

**Regular Meeting of The
Planning Board Town of Morristown
August 26, 2021**

Present:

Mayor Tim Dougherty
Mr. Joseph Stanley
Ms. Debra Gottsleben
Ms. Martha Ballard
Ms. Andrea Lekberg
Mr. Mark Gandy
Mr. Joseph Kane
Ms. Susan Glover

Absent:

Mr. Hector Cardona
Mr. Gilbert Carpeta
Mr. Stefan Armington

Board Professionals Present:

John Inglesino - Board Attorney
Lisa John-Basta – Board Conflict Attorney
James Campbell – Town of Morristown - Adm Officer
Philip Abramson – Board Planner
Charles Carley- Board Engineer
Bryan Proska – Board Traffic Engineer

The meeting was called to order by Chairman Stanley 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 August 19, 2021 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 as listed above was taken by James Campbell Adm Officer

Pledge of Allegiance by all attending

Moment of Silence

Minutes: From the July 22, 2021 meeting – Motion to approve by Gottsleben, second by Ballard. 7 members in favor. Member Kane abstained

Resolutions –

A.) Appeal # 21-04 of Genius Academy, lessee of property situate block 4801, lot 11, known as 89 Morris Street, Morristown NJ, requesting Conditional Use approval for Educational Facility in the TC Zone

Motion to approve by Gottsleben, second by Stanley. All eligible members in favor

b.) Appeal # 20-13 of Scotto Holdings LLC, owner of property situate block 3501, Lots 7,8,9 & 10 ,known as 81, 83, 85 & 87 Martin Luther King Avenue, Morristown NJ, requesting Major Site Plan Approval in conjunction with a Multi-Unit Residential building

Motion to approve by Stanley, second by Gottsleben

8.) Public Portion: Questions or comments from members of the public on matters not elsewhere on the agenda

9.) Public Hearings:

a.)Carried from the July 22, 2021 meeting, Appeal # 21-03 of 77 Morris LLC, owner of property situate block 4801, lot 10 , known as 77 Morris Street, Morristown NJ, requesting Major Site Plan Approval for façade improvements and C Variance for loading zone

Application carried to the September 23, 2021 meeting

b.)Carried from the August 10, 2021 Special Meeting, Appeal # 19-12 of South Street Morristown Holdings LLC, lessee of property situate block 4701, lots 37 & 39, known as 126 & 136 South Street, Morristown NJ, requesting Major Site Plan Approval in conjunction with a new 39 unit residential building with retail on the ground floor

Application carried to Special Meeting to be held on September 21, 2021

Board Attorney Inglesino left the meeting and conflict Attorney John-Basta took his place

Mayor Dougherty recused himself and left the meeting

c.)Appeal # 19-06 of The Silverman Group, owner of property situate block 4802, lots 4,6,7,8,9,10 , known as 54-74 South Street Morristown, requesting jurisdictional and completeness review for proposed mixed use building

Board Attorney John-Basta gave a brief history of the application and the court ruling for jurisdictional review by the board

Nicole Dory, Esq – Attorney for applicant

Board Witness # 1 – Phil Abramson – PP

Ex B-1 – Powerpoint Presentation

Summary of the variances involved including D-3 Conditional Use & D-4 – Floor Area Ratios of which only the ZBA would have jurisdiction to hear

Review of new varainaces as poart of the revised plans submiy=tted throughout the application process

Board Questions –

Cross Examination by Attorney Dory

Applicant's case presented by Attorney Dory regarding the D Variiances

Summary of application, revisions throughout the process dating to April 2019

Witness # 1 – Eric Keller – PE

Ex A-1 – Powerpoint Presentation

Review of proposed development with existing retail to remain in place. Summarized that the D Variances were not part of the application due to meeting all of the criteria to not be a D Variance

Closing summary by Dory

Board Questions –

Public Questions/ Comments – None

Board Deliberation –

Motion that the Planning Board does not have jurisdiction by Stanley, second by Gottsleben. All members in favor

Motion that the application to be administratively transferred to the ZBA by Stanley, second by Gottsleben. All members in favor

Mayor Dougherty returned to the meeting

Board Attorney Inglesino returned to the meeting and Conflict Attorney John-Basta left the meeting

d.)Carried from the July 22,2021 meeting, Appeal # 20-13 of Scotto Holdings LLC, owner of property situate block 3501, Lots 7,8,9 & 10 ,known as 81, 83, 85 & 87 Martin Luther King Avenue, Morristown NJ, requesting Major Site Plan Approval in conjunction with a Multi-Unit Residential building

Larry Calli – Attorney for applicant

Witness # 1 – Karen Luongo – AIA

Ex A-4 – Colorized North Rendering

Summary of revised plans with adjusted floor to ceiling heights and internal floor plans changes

Summary by Calli-

Board Questions –

Public Questions/ Comments – None

Motion to approve by Stanley, second by Gottsleben. All eligible members in favor

Motion to adjourn meeting by Gottsleben, second by Mayor Dougherty