

MINUTES

MARCH 17, 2005

BOARD OF ADJUSTMENT

TOWNSHIP OF CHATHAM

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 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

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

Richard Schommer, Jr., Board Engineer
Lewis Wilson, Board Attorney
Cynthia Phillips, Recording Secretary

Excused: James Matthews, Vice Chairman
Parker Godwin, Member

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ANNOUNCEMENT

Mr. Dalziel announced that the application of Mr. N. Parisi, No. 04-20-19, would be moved to a later hearing date which had yet to be determined.

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RESOLUTION OF MEMORIALIZATION

THOMAS & BEVERLY SALIERNO

37 Mitchell Avenue
Block 114, Lot 9

#04-114-9
Bulk Variance

The Board of Adjustment memorialized the annexed Resolution for Thomas and Beverly Salierno, Application No. 04-114-9, as amended, on motion by Mr. Cooney and seconded by Mr. Walters.

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

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RESOLUTION OF MEMORIALIZATION

JOHN HANNIG

413 River Road
Block 63, Lot 24

#04-63-24
Bulk Variances

The Board of Adjustment memorialized the annexed Resolution for John Hannig, Application No. 04-63-24, on motion by Mr. Walters and seconded by Ms. Hough.

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

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ANTONIO DEMATOS

1A Lake Road
Block 130, Lot 15

#04-130-15
Bulk Variances

Present: Antonio Dematos, applicant
Jose Gennaro, licensed professional architect

This is a continued hearing.

Proof of service was previously submitted.

Mr. Antonio Dematos, applicant, and Mr. Jose Gennaro, licensed professional architect, were previously sworn.

Mr. Pizzi read the Board site visit report dated 3/10/05 which was marked into evidence as **EXHIBIT A-22**.

Mr. Dalziel noted that Mr. Glen Nelson, a member of the public, had attended the Board site visit.

Mr. Benton stated that, although he was unable to attend the Board site visit, he did visit the site later that day and observed the driveway area.

Mr. Dematos was given copies of the site visit report and Mr. Schommer’s report dated 3/16/05 which had been marked into evidence as **EXHIBIT A-23**.

Mr. Schommer summarized his report. He stated that he had visited the site and reviewed the revised plans dated 3/7/05. He then questioned whether there is an easement around the sanitary sewer manholes located on the property line. He added that the existence or absence of an easement must be clarified in order to ensure that the proposed addition does not intrude on any such easement. He noted that the tax map does not show an easement; however, he would recommend that the applicant obtain verification that there is no easement in the area as a condition of any Board action. He added that the revised plans confirmed that there is no third story on the dwelling and that a variance for front yard setback would be required where 25 feet is required and 9.6 feet is existing. He added that the exact calculation of that setback dimension

must be clarified on the plans, as the zoning table and the plot plan show two different measurements. He further added that he had calculated the height of the dwelling as 34.61 feet which is slightly different than the 34.58 feet indicated on the plans. He stated that the zoning table must be corrected on the plans to reflect this change. He further stated that the details of the drainage systems must be provided prior to beginning construction.

Mr. Gennaro stated that the proposed drainage system was not included on the plans because he was unsure what type of system, if any, would be needed. He added that he would design a system if it is required.

Mr. Schommer stated that a lot grading plan is also required; however, the Construction Official can waive that requirement if it is determined that there would be no major impact on the grading as a result of the proposed construction. He suggested that the applicant apply for the waiver waiver.

In response to Mr. Dalziel, Mr. Schommer stated that, according to the report from the Environmental Consultant, there are no wetlands issues on the property. He added that he did not know if the property was near a flood area.

Mr. Schommer noted that there would be a slight increase in the amount of impervious coverage. He added that the applicant must confirm that any sanitary sewer easement would not impact the proposed addition.

Mr. Gennaro stated that any easements would be shown on the survey.

Mr. Dalziel expressed his concern about determining the location of the underground sewer pipe.

In response to Mr. Wilson, Mr. Schommer stated that Lake Road is designated as a public road on the tax map.

In response to Mr. Wilson, Ms. Marianne Fasano, 10 Lake Road, stated that Lake Road is considered a “dedicated and unaccepted road” by the Township.

