

**Regular Meeting
Board of Adjustment
August 17, 2022**

Present:

Mr. Steven Pylypchuk
Mr. Thomas Ferrara
Ms. Barbara McNally
Mr. James Bednarz
Ms. Rachel Blacker
Mr. Anthony Murphy
Mr. Scott Wild
Ms. Noelle Nish

Absent:

Board Professionals Present:

Michael Brown, Board Attorney
James Campbell, Adm Officer
Phil Abramson, Board Planner
David Atkinson, Board Engineer

The meeting was called to order by Chairman Pylypchuk 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 bulletin board in the Town Hall , and filed with the Clerk of the Town of Morristown on August 10, 2022 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 this meeting. This meeting is being held electronically in accordance with the Open Public Meetings Act as amended in 2020 which explicitly allows a public body to conduct meetings electronically during the currently declared state of emergency that reasonably prevents a public body from safely conducting business at a physical location with members of the public present such as the current COVID-19 pandemic.

Adequate notice of the electronic meeting has been provided by advertisement of the Board's annual meetings in the official newspaper, posted on the Town website and posted on the door to the municipal building.

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

Minutes – From the August 3, 2022 meeting. Motion to approve by Wild, second by Bednarz. All members in favor

Old Business – None

Resolutions - None

Public Hearings:

a.)Carried from the August 3, 2022 meeting , Appeal # 2175 of 9 George Street Commons LLC, owner of property situate block 2202, lot 2 , known as 9 George Street, Morristown NJ, requesting amended site plan and associated bulk variances

Application carried to the September 21, 2022 meeting

b.)Appeal # 2508 of 3-13 Ridgedale Ave, LLC, owner of property situate block 1802, lots 5, 6 & 7, known as 3, 5-7 & 13 Ridgedale Avenue, Morristown NJ, requesting Major Site Plan approval for proposed site improvements and parking areas

Application carried to the October 12, 2022 meeting

Chairman Pylypchuk recused himself and left the meeting and Vice Chairman Wild presiding over the meeting

c.) Carried from the June 15, 2022 1 Meeting , Appeal # 2490 of Co Home Inc, owner of property situate block 7301, lot 2.02, known as 44 Miller Road, Morristown NJ, requesting D variance to convert existing detached garage into a residential dwelling unit

Vice Chairman Wild reviewed the time line with the Board Attorney, Michael Brown, for hearings and expected briefs to be submitted and objectors to present their case.

Mr. Brown then reviewed the options before the board

Mr. Wild then presented the options to the board and the board deliberated

Mr. Bednarz then made a motion to dismiss and seconded by Ms. McNally Seven board members in favor to dismiss the application without prejudice

d.) Appeal # 2517 of New Cingular Wireless PCS, LLC, lessee of property situate block 6301, lot 2, known as 181 South Street, Morristown NJ, requesting Major Site Plan approval for new roof top cellular facility, associated equipment and stand by generator

Judith Fairweather – Attorney for applicant

Review of application and professionals to testify

Witness # 1 – Daniel Penesso, RF Engineer

Review of existing and proposed coverage maps for cellular service

Proposed location chosen due to proximity for location and height

Board Questions –

Public Questions – None

Witness # 2 – Greg Nawrotzki – PE

Witness was not licensed in NJ and not accepted as a professional witness

Application carried to the September 7, 2022 meeting

Frank Vitolo – Attorney for Co Home – appeared and inquired as to the motion to dismiss

Board Member Bednarz recused himself & left the meeting

e.) Carried from the August 3 2022 meeting, Appeal # 2506 of Yeison De Los Santos, owner of property situate block 902, lot 5, known as 6 Malcolm Street, Morristown NJ, requesting C & D Variances in conjunction with proposed detached garage for use as part time martial arts studio

Lawrence Calli – Attorney for applicant

Review of prior application and testimony

Witness # 1 – Karl Nichol – AIA

Review of exterior & interior floorplans, existing site and proposed site with improvements

Board Questions –

Public Questions -

Witness # 2 – Yesison De Los Santos – Property Owner

Responded regarding that the proposed shower was for convenience

Board Questions –

Public Questions – None

Witness # 3 – Matthew Flynn – PP

Review of site and variances requested

Review of positive & negative criteria

Ex A- 201 – 2 pages of site photos

Board Questions –

Public Questions

Closing summary by applicant’s attorney Lawrence Calli

Public Comments –

Cadence Sabatino – Holly St, Morris Township

John Fico – Grand Ave, Cedar Knolls

Masi Masas – Malcom St

Sara Cruz – Malcom St

Board Deliberation

Motion to approve by Wild, second by Blacker. All seven members in favor

Board Member Bednarz returned to the meeting

New Business - None

Public comment for items not on the agenda –

Nate Diskint

Board Chairman Recused himself and left the meeting and Vice Chairman took over the meeting

Mr. Wild and Mr. Brown reviewed the dates and that the conclusion was to be concluded on Aug 17

Motion to adjourn meeting by Pylypchuk, second by Wild