

MORRISTOWN BOARD OF ADJUSTMENT

JULY 21, 1993

DELIBERATIVE SESSION: JOHN DUFFY PROPERTY, LOCATED ON THE RANDOLPH ROAD.

APPLICANT: DIANE T. HIRSCH

APPLICATION FOR CONDITIONAL USE IN AREA ZONED RR/AG

PROPOSED USE: SCHOOL OF PHYSICAL EDUCATION/SUMMER DAY CAMP & STUDIO CLASSES ON THREE (3) ACRES.

MEMBERS PRESENT: Gary Nolan, Chairman; Ida Mae Anderson; Rose Lambert; Paul Trudell and Ralph Wiltshire.

Gary called this session to order at 8:40 P.M., advising this application would be heard under the Town of Morristown's Zoning By-Laws, Section 630-637, Pages 40 & 41 (Conditional Uses) and 280-286, Pages 8 & 9 (RR/AG).

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, Section 630-637, Pages 40 & 41 (Conditional Uses) and 280-286, Pages 8 & 9 (RR/AG) the Board of Adjustment granted approval with the stipulated Conditions.

632.1 CAPACITY OF EXISTING OR PLANNED COMMUNITY FACILITIES: N/A

632.2 CHARACTER OF THE AREA AFFECTED: Not adversely effected, as all activities are to be conducted inside;

632.3 TRAFFIC ON ROADS & HIGHWAYS IN THE VICINITY: Gary advised that he obtained the traffic study conducted by the Morristown Police Dept. in Oct. & Nov. of 1992 and it was the consensus of the Board that this proposed use would not generate a large amount of increased traffic. The earliest class of not more than twenty (20) students will not start before 10:00 A.M. with no more than three (3) classes per day, with the last class ending by 8:00 P.M., Monday through Friday only. Presently the heaviest traffic is between 06:30 A.M. to 08:00 A.M. and 3:30 to 5:00 P.M. on this road.

632.4 BYLAWS IN EFFECT W/SPECIAL REFERENCE TO THESE ZONING REGULATIONS: The applicant must obtain SITE-PLAN APPROVAL by the Morristown Planning Commission as a requirement of the Board of Adjustment's approval of these plans. That a minimum of ten (10) parking spaces be provided to serve staff and customers be included in the plans.

632.5 UTILIZATION OF RENEWABLE ENERGY RESOURCES: N/A

- 632.6 CONDITIONS IN THE AREA WHICH MAY EFFECT THE PROPOSED USE: This proposed use will not adversely effect the area.
- 633 (633.1 & 633.2): This proposed use will not adversely cause undue water, noise or air pollution.
- 634 The applicant MUST MEET ALL STATE AND LOCAL HEALTH DEPARTMENT AND WATER RESOURCES REQUIREMENTS, WITH WRITTEN DOCUMENTATION BEING SUBMITTED TO THE MORRISTOWN ZONING ADMINISTRATOR PRIOR TO BEING ISSUED AN OCCUPANCY PERMIT BY THE ZONING ADMINISTRATOR.
- 635 FURTHER DETERMINATIONS:
- 635.1 N/A
- 635.2 N/A
- 635.3 A limit of ONE ACCESS/EXIT from the Randolph Road to the property is allowed, to be designated on the Site-Plan submitted for review by the Planning Commission;
- 635.4 N/A
- 635.5 The applicant will construct a minimum of ten (10) vehicle parking spaces;
- 635.6 Any signage will not exceed in size so as to require a Variance;
- 635.7 Screening is required along the Caldwell Development Road and along the boundary line between the Duffy property and the Barbour property line, in addition to any screening and landscaping required by the Planning Commission.
- 635.8 The applicant will come back before the Board of Adjustment in one year from the date the PERMIT IS ISSUED for review; that the PERMIT is NOT TRANSFERRABLE; PERMIT IS GRANTED ONLY TO DIANE HIRSCH, AS APPLICANT, as stated on application dated 04/08/93.
- All outside construction and screening is to be in place as a condition of the approved PERMIT, NO LATER THAN NOVEMBER 15th, 1993.
- 635.9 The Board of Adjustment requires that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions.
- 636 EXTRA CONDITIONS: The Board of Adjustment requires that the entire property is to be cleaned up of all trash, debris and items not pertaining to this type of operation in a proper and legal manner.
- That a copy of the Labor & Industry Report be submitted to the Morristown Zoning Administrator;

That classes are to be limited to no more than twenty (20) student; that the student/instructor ratio will be no more than 7 students to 1 instructor;

That ALL activities will be conducted indoors;

636-- That this operation is to be reviewed by the Board of Adjustment and the Planning Commission at the end of ONE (1) year of OCCUPANCY PERMIT BEING ISSUED.

637 EXISTING CONDITIONAL USES: Uses listed as conditional uses which existed prior to the effective date of these regulations shall conform to all requirements herein pertaining to conditional uses with respect to a change in use, expansion or contraction of land area, or alterations of structures.

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283.b Businesses not significantly different in nature from residential and/or agricultural uses with regard to appearance, volume of traffic, noise, or character of neighborhood.

This application was reviewed on its merits as presented before the Board.

Ralph made the motion to approve this application with the stipulated conditions as outlined above. Ida Mae seconded.
Unanimously approved.

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

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