

MINUTES

JANUARY 20, 2005

BOARD OF ADJUSTMENT

CHATHAM TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Dalziel, called the meeting to order at 7:30 P.M.

He then read the following statement:

Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Morris County Daily Record and the Chatham Courier and by filing a copy with the Municipal Clerk, all in January 2005.

ROLL CALL

On a call of the roll the following were present:

Lawrence Dalziel, Chairman
Therese Hough, Member
Joseph Cooney, Member
Peter Pizzi, Member (arrived late)
Parker Godwin, Member

Jesse Benton, 1st Alternate
Timothy Walters, 2nd Alternate

Lewis Wilson, Board Attorney
Kali Tsimboukis, Board Secretary

Excused: James Matthews, Vice Chairman

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ENGINEER’S APPOINTMENT

Mr. Cooney made a motion to approve the appointment of Richard B. Schommer, Jr. of Schommer Engineering, Inc. as Board Engineer for the year 2005, as outlined in a proposal letter dated 1/14/05, which was seconded by Mr. Benton.

A roll call vote was taken. Those in favor: Mr. Dalziel, Mr. Cooney, Mr. Godwin, Ms. Hough, Mr. Benton and Mr. Walters. Those opposed: None.

RECORDING SECRETARY’S APPOINTMENT

Mr. Godwin made a motion to approve the appointment of Cindy Phillips as Recording Secretary for the year 2005, as amended from the previous Resolution, which was seconded by Mr. Walters.

A roll call vote was taken. Those in favor: Mr. Dalziel, Mr. Cooney, Mr. Godwin, Ms. Hough, Mr. Benton and Mr. Walters. Those opposed: None.

APPROVAL OF MINUTES

Mr. Cooney made a motion to approve the December 16, 2004 Board of Adjustment meeting minutes, as amended, which was seconded by Mr. Godwin. All were in favor.

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RESOLUTION OF MEMORIALIZATION

ARTHUR & LORI PARADISE

479 River Road
Block 63, Lot 16.1

**#04-63-16.1
Bulk Variances**

The Board of Adjustment memorialized the annexed Resolution of approval for Arthur and Lori Paradise, Application No. 04-63-16.1, on motion by Mr. Godwin and seconded by Mr. Walters.

A roll call vote was taken. Those in favor: Mr. Cooney, Mr. Godwin, Ms. Hough, Mr. Benton and Mr. Walters. Those opposed: None. Those abstaining: Mr. Dalziel.

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RESOLUTION OF MEMORIALIZATION

JOSE & SYLVIA BRIONES

20 Hampton Road
Block 48.12, Lot 1

#04-48.12-1
Bulk Variance

The Board of Adjustment memorialized the annexed Resolution of approval for Jose and Sylvia Briones, Application No. 04-48.12-1, as amended, on motion by Ms. Hough and seconded by Mr. Cooney.

A roll call vote was taken. Those in favor: Mr. Cooney, Mr. Godwin, Ms. Hough, Mr. Benton and Mr. Walters. Those opposed: None. Those abstaining: Mr. Dalziel.

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RESOLUTION OF MEMORIALIZATION

ANDREW & LISA BOLES

12 Robert Drive
Block 102.01, Lot 8

#04-102.01-8
Bulk Variances

The Board of Adjustment memorialized the annexed Resolution of denial for Andrew and Lisa Boles, Application No. 04-102.01-8, on motion by Mr. Cooney and seconded by Mr. Godwin.

A roll call vote was taken. Those in favor: Mr. Cooney, Mr. Godwin and Ms. Hough. Those opposed: None. Those abstaining: Mr. Dalziel, Mr. Benton and Mr. Walters.

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Mr. Dalziel announced that the application of Kathleen and Steven Costello, No. 04-85-30, has been withdrawn at the applicants' request.

Mr. Dalziel announced that the application of Christian and Joan Mogelvang, No. 04-88-9, was carried to the 2/17/05 meeting with no further notice.

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JAMES & ANASTASIA SIBONA

6 School Avenue
Block 102.08, Lot 39

#04-102.08-39
Bulk Variance

Present: James Sibona, co-applicant
Anastasia Sibona, co-applicant

This is a continued hearing.

Proof of service was previously submitted.

Mr. James Sibona, co-applicant, and Mrs. Anastasia Sibona, co-applicant, were previously sworn.

