

Chairman Hatcher called the regular Meeting of the Board of Adjustment of May 5, 2004 to order at 7:00 p.m.

**MEMBERS PRESENT:**

**Present:** Morris Bauer, Felix Graziano, Ralph Hatcher,  
Harvey Ort, Craig Schwemmer, John Turick  
**Alternate Members:** Anthony Spina, Dorothy Walter  
**Members Absent:** Averett, Graziano  
**Others Present:** Attorney Frazer, 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. April 7, 2004 Regular Minutes

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

***RESOLUTIONS***

04-16 Brodhead - Block 38, Lot 6 – 133 Parker Road – R-5 Zone, .457 Acres – Approval of variances for non-conforming structure, insufficient lot size and front, rear and side yard setback variances for porch replacement and expansion

Mrs. Walter made a motion to adopt resolution 04-16, seconded by Mr. Schwemmer. A roll call vote was taken:

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

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04-17 DeCosta – Block 30, Lot 71 – OR/I Zone – 13.065 acres – Approval of use variance to rebuild residence in office research zone and permission to build on a lot without frontage

Joel Kobert, Applicant's Attorney  
John Hansen, Applicant's Engineer

Mr. Hall stated that since the last meeting the applicant hired an environmental consultant who did a delineation of the wetlands and there are wetlands and a conservation easement of 150' has been shown off the wetlands. He explained that the 95' stream corridor easement is not shown on the plans. He suggested a conservation easement following the existing wood line below the house.

Mr. Hansen agreed to show this easement.

Ms. Fraser reviewed the changes in the resolution distributed to the board with the agenda and the one distributed this evening.

Mr. Hall referred to the plans and reviewed for the board the conservation easements being offered by the applicant, the conservation easements required by the ordinance and the conservation easement he is suggesting.

The Board agreed to waive the required conservation easements except for what was shown on the plan and what Mr. Hall recommended.

Mr. Ort arrived and joined the meeting.

Ms. Fraser reviewed the changes to the resolution as discussed tonight as: finding of fact number 9, and granting clause number 5 and condition Ia5.

Ms. DeCosta stated that they would want to continue the mowing of the lawn up to the pond. She agreed to accept the other conditions of the stream corridor conservation easement.

Mr. Kobert agreed to the changes discussed.

Mr. Graziano arrived and joined the meeting.

Mr. Schwemmer made a motion to approve resolution 04-17 as amended this evening, seconded by Mr. Turick. A roll call vote was taken:

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

04-18 Omnipoint – Block 60, Lot 13 – Parker Road (Fairmount Fire House)

OR/I

Zone – Approval of amendment to Resolution 04-11 requesting use  
 Variance for extension of existing monopole to 140' and preliminary  
 and final Site Plan approval for mounting of communications antenna  
 on  
 existing monopole and equipment shed

Mr. Schwemmer made a motion to approve resolution 04-18, seconded by Mr. Turick. A roll call vote was taken:

Ayes: Graziano, Hatcher, Schwemmer, Spina, Turick  
 Nays: None Abstentions: None Absent: Averett  
 Ineligible: Bauer, Ort, 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. Estate of James J. Whalen - Resolution 02-19 – Request for Extension of time for private road variance granted with Resolution 02-19

Dominic Santini – Applicant's Attorney

Mr. Santini reviewed the time that it took to purchase and record the easement from the Township. He asked for an extension of time on the resolution to April 22, 2005.

The board reviewed the request.

Mr. Schwemmer made a motion to approve the time extension to April 22, 2005 seconded by Mr. Turick. A roll call vote was taken:

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Ayes: Hatcher, Bauer, Graziano, Ort, Hatcher, Schwemmer, Turick, Spina, Walter

Nays: None Abstentions: None

2. Request of the Washington Township Zoning Officer for Interpretation of 217-9A(3) "Public uses and buildings...."

The request was withdrawn.

3. Whelan – Block 23, Lot 40 – 15 Dogwood Drive – R-5 Zone - .6 Acres – Request for variances for insufficient front and side yard setback and insufficient lot size

Cindy Whelan, Applicant

Keith Whelan, Applicant

Mr. Spina stated that he had been a neighbor of the Whelan's but he was of the opinion that this would not be a conflict of interest on the application.

Ms. Fraser agreed and Mr. Spina remained on the Board.

Cindy Whelan and Keith Whelan were sworn in by Attorney Fraser.

Mr. Whelan explained that they would like to put a family room addition on the back of their home. He stated that the home is approximately 2000 sf. He explained the current configuration of the first floor and the lack of space for his home.

Ms. Whelan presented a sheet of two photographs, which she had taken that was marked A-1.

Mr. Whelan explained the drainage pipe and ditch on the property.

Ms. Whelan pointed out the drainage area on the Township Tax map and answered the board that she did not believe there were any wetlands on their property.

Mr. Whelan stated that this drainage area is at the very rear of the property and the addition does not go near the drainage area. He answered the Board that they are on public water and sewer.

Ms. Whelan stated that their property is now within the R-5 zone where previously it was the R-1. She stated that the entire home is not within the R-5 setbacks. She referred to the photographs and stated that the addition would be in the area of the bare soil, where there was previously a deck. She answered the Board that the addition will blend with the existing home, but because of the unique roofline of the house it would not be identical.

Mr. Schwemmer made a motion to approve the application as presented, granting approval for an addition of 17' x 26' and that the addition would not go any closer to the sideline then it currently exists. Seconded by Mr. Turick. A roll call vote was taken.

Ayes: Hatcher, Bauer, Graziano, Ort, Schwemmer, Turick , Spina, Walter  
Nays: None                      Abstentions: None

DISCUSSION / CORRESPONDENCE
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1.     Vouchers

Mr. Averett 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. Schwemmer. A voice vote was taken; all were in favor and the motion carried.

Mr. Turick made a motion to adjourn, seconded by Mr. Averett. A voice vote was taken; all were in favor and the meeting was adjourned at 8:00 p.m.

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Virginia R. Kesper, Clerk