

MINUTES

MAY 19, 2005

BOARD OF ADJUSTMENT

TOWNSHIP OF CHATHAM

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Vice Chairman, Mr. Matthews, called the meeting to order at 7:32 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:

James Matthews, Vice Chairman
Therese Hough, Member
Joseph Cooney, Member
Peter Pizzi, Member
Parker Godwin, Member
Jesse Benton, Member

Timothy Walters, 1st Alternate

Richard Schommer, Jr., Board Engineer (arrived late)
Lewis Wilson, Board Attorney
Cynthia Phillips, Recording Secretary

Excused:

Lawrence Dalziel, Chairman
Deborah Nelson, 2nd Alternate

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NICHOLAS PARISI

27 Susan Drive
Block 20, Lot 19

#04-20-19
Bulk Variances
Steep Slopes

Present: Barry Osmun, attorney of the applicant
William Hollows, licensed professional engineer

This is a continued hearing.

Proof of service was previously submitted.

Mr. William Hollows, licensed professional engineer, was previously sworn.

Mr. Barry Osmun, attorney of the applicant, stated that his client and Mr. Hollows had discussed the proposed plans since the previous hearing. He questioned if the Board would consider a revised plan which would move the proposed house closer to Susan Drive, removing the need for the retaining wall and locating the proposed dwelling away from the steep slopes to a greater extent. He added that he believed most of the concerns of the adjoining property owners related to the retaining wall and the steep slopes.

Mr. Hollows explained that his client is proposing to move the proposed dwelling to within 28 feet of the front right-of-way line while keeping the garage at 30 feet to afford enough space to back up and pull out onto Susan Drive. He added that, conceptually, the overall height of the dwelling would be reduced and the building would measure 36 feet from the ground to the ridge line. He further added that moving the proposed house forward would eliminate the retaining wall and lessen the disturbance to the steep slopes. He explained that, based on the comments he heard at the previous hearing, he believed moving the proposed house closer to Susan Drive would be a more acceptable plan.

Mr. Osmun explained that, when the property was originally subdivided in 1964, a variance was granted for a 30 foot front yard setback, which subsequently expired with the ordinance revisions. He clarified that the proposed dwelling would be located 28 feet from the right-of-way line and 30 feet from the pavement.

Mr. Matthews stated that he believed the proposed revisions presented a reasonable approach to the situation; however, the proposal was not binding on either side.

Mr. Osmun stated that he would contact Mr. Wilson as to when the next hearing for his client would be scheduled and noted that soil testing would also be performed at the subject property. He then agreed to an extension for time of decision until 7/31/05.

Mr. Wilson stated that the next hearing date would be either 6/16/05 or 7/21/05 and that the applicant must check the Board calendar which would be posted on the Township website.

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PETER COVIELLO
21 Spring Street
Block 102.11, Lot 15

#04-102.11-15
Bulk Variances

Present: Peter Coviello, applicant
James DeMarzo, attorney of the applicant

Proof of service was previously submitted.

Mr. Peter Coviello, applicant, was previously sworn.

Mr. Cooney read the Board site visit report dated 5/7/05 which was previously marked into evidence as **EXHIBIT A-26**.

In response to Mr. James DeMarzo, attorney of the applicant, Mr. Wilson stated that Mr. Schommer’s memorandum reflecting his opinion on the lack of the necessity for a driveway was previously marked into evidence as **EXHIBIT A-24**.

Mr. Coviello stated that, at the last hearing, the Board questioned if there would be enough space for a turnaround area if a vehicle was parked in the proposed structure. He further stated that the distance from the side yard to the proposed structure would be 23.52 feet on the closest side to the house and 23.54 feet from the proposed structure to the rear of the house, which is an increase from what was originally submitted with the application materials. He then presented and described a revised survey of the subject property reflecting that change which was marked into evidence as **EXHIBIT A-27**.