Mr. Cooney read the Board site visit report dated 1/20/05 which was marked into evidence as **EXHIBIT B-13**.

Mr. Dalziel and Mr. Godwin questioned if the driveway is impacted by the steep slopes.

Mr. Cooney noted that, according to the Township Engineer's report, the proposed construction would impact two different sections of the steep slopes, which he believed included the driveway.

Mr. Dalziel stated that the steep slopes are located in the southernmost corner of the property and underneath the western side of the proposed dwelling, which is not near the driveway.

Mr. Godwin stated that he believed the depiction of the driveway on the drawing was somewhat misleading.

Mr. Dalziel clarified that the two areas of the steep slopes are to the southwestern corner and to the west rear of the proposed dwelling and that the types of steep slopes described are correct.

Mr. Wilson stated that the site visit report must be amended to reflect that change.

Mr. Cooney stated that he would submit a revised site visit report.

Mr. Sibona stated that the 20-25% steep slope areas are very small and that they have never had a problem with runoff in that area of the property.

Mr. Dalziel noted that there would be some regrading of the property because of the proposed construction. He questioned if the rear slopes were existing prior to the demolition of the previous dwelling.

Mr. Sibona stated that the slopes had not changed since the demolition.

Mr. Walters stated that he believed a condition of approval should be added to ensure that the swale off the driveway must be more clearly defined across the rear of the property, as recommended by Mr. Marshall Frost, Township Engineer.

Mr. Wilson stated that such a measure would prevent the surface runoff from draining onto other properties. He added that he had been unable to confirm the need for such a measure with Mr. Frost.

In response to Mrs. Sibona, Mr. Dalziel explained the lot grading permit process.

Mr. Sibona questioned the need for a more clearly defined swale.

Mr. Dalziel stated that he believed Mr. Frost was concerned with the lack of grading along the western side of the proposed house, and that the swale would prevent water from discharging onto neighboring properties.

Mr. Sibona stated that such a condition would be acceptable.

The meeting was opened to the public for questions or comments. There being none, the meeting was closed to the public.

Mr. Walters made a motion to approve the application, with the inclusion of the above-mentioned condition, which was seconded by Mr. Benton.

A roll call vote was taken. Those in favor: Mr. Dalziel, Mr. Cooney, Mr. Godwin, Ms. Hough, Mr. Benton and Mr. Walters. Those opposed: None.

Mr. Dalziel stated that, at the request of the applicant, Mr. Wilson had drafted a Resolution for memorialization this evening.

Mr. Wilson read a draft of the annexed Resolution of approval and noted that the Resolution may be amended after it is read into the record.

(Mr. Pizzi arrived at 8:15 P.M.)

The Board of Adjustment memorialized the annexed Resolution of approval for James and Anastasia Sibona, Application No. 04-102.08-39, as amended, on motion by Ms. Hough and seconded by Mr. Cooney.

Mr. Dalziel noted that he had listened to the tapes from the previous hearing so he would be eligible to vote on the application.

A roll call vote was taken. Those in favor: Mr. Dalziel, Mr. Cooney, Mr. Godwin, Ms. Hough, Mr. Benton and Mr. Walters. Those opposed: None. Those abstaining: Mr. Pizzi.

The application concluded at 8:20 P.M.

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THOMAS & BEVERLY SALIERNO
37 Mitchell Avenue
Block 114, Lot 9

#04-114-9
Bulk Variance

Present: Thomas Salierno, co-applicant
? Salierno, co-applicant

Proof of service was submitted.

Mr. Thomas Salierno, co-applicant, and Mrs. Beverly Salierno, co-applicant, were sworn. Mrs. Salierno stated that they are interested in repairing the existing front steps of the dwelling, which are deteriorating. She explained that they are seeking a variance to install a portico in that area and to extend an existing hallway at the side of the dwelling by 2.2 feet, which would require a variance for violating the required side yard setback by 1.6 feet. She further explained that they require the additional hallway space because the existing hallway is too small to accommodate family members who are of taller than average height. She then presented and described photographs of the subject property and the surrounding area taken by her on 1/18/05 which were marked into evidence as **EXHIBIT A-12 A-F**.

In response to Mr. Dalziel, Mr. Salierno stated that no other construction is planned for the property.

