

**Regular Meeting
Board of Adjustment
October 19, 2022**

Present:

Mr. Thomas Ferrara
Ms. Barbara McNally
Mr. James Bednarz
Ms. Rachel Blacker
Mr. Anthony Murphy 7:40 pm
Mr. Scott Wild
Ms. Noelle Nish
Ms. Kristin Baltadonis
Mr. Steven Pylypchuk

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 October 13, 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 – From the Sept 21 & Oct 12 meetings. Motion to approve by Wild, second by McNally. All members in favor. Chairman Pylypchuk abstained from approval of the October 12, 2022 minutes

Old Business – None

Resolutions -

Appeal # 2515 of Andrei Trifonov, owner of property situate block 5602, lot 5, known as 50 Harrison Street, Morristown NJ, requesting C variances for new second story addition and front yard parking area

Motion to approve by McNally, second by Wild. Seven members in favor

Public Hearings:

a.) Carried from the September 21, 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 Dec7, 2022 meeting

b.) Appeal # 2307 of Ridgewood Avenue Partners, LLC, owner of property situate block 702, lots 8,9 ,10 & 11 known as 68-74 Ridgedale Avenue, Morristown NJ requesting removal of condition # 11 of the resolution restricting the residential dwelling units to be only owner occupied

Joseph Paparo – Attorney for applicant

Review of original approval and legal reasons to change language from only owner occupied to rentals

Coah units to remain at 4 out of 29 units

Discussion of whether Res Judicata would apply to rehear the same argument as previously applied for by a different applicant

Board Questions –

Public Questions –

Joseph Sanchez – 88 Abbett Ave

Public Comment – None

Board Deliberation –

Motion that Res Judicata would not apply by Nish, second by Chairman Pylypchuk. Seven members in favor that Res Judicata does not apply

Motion that condition # 11 be modified to eliminate the owner occupied language be removed by Nish, second by Wild. Seven members in favor

c.) Carried from the October 12, 2022 meeting, appeal # 2517 of New Cingular Wireless PCS, LLC, lessee of property situate block 6301, lot 2, known as 181 South Street, Morristown NJ, requesting Major Site Plan approval for new roof top cellular facility, associated equipment and stand by generator

Christopher Quinn – attorney for applicant

Witness # 1 – Robert Marsac – AIA

Review of redesign and proposed height of 7 feet over existing parapet height

Ex A 501 – Revised elevations

Board Questions –

Public Questions –

Witness # 2 – Dan Paneso – RF Engineer

Ex A 502 – Powerpoint Presentation with proposed roof stop screening

Board Questions –

Public Questions – None

Witness # 3 – Dave Karlebach – PP

Application carried to the November 2, 2022 meeting

New Business - None

Public comment for items not on the agenda – None

Motion to adjourn meeting by Pylypchuk, second by Bednarz