

**TOWNSHIP OF CHATHAM**  
**BOARD OF ADJUSTMENT**  
**Work Meeting Minutes**

February 9, 2005

The work meeting of the Board of Adjustment of the Township of Chatham, County of Morris, and State of New Jersey commenced at 7:34 p.m., 58 Myersville Road, Chatham Township. Chairperson Lawrence Dalziel called the meeting to order.

The following members were present:

Lawrence Dalziel, Chairperson  
James Matthews, Vice-Chairperson  
Jesse Benton  
Joseph Cooney  
Parker Godwin  
Therese Hough  
Tim Walters

Also in attendance:

Lewis Wilson, Esq., Board Attorney  
Rusty Schommer, Board Engineer  
Un-named member of the public

Chairperson Dalziel read the Open Public Meetings Statement.

Minutes for the Board meetings held on January 12 and January 20, 2005 were received electronically. However, the Board members did not have sufficient time to review them prior to this evening's work meeting and acceptance of the minutes was postponed until the February 17 meeting.

The Board welcomed Rusty Schommer as the newly appointed Board Engineer. Mr. Schommer explained that he was attending this work meeting to better familiarize himself with the Board and its currently pending applications.

A resolution to appoint Francis J. Banisch III as Board Planner was reviewed by Mr. Wilson. Mr. Wilson pointed out that the resolution in hand was not signed by either party and differs in language from the previous agreement/resolution concerning the carry over of the contract on an interim basis in the event there is no renewal or replacement contract in place. This was not viewed as a detriment. Mr. Schommer stated his familiarity with Mr. Banisch and informed the Board that Mr. Banisch's reputation within the planning community is that of a well qualified planner. The resolution was read in its entirety by Chairperson Dalziel. A motion was made and seconded to accept the resolution; all in attendance voted for the resolution.

Mr. Schommer informed the Board that he has had several phone conversations with the Board's previous engineer, Marshall Frost, concerning the pending applications will be meeting with Mr. Frost to discuss in greater detail the more complicated applications that are outstanding, such as the Brill and Parisi applications. Mr. Schommer received from the Board Secretary a packet with all the current applications before the Board and has made a preliminary review of them.

**APPLICATIONS COMPLETE HEARING ON FEBRUARY 17, 2005:**

**CALENDAR BOA 04-114-9 MR. & MRS. SALIERNO, 37 MITCHELL AVENUE**

Front yard set back to construct a portico. **(continuation)**

A recap of the February 5 site visit indicated no neighbors were present and that other homes in the area have made alterations to the front porch area, although not exactly in the manner the applicants are requesting for approval.

Discussions took place regarding the three new applications to be heard at the February 17 meeting. Mr. Schommer stated that he had reviewed Mr. Frost's completeness reviews. Chairperson Dalziel requested Mr. Schommer to forward any comments or analyses he has concerning the applications to be forwarded to the Board members before the February 17 meeting at which time they will also be presented to the applicants.

**CALENDAR BOA-04-130-15 MR. ANTONIO DEMATOS, 1A LAKE ROAD**

Front, side and rear yard setbacks to construct an addition. **(hearing on February 17, 2005)**

Mr. Schommer noted that the applicant's floor layout indicates a substantial use of the top floor space. He questioned whether or not the proposed addition would make the home a three story structure, pointing out the application lacks the necessary information to make that determination. Mr. Schommer will forward to the Board what information is needed and Chairperson Dalziel will contact the applicants regarding same.

**CALENDAR BOA 04-88-9 MR. & MRS. MOGELVANG, 28 FALMOUTH ROAD**

Maximum building coverage to construct an addition. **(hearing on February 17, 2005)**

Mr. Schommer will forward any issues he has concerning the application to the Board members. Objections to this application have already been made. The attorney for the objectors will attempt to have the engineers for the applicants and the objectors meet in order to address the drainage issues, although a meeting prior to the February 17 Board meeting is doubtful. The objector's attorney had requested a postponement of the first hearing on the application until the Board's March meeting but it is felt that another attorney from the firm should be able to handle the initial review. The applicant have indicated that they will be limiting their February 17 presentation to a brief overview with their more detailed, technical presentation to follow the Board's site visit.

