

**Regular Meeting
Board of Adjustment
December 18, 2013 Minutes**

Present:

Mr. Lawrence Cohen, Chair
Mr. Cary Lloyd, Vice Chair
Mr. Michael Leavy
Mr. Scott Wild
Ms. Helen Dodick
Mr. James Bednarz
Meredith Marcus
Mr. Michael Schmidt

Absent:

Ms. Linda Carrington

Board Professionals Present:

David Brady, Board Attorney
James Campbell, Adm Officer
Michael Cristaldi, Board Engineer
Phil Abramson, Board Planner

The meeting was called to order by Mr. Cohen and read the Statement of Adequate Notice that was provided as required by the Open Public Meetings Act by written notice. Said notice was given to the Daily Record, posted on the Town of Morristown Bulletin Board, and filed with the Clerk of the Town of Morristown on December 11, 2013 and copies of this notice were mailed to all persons, complying with the regulations providing for the mailing of said notice at least 48 hours prior to the time of this meeting. I direct that this statement together with a copy of said notice be incorporated in to the minutes.

Roll call of members taken by Mr. Campbell as listed above.

Old Business: None

Resolutions:

a.) Appeal # 2313 of Leroy & Carolyn Aiken, owners of property situate block 402, lot 8, an unimproved lot , located in Morristown NJ, requesting Bulk Variances for impervious coverage, rear yard parking setback and lot width in conjunction with construction of a new two family house

Public Hearings:–

a.) Carried from the November 13, 2013 meeting, Appeal # 2309 of Turtle Rd LLC, owner of property situate block 1402, lot 5, known as 35 Turtle Rd, Morristown NJ, requesting Major Site Plan approval and C & D Variances to construct and operate a child care facility

Joseph Sordillo - Attorney for Applicant

Summary of Variances and Testimony to date

Witness # 1 Raymond Casselli - AIA

Ex A-13 - Color rendering of Village Drive and photo board of same - Winter View

Ex A-14 - Colorized rendering of Village Dr - Summer View

Ex A-15 - Colorized rendering of Turtle Rd - Winter View

Ex A-16 - Colorized rendering of Turtle Rd - Summer View

Ex A-17 - Roofing sample

Ex A-18 - Stoneworks sample board of synthetic stone veneer

Ex A-19 - Stucco Samples

Ex A-20 Stucco Samples

Ex A-21 - Stucco Samples

Ex A-22 - Metal Roof panel

Ex A-23 - Playground Turf sample

Ex A-24 - Closed cell foam for under turf

Ex A-25 - Comparison chart for other sites in NJ

Board Questions -

Lloyd - Licensing requirements, fence and retaining walls

Bednarz - variances needed at other NJ sites, zoning locations,

Witness # 2 - Gaetano Falzarano - CEO of Rainbow Academy

Overview of other NJ sites and zoning

History of company

diaper disposal,

Board Questions -

Schmidt - Zoning uses at other sites, other facilities in area that have closed

Leavy - average number of children at other sites, traffic issues, similar sites to Morristown

Bednarz - traffic report and capacity, full time vs. part time

Brady - Multi purpose room use capacity

Lloyd - Licensing process, other towns reduce capacity

Cohen - accidents in area

Abramson - market research for demand, competition, financial aid

James Slate PE - Township of Morris -

requested by Township Council to attend

Traffic impacts and traffic study requested at a certain capacity

Stormwater management system considered by applicant, request for additional buffering

Witness # 3 - Michael Lanzafama PE

Stormwater system to be installed

Ex A-26 - Specs for Turf

*****Max enrollment of 174 offered by attorney Sordillo*****

Witness # 4 - Brian Conway - Landscape Architect

Ex A-27 - Neighborhood Plan

Ex A-28 - Buffer section at Village Dr

Ex A-29 - Buffer at Turtle Rd

Overview of Landscape Plan

Harvey Gilbert - Attorney for objectors at Convent Mews

overview of view of proposed development from Convent Mews

on opposite side of road

Ex A-30 - Photo looking towards Convent Mews

***** Solid Fencing to be installed along Turtle Rd *****

Witness # 5 - Harold Maltz - Traffic Engineer

discussion or error in traffic report - peak hour cars listed as 6 , should have been 31

Ex A-31 Supplement to original traffic study with updated data

Harvey Gilbert - Attorney for Objectors at Convent Mews

peak traffic trips generated, effect on current traffic conditions,# of vehicles waiting at Madison Ave light, times with school buses, traffic cycles, service levels at intersection

***** Proposed Signage Ex A-32 to direct traffic to go up through Office Dr when traveling east on Rt 124**

Gordon Meth - Traffic Engineer for Objectors at Convent Mews

Ex CM 1 - Meth Resume

Ex Cm-2 - 2 page statement - comparison of traffic of proposed use vs day care

Board Questions - Leavy - Changes to signal

Lloyd - Turtle Rd service level, school bus rate

Marcus - traffic fixes

**Cross Exam of Meth by Sordillo -
Observation times and dates, traffic counts, development of proposed
use, drop off and pick ups,**

**Public Questions - for Meth
Szorchak - secondary roads
Mohler - left turn lane at Turtle Rd
Liu - Left hand turns
Massad - resurface Madison Ave**

**Public Questions for Falzarano -
Wright - staffing
Zak - use near residential area**

**Meeting Adjourned by Chairman Cohen due to time of evening
Application to be carried to the February, 19, 2014 Meeting**

Motion to Adjourn by Wild, second by Leavy