In response to Mr. Dalziel, Mr. Wilson stated that such a designation indicates that Lake Road has been accepted as a right-of-way, but it has not been accepted by the Township as a road.

Ms. Fasano noted that all the roads in the vicinity of the lake bear the same designation.

In response to Mr. Pizzi, Ms. Marianne Fasano, 10 Lake Road, stated that Chatham Township plows Lake Road when it is snow covered.

In response to Mr. Pizzi, Mr. Schommer stated that the subject property is a corner lot which fronts on two roads, and, although one of the roads is unimproved, the property is still considered to contain two front yards.

Mr. Dalziel stated that the property actually contains three segments of a front lot line.

In response to Mr. Dalziel, Mr. Schommer stated that the building height is 34.61 feet and the requested front yard setback is 9.6 feet.

Mr. Gennaro confirmed that the front yard setback requested is 9.6 feet.

In response to Mr. Wilson, Mr. Schommer stated that, according to the Environmental Consultant, there are no wetlands or buffers located on the subject property.

In response to Mr. Dalziel, Mr. Dematos stated that, currently, the roof drainage is piped underground and that he did not know where the pipe discharges.

Mr. Schommer stated that the property may not be suitable for a dry well because of the lake but he believed the storm water could be handled in a manner that doesn't create a problem.

In response to Mr. Dalziel, Ms. Dorothy Morehouse, 1 Lake Road, stated that all the properties in the area have dry wells and, although she did not know exactly where the water is discharged, she did know that it does not discharge into the lake.

Mr. Schommer noted that the existing dry well should be sufficient and that the roof area from the proposed addition must be connected into the dry well.

Mr. Dalziel noted that the applicant must verify the capacity of the existing dry well.

Mr. Schommer noted that there might not be a record of the dry well specifications for the subject property.

Mr. Dalziel expressed concern about the sanitary sewer easement issue. He noted that the sewer pipe could be located within 2-3 feet of the foundation.

Mr. Gennaro questioned if the information would be available through Township records.

Mr. Schommer stated that he did not know if such records would be available. He suggested that, as a condition of approval, the applicant have a surveyor open the manholes and determine

the direction of the sewer pipes and the existence of any easement. He then questioned if the applicant had a title report, which would indicate any easements on the property.

Mr. Dematos stated that he did not have a title report.

Mr. Walters stated that he would have received a title report when he purchased the house.

Mr. Dematos stated that the subject of easements was not raised at the time of purchase.

The meeting was opened to the public for questions or comments.

Ms. Morehouse stated that the subject property is in disrepair and that she would look forward to the Dematos family moving into the neighborhood. She added that she supports the proposed application.

There being no further questions or comments, the meeting was closed to the public.

Ms. Hough questioned what recourse the Board would have if there is a sewer problem at the site.

A discussion followed concerning the sewer easement issue. It was determined that the applicant must obtain a satisfactory report from the Township Engineer indicating that there is sufficient room to maintain the sewer. It was further determined that, if it was concluded that the proposed application would inhibit access to the sewer, the applicant would modify the plans.

Mr. Wilson noted that a report about the sewer easement issue must be submitted to the Board prior to the 4/21/05 meeting.

Mr. Dematos agreed to work with the Township Engineer to resolve the issue.

Mr. Cooney made a motion to approve the application, with the aforementioned conditions, which was seconded by Mr. Walters.

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

Mr. Dalziel noted that the applicant must submit six copies of the revised plans prior to the 4/21/05 hearing.

The application concluded at 8:07 P.M.

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JAMES NISSEN & JANET BELOCK

39 Pine Street
Block 83, Lot 7

**#04-83-7
Bulk Variances**

Present: James Nissen, co-applicant
Brian Siegel, licensed professional architect

This is a continued hearing.

Proof of service was submitted.

Mr. James Nissen, co-applicant, was previously sworn. Mr. Brian Siegel, licensed professional architect, was sworn and accepted by the Board as an expert witness.

Mr. Pizzi recused himself from the application because he has contracted with Mr. Siegel for a project.