Mr. Dalziel stated that the survey that was submitted to the Board does not show the proposed portico or the dimensions defining the required variance. He questioned how the applicants determined the variance request of 1.6 feet.

Mrs. Salierno stated that, according to Mr. Frost's report dated 11/24/04, the existing side yard setback on the property is 28.8 feet, where 25 feet is required, and that the proposed portico would be 3 feet. She added that the existing hallway is 3.10 feet and that they are proposing to extend the hallway an additional 2.2 feet, which would require a variance for encroaching 1.6 feet into the side yard setback.

In response to Mr. Dalziel, Mrs. Salierno stated that the house with the portico depicted in **EXHIBIT A-12D** is located diagonally across the street from the subject property and she did not know if they were in compliance with the Township ordinance.

Mr. Dalziel questioned if the subject property possessed any unusual features or characteristics.

Mrs. Salierno stated that the property was a corner lot located near the Great Swamp.

In response to Mr. Pizzi, Mrs. Salierno stated that there is no building coverage issue on the property.

Mr. Dalziel stated that the zoning schedule must be completed. He further stated that the building coverage listed in the zoning schedule indicates that 2,000 square feet is required and 2,656 feet is existing. He questioned if the actual building coverage exceeds the Township requirement.

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Mr. Salierno stated that he believed the calculations might be incorrect.

Mrs. Salierno stated that Mr. Frost's report indicates that the existing building coverage on the property is 1,451 square feet and that the proposed building coverage would be 1,508 square feet, which are both below the Township ordinance requirement.

Mr. Salierno confirmed that Mr. Frost's calculations were correct.

In response to Mr. Pizzi, Mrs. Salierno stated that the proposed platform would measure 3 feet.

Mr. Dalziel noted that, typically, variances are driven by the nature of the property, not by personal need of the owner.

Mr. Dalziel announced that the Board would conduct a site visit at the property on 2/5/05 at 9:00 A.M.

The application concluded at 8:35 P.M.

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JOHN HANNIG
413 River Road
Block 63, Lot 24

#04-63-24
Bulk Variances

Present: John Hannig, applicant

Proof of service was submitted.

Mr. Pizzi recused himself from the application because he and the applicant are currently using the same architect.

Ms. Hough noted that she had also used the same architect in the past but did not believe she would need to recuse herself from the application.

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Mr. John Hannig, applicant, was sworn. He stated that the house on the subject property is located 11-12 feet from the property line, which is a pre-existing non-conformity. He added that

he is seeking approval to construct a deck at the rear of the dwelling which would measure the length of the house and would extend 12-16 feet, which would violate the required front yard setback of 75 feet.

In response to Mr. Benton, Mr. Hannig stated that the house was built in the 1920's and that he has lived there for four years.

Mr. Walters questioned if the construction of the deck would create any additional variances.

Mr. Dalziel stated that the proposed deck, as well as the existing dwelling, would be located within the front yard setback.

In response to Mr. Godwin, Mr. Hannig stated that the proposed stairs would extend out the width of the bay and would equal the pre-existing side yard setback.

Mr. Dalziel stated that the dimension of the stairs to the property line should be noted on the plans. He then questioned if the bay has a foundation.

Mr. Hannig stated that the bay is cantilevered.

Mr. Dalziel noted that the proposed stairs would be closer to the property line than the house.

In response to Mr. Godwin, Mr. Wilson confirmed that the proposed application would also require a side yard setback variance.

Mr. Hannig noted that the subject property slopes down toward River Road and that the blacktop would be located underneath the deck so there would not be an impervious coverage issue.

In response to Mr. Dalziel, Mr. Hannig stated that the shed roofline would be extended to cover the proposed new door from the dining room out to the deck.

Mr. Dalziel clarified that the only proposed construction is the deck and the extension of the roof. He noted that the zoning information on the first page of the plans must be revised to include the distance of the proposed stairs to the property line, which must be submitted 10 days before the next hearing.

Mr. Dalziel announced that the Board would conduct a site visit at the property on 2/5/05 at 9:30 A.M.

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Mr. Walters made a motion to adjourn the meeting which was seconded by Mr. Cooney.

The meeting was adjourned at 8:50 P.M.

Cynthia L. Phillips
Board of Adjustment Recording Secretary