

**Regular Meeting
Board of Adjustment
December 7, 2022**

Present:

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

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 December 1, 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 –None

Old Business – Judith Fairweather, attorney for AT&T requested that the board accept Erik Jackson as the AIA of record and to work with the board professionals on the roof design.

Motion to approve Mr. Jackson by Wild, second by McNally. All members in favor

Resolutions -

a.) Appeal # 2456 of Milelli Morristown LLC, owner of property situate block 6101, lot 1 known as 23-27 South Street, Morristown NJ, for C Variances in conjunction with Major Site Plan approval for new multi- story mixed use building

Motion to approve by Wild, second by Nish. Five eligible members in favor

Public Hearings:

Chairman Pylypchuk recused himself and left the meeting and Vice Chairman Wild presided over the application

a.)Carried from the Nov 30, 2022 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

Frank Vitolo – Attorney for applicant

Review by Board Planner Phil Abramson of the issues surrounding the Co Home application and the items that the board would need to consider

1.) Does the Inherently Beneficial Status apply to the principal structure?

Motion to approve that the status does apply by Murphy, second by Blacker. Six members in favor. Member Bednarz abstained

2.) Is the Accessory Dwelling considered a second principal use?

Motion to approve that the accessory dwelling is a separate second principal use by Bednarz, second by Nish. Four members in favor, three members against

3.) What is the appropriate standard of relief of the particular function of the proposed use and does it relate to the main primary function of the established use and does the accessory building fall under the same inherently beneficial use as the principal structure?

Motion to approve by Murphy, second by McNally. Four members in favor, three members against

A motion was then made to authorize the board attorney to draft a list of conditions to be reviewed by the board at the next hearing for the application by McNally, second by Murphy. All seven eligible members in favor

Application carried to the December 21, 2022 meeting

Chairman Pylypchuk returned to the meeting and presided over the proceedings

b.) Carried from the October 19, 2022 meeting, Appeal # 2507 of 5-7 South Street Holdings LLC, owner of property situate block 6004, lots 3 & 4, known as 5-7 South Street, Morristown NJ, requesting Interpretation of the LDO for determination D Variance requirements for roof top dining

Application carried to the Dec 20, 2022 Special Meeting

New Business - None

Public comment for items not on the agenda – None

Motion to adjourn meeting by Pylypchuk, second by Murphy