

**Regular Meeting
Board of Adjustment
February 15, 2023**

Present:

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

Absent:

Ms. Rachel Blacker

Board Professionals

Present:

David Brady, 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 February 8, 2023 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 Jan 4 & Jan 18, 2023 meetings. Motion to approve by Bednarz, second by Wild. All members in favor.

Old Business – None

Resolutions - None

Public Hearings:

a.) Carried from the Feb 1, 2023 meeting, Appeal # 2513 of Morris Blue LLC, purchaser under contract of property situate block 6005, lots 17 & 18 , known as 1 & 1,5 Maple Avenue, Morristown NJ, requesting C & D Variances for new four story mixed use building with ground floor retail and a roof top deck amenity

Application carried to the March 1,2023 meeting

Board Member Nish recused herself and left the meeting

b.) Carried from the December 21,2022 special 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

Steven Schepis – Attorney for applicant

Overview and history of uses and reasons for seeking interpretation before the board and summary of witnesses.

Witness # 1 Carolyn Young – AIA

Witness # 2 Lynn Williams – AIA

Witness # 3 Darrel Remlinger – Owner’s Rep

Witness # 1 Carolyn Young gave an overview of the uses and history of the property

Ex A-101 – 2009 Zoning Permit

Ex A-102 – Floor Plan Sheet A 2

Ex A-103 – 7/8/2013 Interior plan Sheet A 1

Ex A-104 – Occupancy Diagram

Ex A 105 – Occupancy Diagram – Basement

Ex A 106 – 12/6/10 Zoning Permit

Ex A 107 – 12/10/2012 Gran Cantina Zoning Permit

Ex A 108 – 6/3/14 – Zoning Permit Iron Bistro

Ex A109 -3/4/15 Zoning Permit for Iron Bistro interior fit- out

Ex A 110 – 1/22/19 – Int staircase

Ex A 111 – 9/21/21 AIA Plan

Ex A 112 – Def of Nightclub

Board Questions –

Public Questions – None

Witness # 2 – Darrel Remlinger – Owner’s Rep & Business Partner

Review of construction and history of property

Overview of operations of both entities

Board Questions –

Public Questions – None

Closing comments by Attorney Shepis regarding the first portion of the interpretation of certification of pre- existing non- conforming use

Motion to certify that the use is a pre- existing non- conforming use by Wild,
second by Murphy. Five board members in favor, two members nay

New Business - None

Public comment for items not on the agenda – None

Motion to adjourn meeting by Pylypchuk, second by Bednarz