**CALENDAR BOA-04-83-7 MR. & MRS. NISSEN, 39 PINE STREET**

Variance for front and side yard setbacks to construct an addition **(hearing on February 17, 2005)**

**CALENDAR BOA 04-63-24 MR. HANNIG, 413 RIVER ROAD**

Front and side yard setbacks, to construct a deck to non conforming structure. **(continuation)**

This application would normally be heard earlier with other continuing applications; applicant requests a later spot in the agenda to accommodate his schedule.

**APPLICATIONS COMPLETE HEARING ON MARCH 17, 2005:**

Chairperson Dalziel expressed his concern about the number of applications coming before the Board as well as the complexity of several pending applications, potentially requiring multiple hearings. He posed the idea of scheduling a special hearing on the March 9 work meeting date to address the St. Hubert's application which would help address several potential issues. The Board agreed with this plan.

**CALENDAR BOA 04-142-4.01 ST. HUBERT'S GIRALDA** Preliminary site plan & Conditional Use, to expand its existing animal welfare center. **(hearing on March 17, 2005)**

As previously indicated, the Board will attempt to reschedule the hearing for this application at a special meeting, March 9. Mr. Lewis pointed out there is a "D" variance involved in the application which will require five of seven votes to be approved. As per previous arrangement Mr. Frost will sit in as Board Engineer due to Mr. Schommer's conflict of interest. Chairperson Dalziel indicated that he may also have a potential conflict due to a working relationship with the applicant's attorney.

**CALENDAR BOA-04-20-19 MR. N. PARISI, 27 SUSAN DRIVE**

Front yard setback, building height, retaining wall, steep slope disturbance **(hearing on March 17)**

Another application with a "D" variance issue. The Board briefly reviewed the history of applications concerning lots in this area of town. Given the extreme height variance in question it was suggested that the Board seek input and feedback from the fire department. Mr. Schommer pointed out important structural issues will need to be addressed.

**APPLICATIONS COMPLETE WAITING FOR A HEARING DATE:**

**CALENDAR BOA 04-102.11-15 MR. COVIELLO, 21 SPRING STREET**

Zoning Officer's denial **(Complete on January 19, 2005)**

A question was raised vis-à-vis the applicant's attorney's status. It is not thought to be a conflict; however, Mr. Wilson will look into it to be on the safe side.

**CALENDAR BOA 04-91-8 MR. & MRS. NOONAN, 35 EDGEWOOD ROAD**

Variance for side and rear yard set backs to construct first & second floor addition **(Complete on February 7, 2005)**

Mr. Wilson indicated that he will recuse himself from this application and requested the initial hearing be early on the agenda to better accommodate the substituting attorney's schedule.

**APPLICATIONS WAITING FOR COMPLETENESS REVIEW**

**CALENDAR BOA 05-62-98 (January 21, 2005) WILLIAM & JUDY FREUND, 25 BUXTON ROAD, BLOCK 62 LOT 98.** Front & Side Yard Setback & bldg. height to construct an addition. **(Completeness review) Escrow # 11085**

A new application; Mr. Schommer will be handling the completeness review.

**CALENDAR BOA 04-79-8(January 15, 2004) GLENN&LAURA CALLEN – 78 FAIRVIEW AVE. BLOCK 79 LOT 8.** Side yard setback & Building coverage for proposed screened in porch addition. **(Incomplete on January 30, 2004, revised plans ) Escrow #12999**

Application still deemed incomplete; waiting for applicant's response.

**CALENDAR BOA 04-117-17 (October 22, 2004) MR. & MRS. SAUL, 6 ABERDEEN ROAD, BLOCK 117 LOT 17.** Left and Front yard setback variance to existing non-conforming structure to construct addition. **(completeness review, incomplete on December 15, 2004, revisions on December 30, 2004, Incomplete on January 19, 2005, incomplete on January 27, 2005) Escrow # 1107**

Another new application; Mr. Schommer will be handling the completeness review.

Chairperson Dalziel indicated that he would like to review these new applications, as well as the other pending applications in order to determine if any can reasonably be scheduled in April or later in order for the Board to better manage the queue.

There were no comment from the public; the attendee indicated she was attending this evening in order to familiarize herself with the application process to facilitate her interest in a future application.

Mr. Cooney moved to adjourn the meeting. Ms. Hough seconded the motion. All were in favor. The meeting adjourned at 8:32 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Parker Godwin". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

A. Parker Godwin