

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

Present:

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

Absent:

Ms. Noelle Nish - Recused

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 March 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 March 1, 2023 meeting. Motion to approve by Bednarz, second by Murphy. All eligible members in favor.

Old Business – None

Resolutions - None

Public Hearings:

a.) Appeal # 2521 of Amanda Abdelsayed, owner of property situate block 6203, lot 15, known as 101 Maple Avenue, Morristown NJ, requesting C Variances in conjunction with rear addition to existing single family house

Application not heard due to a defect in the public notice. Applicant to re notice for a future date not yet known

b.) Carried from the February 15, 2023 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

Review of interpretation of ordinance on whether outdoor dining includes roof top dining

Witness # 1 – Carolyn Young – AIA

Ex A-201 – Roof top plans with highlights

ExA-202 – Revised AIA sheet 3 with proposed roof top dining details

Ex A-203 – Conditional use language from town LDO with two conditions listed

Ex A-204 – Outdoor Space definition from town LDO

Board Questions –

Public Questions – None

Cross examination of AIA Young by Steven Schepis

Witness # 2 – John Szabo – PP

Planning testimony of outdoor dining and other examples in town as approved by the ZBA & PB

Board Questions –

Public Questions – None

Cross examination of Planner Szabo by Steven Schepis

Cross examination of Board Planner Abramson by Steven Schepis

Board Questions-

Public Questions/Comments – None

Summary by Schepis

Board deliberation

Motion that roof top dining is not outdoor dining by Wild, second by Blacker. Six members in favor , One nay

Application to be carried to the June 7, 2023 meeting for formal application of relief to be sought

New Business - None

Public comment for items not on the agenda – None

Motion to adjourn meeting by Pylypchuk, second by Bednarz