. He stated that the revised plans show a detention basin, but because this would trigger a permit from the DEP they will be revising the plans to try and eliminate the detention basin and use dry wells to meet the stormwater regulations. He stated that he did not object to the comments in Mr. Hall's letter of January 2, 2009. He asked that if the board found the variance request for two principal uses on one lot approvable, the Board authorize a resolution of approval without a final stormwater management plan and make that a condition of approval subject to approval by the Township Engineer.

Mr. Hall answered Mr. Schwemmer that drywells would be used to contain the runoff and probably no detention basin, but no plan has been submitted at this time. He asked the applicant if he agreed to III A-G and I through R and additional conservation easements on lot 58.

Mr. Sposaro stated that his applicant agreed to meet Mr. Hall's specified requirements although he asked that the conservation easement allow agriculture as noted in Mr. Banisch's letter. He stated that the applicant's professionals will meet with Mr. Hall on the stormwater management plan.

Mr. Banisch reviewed his report of January 7, 2009.

Mr. Sposaro agreed to the conservation easement over the stone row and hedge rows as outlined in Mr. Banisch's letter under items 6 and 7.

Mr. Sobolewski stated that the exterior of the home would be stone, copper trim and slate roof.

Mr. Hall suggested a condition that the architectural plans be submitted for review prior to the building permit to confirm compliance with the applicant's testimony.

Mr. Sobolewski applicant agreed.

Mr. Banisch suggested that the existing house and improvements (pool barns, sheds, etc) be removed from the conservation easement.

Mr. Hall concurred.

Mr. Sobolewski agreed to comment 8 in Mr. Banisch's letter regarding consultation with Dr. Keller regarding the grasslands on lots 58 and 59.

He stated that the invasive species trees pointed out by Dr. Keller and recommended to be removed have been removed.

Mr. Sposaro agreed to merge the lots after a certificate of occupancy has been received.

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 on this application.

Mr. Hall stated that a soil disturbance permit may be required and if so, the applicant will be back before the board for a public hearing on the soil disturbance permit.

Mr. Graziano made a motion to approve the application as discussed including the conditions discussed, seconded by Mr. Averett.

A roll call vote was taken:

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

Nays: None Abstentions: None Absent: Walter

Ineligible: Ort

2. New York SMSA Limited Partnership d/b/a Verizon Wireless – Block 22, Lot 28 – 204 Schooley’s Mountain Road R-5 Zone – Request for an extension of time to complete the conditions of Resolution 2007-06 to raise the height of an existing monopole and add telecommunication antenna

The request was reviewed. Mr. Ort made a motion to approve the one year time extension, seconded by Spina.

A roll call vote was taken:

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

Nays: None Abstentions: None Absent: Walter

Ineligible:

DISCUSSION - CORRESPONDENCE

1. Vouchers

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

The profession contracts and hourly rates were reviewed by the Board. The board concluded that they wanted to be involved in negotiating rates in the future.

Mr. Averett made a motion to adjourn, seconded by Mr. Spina. A voice vote was taken; all were in favor and the meeting was adjourned at 8:20 p.m.

Virginia R. Kesper, Clerk