

MINUTES

April 20, 2006

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 2006.

ROLL CALL

On a call of the roll the following were present:

Lawrence Dalziel, Chairman
Peter Pizzi, Vice Chairman
Joseph Cooney, Member
Parker Godwin, Member
Jesse Benton, Member
Deborah Nelson, Member
Therese Hough, Member

Mr. Glenn Nelson, 2nd Alternate

Joanna Slagle, Township Planner
John Ruschke, Board Engineer
Lewis Wilson, Board Attorney
Kali Tsimboukis, Board Secretary

Absent: Mr. C. Curtis Ritter, 1st Alternate

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LYONS RESIDENCE,
30 Hill Top Residence
Block 68, Lot 13.01

#05-68-5
Front Yard, Building Coverage,
and Impervious Coverage Variances

Present: Timothy Lyons, applicant

Mr. Pizzi asked to be dismissed.

Mr. Cooney read the site visitation report dated on April 8, 2006, which was marked into evidence as **EXHIBIT A-16**, noting that on that date at 9:00 AM, Board Members Lawrence Dalziel, Therese Hough, Parker Godwin, Joseph Cooney, Board attorney Lewis Wilson, the homeowners and neighbors Mary Laport and Mark Shregly were present during the visitation to review the reasons for Mr. Lyons' variance requests.

Mrs. Hough asked a question about the building coverage.

Mr. Lyons testified that the Zoning Analysis was not clear, that was the reason for the new Zoning Analysis. The Engineering Report stated that the original submission was miscalculated and included some impervious coverage. The building coverage definition is the foundation of the house. As it exists 2,667 square feet comes from the as built report his architect had done. This was simply someone walking around the foundation of the property confirming that the measurements were accurate. The proposed addition is 230 square feet, which includes the stoop as well as the open porch. The restriction is 2,794 square feet, putting us over 103 square feet. The stoop is 35 feet from the street and the required is 50 feet, this is why he needs a setback variance. The impervious coverage is 6,433 existing, proposed is 6,620, which is still within the restrictive amount.

Mr. Lyons testified that he originally applied for three variances: a setback variance, building coverage and impervious coverage.

Mr. Godwin noted that the original zoning table prepared on 9/24/2002 showed 3,289 square feet, which was incorrect.

Mr. Lyon testified that the reason that he came back with a lower number was due to Board commenting on a different applicant's proposal. The 2,667 is the foundation of the house.

Mr. Dalziel stated that the building coverage and the impervious coverage changed from the original submission of the plans.

Mr. Lyons testified that the present plans state that he is over on the coverage, but there is no way that he could be over when originally he took away the porch from the drawings. The rear porch not added to the building square footage.

Mr. Godwin asked if the rear porch is covered.

Mr. Lyons testified that the rear porch is covered, but it is part of the foundation.

Mr. Dalziel asked about the plans dated 2/19/06, page A/1 of the Site Plan showing the survey; why does the footprint of the house show the building area at 3,076 square feet.

Mr. Lyons testified that he could not answer the questions, but believes that 2,667 square feet is the footprint of the house from looking at the measurements found on A/2 of the plans.

John Ruschke, Board Engineer, stated the architect needs to look at the Land Use Ordinance and recalculate the plans to a correct number. The plans need to be updated in addition to an updated survey.

Mr. Dalziel stated that Mr. Lyon originally filed his application on 11/22/05, Mr. Schommer, send a letter to Mr. Lyons on 1/10/06 requesting revisions and Mr. Lyons submitted new plans on 2/24/06.

Mr. Dalziel stated that there are too many discrepancies and different numbers. The plans and designs need to correspond.

Mr. Lyons tried to convince the Board that the numbers proposed were ok.

The Board suggested that Mr. Lyons obtain a recent survey as well as a previous survey for comparison.

Mr. Lyons testified the assuming that the square footage for the house is less than 2,700 he had other options that he could consider:

1. Not adding the open porch, instead make the stoop bigger and covering it.
2. Leave the stoop at the existing size, cover it and make a relief area on the side of the house.

Mr. Lyons testified that he is more in favor of the second option. The setback issue cannot change; the house was built back in 1950. The building coverage is a personal issue, which he does not believe that he is over on the square footage. The second option calls for a smaller porch that goes along the side of the house instead of coming straight out of the house and building over the existing stoop now, which is small. The open area is a better option in his opinion.

Mrs. Hough stated that the Board needs numbers to figure out how big the house is and what the coverage issue really is for the property. Mr. Lyons needs to provide clear plans in order for the Board to know what is to be discussed and he needs to think of some alternatives that he might consider before the next hearing.

Mr. Cooney stated that is having trouble discussing the issue with out a plan that is correct tonight.

Mr. Godwin asked if Mr. Lyons is looking for some direction. He noted that Mr. Lyons should go with the less intrusive idea of building a porch sideway and keeping the setback at its current footage vs. a stoop.

Mrs. Nelson stated that she was very confused by the plans.

Mr. Nelson stated that the Board would not assume.

Dr. Dalziel stated that the application would be carried to the May 18, 2006 meeting without further notice.

Mr. Wilson, Esq. noted that the application would need an authorized extension letter to extend to the May 18, 2006 meeting for continuation.

Mr. Dalziel stated that Mr. Gogan must submit revisions before the next meeting.

Mr. Cooney made a motion to adjourn the meeting, seconded by Mr. Godwin. All were in favor.

The meeting was adjourned at 9:00 P.M.

Lori A. Boyd
Board of Adjustment Transcribing Secretary