

**Regular Meeting  
Board of Adjustment  
April 17, 2013 Minutes**

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**Present:**

Mr. Lawrence Cohen, Chair  
Ms. Linda Carrington  
Mr. James Bednarz  
Brian McShane  
Ms. Helen Dodick  
Mr. Cary Lloyd, Vice Chair  
Meredith Marcus  
Mr. Michael Schmidt

**Absent:**

Mr. Michael Leavy

**Board Professionals Present:**

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

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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 April 10, 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.

Memorialize Resolution for Appeal # 2298, Red Oaks School Motion to approve by Bednarz, second by Carrington, all members in favor.

Memorialize Resolution for Appeal # 2269, William Lloyd Motion to approve by Dodick, second by Bednarz, all members in favor.

Continuation of Appeal # 2282 Peck School from March 20, 2013.

Chairman Cohen recused himself from the proceedings

Jay Delaney – attorney for objector Debra Gotsleben

Jay Delaney with objection to Attorney Newmark and a possible ethics violation with his new employer, Porzio , Bromberg and the relationship from a lawsuit from 2004

Witness # 1 - Debra Gotsleben –

Not opposed to dumpster location or 10 foot high backstop fence as long as no other fences to be of similar height

Ex O-20 Photo of fencing from different views

Opposed to the temporary parking area for special events  
Location as shown on Ex A-12

Transcript from 2004 introduced but not allowed by board attorney

Ex O-21 – photo of rear showing blue staircase

Opposed to the current colors of stairs

Opposed to any lighting at any proposed additional parking areas

Area needs screening at Kindergarten building

The two proposed parking areas are visible from Paula Ct and need to be screened

Concerns about driveway aisle width of only 22 feet

Board Questions/ Comments of Gotsleben –

Carrington – comparison to other schools not valid

Responsibility of which party to screen state property

Jurisdiction of maintenance of state property

Bednarz – screening of state property not a requirement for Peck

Views of upper parking areas

Dodick – future fences & heights

Lloyd – lower lot and screening

Christaldi – driveway aisle of 22 sufficient for low traffic

Restriction for buses at lower parking area

Cross Exam by Newmark – dumpsters, 10 foot backstop, 8 ft

R.O.W. fence with screening

Stacked parking area not visible from neighbors and concern is not really an impact

Upper gravel no impact as well

Site lighting distances from  
houses

**Notice to public that Appeal # 2299 of Peck School would not be heard and would be carried to the May 15, 2013 meeting without further notice**

Questions from Public – None

Witness # 2 for objector

Charles Heydt – PP

Ex O-23 – photo's from rear yards at Paula Ct  
Discussion of Peck as non conforming  
1114 parking spaces required  
Town Code # 30-605.2 – Buffer Strips  
SICA test

Board Questions of Heydt –  
Abramson – aware that application bifurcated and landscaping discussed

Bednarz – funds for neighbors landscaping buffer

Cross Exam by Newmark –

Upper parking visable  
Distance from house to parking and buildings  
Master Plan  
Inherently beneficial uses of a school

Public Questions –

Marge Brady – Public vs. private schools  
Existing buffers

Board Questions/Comments:

Bednarz – Maintenance of natural buffer

Public Comments –

Mark Bender – opposed to all parking

Steve Duanis – Against all

Besa Jaaskelaindn – concerns about noise

Louis Aurmy – too much lighting

Marge Brady – Invisible gym ,size of fields, old site plan,

Summation by Delaney - All reasons why application should be denied

Summation by Newmark – applicant has gone above and beyond to be good neighbor in considering improvements

Board Deliberation –

Lloyd – specific variances

Bednarz – removal of last 5 spaces

Discussion by Brady to move ahead to approve a resolution that would contain conditions agreeable to both applicant & objectors

Motion to approve the resolution with conditions to be voted on May 15, 2013

Motion to approve by Bednarz, second by Schmidt  
All members in favor

Motion to close by Lloyd, second by Dodick