

Minutes of the Regular Meeting of the Morris Plains Board of Adjustment held on May 21, 2012 at 7:30 p.m. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Michael Bozza  
Mrs. Rosemary Lopez  
Mrs. Ruth Mills  
Mr. Martin Reilly  
Mr. Roy Stewart  
Ms. Joan Scaccia  
Mr. David Schulz, Chairman

Absent: Mr. John Scagnelli  
Mr. Robert Webster

Mr. William Denzler, Borough Planner  
Mr. Leon Hall, Borough Engineer  
Mr. Michael Sullivan, Board Attorney

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

The meeting was called to order by Mr. Schulz. Mr. Schulz made the statement that adequate notice of this meeting has been published and posted in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act."

## **APPROVAL OF MINUTES**

Ms. Scaccia moved that the minutes of the April 23, 2012 Regular Meeting be approved, seconded by Mr. Stewart.

### **Roll Call**

Yeas: Mrs. Mills, Mr. Stewart, Ms. Scaccia, Mr. Schulz  
Nays: None  
Abstain: Mr. Bozza, Mrs. Lopez, Mr. Reilly  
Absent: Mr. Scagnelli, Mr. Webster.

**Motion carried.**

## **COMMENTS FROM THE PUBLIC**

Mr. Schulz opened the meeting to the public to speak on matters other than those on the agenda. No comments were forthcoming, and this portion of the meeting was closed to the public.

## **BA-1-12 Rand Homes Corporation Madison Avenue Block: 53 Lots: 11, 12.01**

Mr. Schulz stated this matter is on tonight's agenda for completeness.

Mr. Andrus Anassa of 261 Main Street Ledgewood, NJ the applicant introduced himself to the Board.

Mr. Hall stated that in his report of May 18, 2012 he found the application to be incomplete. There are several items from the check list item that need to be addressed before he feels the application can be deemed complete. The items in question are # 2, #11, #7, 14, #25 and #23.

Mr. Denzler stated that in his May 17, memo he also finds the application incomplete and he notes the same checklist numbers as Mr. Hall with the addition of #26.

Mr. Schulz stated there was a response to the engineer comments today, the professionals and the Board were not able to review them in detail before the meeting.

Mr. Stewart inquired as to why the applicant was going to the Borough Council.

Mr. Hall stated that the applicant has to go to Borough Council to build a driveway within a public road right of way.

Some cross discussion on about going to the Borough Council.

Mr. Anassa stated that he is building one home and doing what is required to provide public access for that home at the same time keeping with the street layout.

Mr. Hall explained why the applicants go to the Bough Council. He stated learning from past experience on Madison Avenue he will pay close attention to this applicant and any future applicants that may come in, to keep the construction of the street uniform.

Mr. Anassa stated what he is hoping to do in regards to the utilities and the driveway. He is waiting to hear from the utility companies to see how to proceed forward. By the time the Board is ready to hear testimony he is hoping to have more definite answers.

Mr. Bozza moved that the application be deemed incomplete, seconded by Mrs. Mills.

Roll Call

Yeas: Mr. Bozza, Mrs. Lopez Mrs. Mills Mr. Reilly Mr. Stewart, Ms. Scaccia, Mr. Schulz

Nays: None

Absent: Mr. Scagnelli, Mr. Webster.

**Motion carried.**

## **CORRESPONDENCE AND BILLS**

Mrs. Mills moved that payment for a voucher to William Denzler & Associates for professional services rendered to the Board in April, 2012 in the amount of \$28.75 be approved for payment, seconded by Mrs. Lopez.

Roll Call

Yeas: Mr. Bozza, Mrs. Lopez Mrs. Mills Mr. Reilly Mr. Stewart, Ms. Scaccia, Mr. Schulz

Nays: None

Absent: Mr. Scagnelli, Mr. Webster.

**Motion carried.**

**NEW BUSINESS**

Mr. Steward stated that he was stopped today and told of the improvement that has been made over at the Kohl's Shopping Center, at the access to the liquor store (Bottle King) and Dunkin' Donuts. This was done by the efforts of Mayor Druetzler and Mr. Hall. He would like to thank Mayor Druetzler and Mr. Hall for getting this improvement done.

Mr. Schulz raised a question if the Board is the only source to make the determination to deem an application complete or incomplete. General consensus was that the Board is the one that has to make the decision, and it is believed there is an ordinance stating so.

Some cross discussion about completeness meetings.

Mr. Hall stated now that Smashburger is now open at the EJK Reality project, he is requesting that all the paving be completed because of the large amount of cars now parking at the sight.

Some cross discussion on the large building still on sight that has not been developed as of yet.

**OLD BUSINESS**

None.

**Escrow Report**

The Board Secretary advised that a letter went out to Dunkin' Donuts requesting 3,000.00.

There being no further business, Mr. Reilly moved the meeting be adjourned, seconded by Ms. Scaccia. Voice vote. All in favor. Motion carried.

Karen M. Coffey  
Commission Secretary

Joanna Schwerdt-Rota  
Recording Secretary