

**Regular Meeting
Board of Adjustment
June 1, 2022**

Present:

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

Absent:

Board Professionals Present:

David Brady, Board Attorney
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 May 26, 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

Executive Session – 6:30 PM - Discussion of current legal matters before the board

Regular Meeting – 7:30 PM Regular business as per the public agenda :

Minutes – From the May 18, 2022 meeting. Motion to approve by Bednarz, second by McNally. All members in favor

Old Business – None

Resolutions -

a.) Denial of appeal # 2498 of 140 Washington St LLC, owner of property situate block 8301, lot 9, known as 140 Washington Street, Morristown NJ, requesting D Variance in conjunction with conversion of single family house into a two family house with a basement apartment

Motion to approve denial by Bednarz, second by Wild. Seven members in favor. Board Member Nish abstained

b.) Appeal # 2503 of Dismal Harmony , LLC, owner of property situate block 4801, lot 10, known as 77 Morris Street, Morristown NJ, requesting Major Site Plan approval for Conditional Use approval for proposed distillery with production area, tasting area & seating

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

Public Hearings:

a.) Carried from the May 18, 2022 meeting, appeal # 2497 of Morristown Field Club, owner of property situate block 9301, lot 2, known as 168 James Street, Morristown NJ , requesting Major Site Plan Approval with C & D Variances for expansion of existing tennis Club and associated improvements

Application carried to the June 15, 2022 meeting

b.) Appeal # Appeal # 2477 of 161-163 Madison Ave LLC, owner of property situate block 1402, lot 3, known as 161-163 Madison Avenue, Morristown NJ, requesting bifurcated Major Site Plan approval in conjunction with a new 3 story 28 unit residential building

Application carried to the July 20, 2022 meeting

c.) Appeal # 2514 of The Walsh Company, lessee of property situate block 5901, lot 2, known as 22 Speedwell Avenue, Morristown NJ, requesting an interpretation of the town ordinance regarding medical office uses vs, service uses on the ground floor where active uses are required

Frank Vitolo – Attorney for applicant

Review of proposed business as a service business and active use under the town code

Witness # 1 – Edward Walsh – Business Owner

Witness # 2 – Lynn Walsh – Business Owner

Ex A-101 – Slide Show about the proposed business

Overview of operation, hours and services provided

Board Questions –

Public Questions – None

Witness # 3 – Christine Cofone – PP

Review of similar uses & review of Topology report

Non medical wellness center use proposed

Board Questions –

Public Questions/Comments

Douglas Greenberger – Landlord

Board Deliberation

Motion to approve interpretation that proposed use is a service use and not a medical office use by Wild, second by Nish. Six members in favor, One Nay

d.)Carried from the May 4, 2022 meeting , appeal # 2489 of Pisa Treires LLC, owner of property situate block 3303, lot 14, known as 22 Orchard Street, Morristown NJ, requesting C & D Variances in conjunction with proposed two family house

e.)Carried from the May 4, 2022 meeting ,Appeal # 2492 of Pisa Treires,LLC, owner of property situate block 3303, lot 15, known as 20 Orchard Street, Morristown NJ, requesting C & D Variances in conjunction with proposed two family house

Applications D & E were concurrently heard as the applications were of similar characteristics

John Chaia – Attorney for applicant

Summary of revisions to plans & site layout

Witness #1 – Yogesh Mistry – AIA

Ex A 201 – Google Map Image

Ex A 202 – Google Street View

Ex A 203 – 3D color Rendering

Each unit to contain 2 bedrooms with approx. 1050 sq feet per unit

Review of interior floor plans, exterior materials, height and exterior lighting

Ex A 204 – Exterior Finishes

Review of board professional's reports and waiver requests for glazing percentages and first floor elevations

Board Questions –

Public Questions – None

Witness # 2 – Paul Anderson – PE & PP

Review of revised site plan & variances requested

D Variance relief had been resolved due to revised plans

Positive & negative criteria of C Variances reviewed

Board Questions –

Public Questions/ Comments – None

Summary by Attorney Chaia

Board Deliberation

Motion to approve 20 Orchard St # 2492 by Bednarz, second by Wall. All members in favor

Motion to approve 22 Orchard # 2489 by Wild, second by McNally. All members in favor

New Business - None

Public comment for items not on the agenda – None

Motion to adjourn meeting and by Bednarz, second by Wall