Ms. Hough read the Board site visit report dated 3/10/05 which was marked into evidence as **EXHIBIT A-23**.

Mr. Dalziel noted that Mr. Glen Nelson, a member of the public, also attended the site visit.

Mr. Benton stated that, although he was unable to attend the Board site visit, he visited the site and met the applicant later that day.

Mr. Schommer summarized his report dated 3/16/05 which was marked into evidence as **EXHIBIT A-24**. He explained that he found no wetlands issues on the property and had made some minor corrections to the site data. He stated that the calculations for the dry well at the rear of the property were satisfactory. He added that he was concerned about the site distance and large trees on the property and the prospect of the applicants backing out of the driveway. He questioned if it would be possible to provide a turnaround area behind the house to alleviate his concerns.

Mr. Siegel stated that he had discussed the possibility of a paved turnaround area at the rear of the house with his clients and they felt there would not be sufficient space for an SUV to

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maneuver. He added that his clients also wanted to decrease the impervious coverage on the property and possibly use the rear area of the house for a future garden or patio. He added that it

would be possible to place a turnaround area in the front yard; however, such a project would involve tree removal.

In response to Mr. Schommer, Mr. Siegel stated that the garage could be relocated but it would be costly to his clients.

In response to Mr. Schommer, Mr. Dalziel stated that there is only 22 feet from the proposed rear of the house to the garage, which would not afford sufficient space for a turnaround area.

Mr. Schommer suggested removing the walkway area and extending the driveway to the left of the garage.

Mr. Siegel clarified that the driveway would then extend to the steps that lead to the back stoop area and could be used as a turnaround area.

Mr. Dalziel questioned if it would be possible to turn around in that space.

Mr. Siegel acknowledged that the area would be very constricted.

Mr. Nissen noted that there is always at least one car parked in the driveway and the cars usually line up alongside each other.

The Board discussed options for a turnaround area.

Mr. Benton stated that backing out onto a residential street should not be life-threatening.

Mr. Dalziel stated that he did not believe backing out of the driveway was an issue and that, if a turnaround area were added, there could be potential for hitting the house because of the narrowness of the area. He noted that the applicants live with that condition now and are accustomed to backing out of the driveway.

In response to Mr. Schommer, Mr. Nissen stated that the garage is used for storage, not parking, and that conditions on the property are constricted.

Mr. Schommer stated that, if the applicants would continue to back out of the driveway, he would recommend trimming some of the tree branches to allow better visibility.

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In response to Mr. Schommer, Mr. Siegel stated that the correct lot area calculation is 13,438 square feet.

In response to Mr. Dalziel, Mr. Siegel stated that there are no variances related to that number.

Mr. Siegel outlined the revisions to the plans dated 3/7/05. He explained that the building height calculation was adjusted and that the attic area is not considered a story. He added that his clients would not finish the attic area at this time. He stated that the existing dwelling is a unique home built in the 1920's and that the design of the addition would capture the details of the existing house with clapboard and shingle pattern details. He further stated that the dwelling is a classic four-square house and that his clients would maintain its original character.

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

A discussion followed concerning the driveway turnaround issue. It was determined that the addition of a turnaround area was not practical given the space constraints and that, since the applicants recognize and acknowledge those limitations, the addition of a turnaround area would not be required as a condition of approval.

In response to Mr. Dalziel, Mr. Siegel stated that the proposed paving line is parallel to the corner of the house and that he had added a slight swale at the corner of the dwelling.

Mr. Dalziel summarized that the conditions of approval would include submitting a lot grading plan or obtaining a waiver from the Construction Official, and incorporating Mr. Schommer's corrections and comments into the plans. He added that six copies of the revised plans must be submitted prior to the 4/21/05 meeting.

Mr. Benton made a motion to approve the application, with the aforementioned conditions, which was seconded by Mr. Walters.

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

Mr. Dalziel noted that the next scheduled Board site visit would be at St. Hubert's/Giralda Farms at 9:00 A.M. on 4/9/05.

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

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The meeting was adjourned at 8:40 P.M.

Cynthia L. Phillips
Board of Adjustment Recording Secretary