

**Regular Meeting
Board of Adjustment
January 12, 2022**

Present:

Mr. Steven Pylypchuk 7:35pm
Mr. Thomas Ferrara
Mr. James Bednarz
Mr. Anthony Murphy
Mr. Scott Wild
Ms. Beth Wall
Ms. Barbara McNally
Ms. Noelle Nish
Ms. Rachel Blacker

Absent:

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 Vice Chairman Wild 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 January 5, 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.

Board members Wall & Blacker were sworn in to their respective board positions

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

Minutes – From the December 15 2021 meeting & Jan 5, 2022. Motion to approve by Bednarz, second by Wild. All members in favor

Old Business –

a.) Selection of Board Planner for 2022. Motion to appoint Topology by Wild, second by Wall. All members in favor

b.) Selection of TCC members. Anthony Murphy to be chairman and board members Ferrara & Bednarz also appointed. Motion to approve by Bednarz, second by Wild. All members in favor.

Resolutions -

a.) Appeal # 2462 of BP North America, lessee of property situate block 1802, lot 4, known as 168 Morris Street, Morristown NJ, requesting Major Site Plan with C & D Variances in conjunction with new fuel dispensers and canopy

Motion to approve by Bednarz, second by Nish. All eligible members in favor

b.)Denial of Appeal # 2486 of Bajwa, owner of property situate block 7901, lot 31, known as 149 Washington Street, Morristown NJ, requesting C & D Variances in conjunction with convenience store use with fuel, signage and improved coverage

Motion to approve denial by Bednarz, second by McNally. Seven eligible members in favor

Public Hearings:

a.)Carried from the December 15, 2021 meeting, appeal # 2499 of Festivus Industries LLC, owner of property situate block 6102, lot 5, known as 66 Maple Ave, Morristown NJ, requesting Interpretation of Zoning Ordinance as it relates to District Standards

Overview by board attorney Brady on the appeal process and summary of the process before the board at the meeting

Peter Wolfson, - Attorney for applicant

Review of lawsuit and merits of that case and how there is no relation to the ZBA issuing an interpretation on the LDO

Glen Pantel, Esq – applicant for objector

Summary of objection as to why the ZBA should not hear the appeal for an interpretation as that is the role of the court,

Rebuttal by Wolfson indicating that the board does have jurisdiction for an interpretation and should rule on the appeal.

Follow up by Board Attorney Brady on the process involving the court vs. the board ruling

Board Questions

Board Deliberation

Motion made that the board does not have jurisdiction due to pending litigation by Bednarz. second by Wild. All members in favor

New Business – Presentation by The Morristown Shade Tree Commission

Commission member Robert Bell gave a brief overview of the revised ordinance that specifies 25% shade trees for new paved areas.

Board Questions –

Public Questions/ Comments – None

Motion to adjourn meeting by Bednarz, second by McNally