Mr. DeMarzo stated that it appeared that when his client originally applied to the Zoning Officer he had indicated that part of the proposed garage would be used to store a hobby car. He then questioned his client as to his intentions regarding the proposed garage.

Mr. Coviello stated that, at the time he applied to the Zoning Officer, he had indicated that he had an older Corvette stored on an electric automotive lift 6 feet off the ground in the existing front garage. He added that he would prefer to store the vehicle on the ground in the proposed garage in anticipation of working on the vehicle as a project with his son and for safety reasons. He further added that the vehicle has been out of the garage once in the last two years and that he would be able to drive the vehicle along the right hand side of the house without the removal of trees or bushes. He explained that he would also be able to maneuver the vehicle into the proposed garage with minimal difficulty.

Mr. DeMarzo stated that his client would prefer to proceed with the variance application for the length of the driveway exceeding the 150 foot requirement, with the stipulation or deed restriction that the driveway area would not be paved. He added that the proposed garage would be an occasional use and would satisfy the garage requirements in the revised ordinance which allows parked vehicles or vehicles that are temporarily stored to be housed in the structure. He further added that the aforementioned Corvette would be considered a "parked" vehicle and that the ordinance does not define a time frame when a vehicle has to be moved if it is parked in a private garage. He explained that the vehicle would be in a sealed structure so that aspect of the ordinance would be satisfied. He further explained that the application is an appeal of the Zoning Officer's denial of a continuation of work permit. He stated that his client acted in good faith when he submitted the application and that Mr. McTamney acted in good faith when he granted the construction permit, inspected the foundation and granted an electrical permit. He further stated that the deficiency presented by the proposed structure is relatively minor and that the Board does have the power to overturn denials. He added that, if the Board was more comfortable with his client seeking a variance for the proposed project, he would accommodate that decision. He noted that his client has gone to considerable expense and that he has done everything he can to satisfy the Board's concerns. He added that Mr. Wilson expressed a concern that the proposed overhangs would increase the building footprint because they are attached to the ground by columns. He further added that his client proposes removing the columns from the rear of the building to make it flush and that he would prefer to retain the columns at the front of the structure for aesthetic purposes. He explained that the area below the overhangs would be permeable and would not have a significant impact on the application and that the design of the structure was approved by Mr. McTamney. He further explained that he believed that Mr. McTamney made a mistake concerning the driveway. He added that he believed that the overhang is not a significant issue since it would be an aesthetic improvement and asked that the Board consider the design amendment suggested earlier. He further added that, should the Board deny the appeal, his client would then proceed with an application for a variance to construct the structure.

Mr. Matthews stated that the Board would be proceeding first on the basis of whether or not to grant approval for the appeal of the Zoning Officer's decision and then would consider the question of variances should that appeal be denied.

Mr. DeMarzo stated that, in terms of the possible variance application, his client would be seeking approval to construct an oversized outbuilding which would be 2½ times larger than what is permitted in the ordinance and would be a more difficult case to appeal if the application were rejected. He further stated that the ordinance permits two accessory structures on a property totaling 300 square feet or 150 square feet each. He added that the subject property is well-maintained and contains a large yard which is wooded on both sides. He further added that the rear of the property backs up to a church parking lot and that the proposed structure would not be visible to neighboring properties. He explained that the ordinance contains a prohibition on motorized vehicles being stored in an outbuilding or shed and that, by treating the proposed structure as a garage, it would avoid any potential problems in the future.

Mr. Walters questioned whether or not the proposed structure would be a garage since the applicant has stated that motorcycles and/or a Corvette would be stored in the structure.

Mr. DeMarzo stated that the structure would be a garage and that the motorcycles would be stored in the structure.

Ms. Hough stated that she believed that the applicant's testimony concerning the storage of vehicles in the proposed structure was somewhat disingenuous or ambiguous since it differs from the testimony given at the previous meeting.

Mr. DeMarzo stated that the original application submitted to the Zoning Officer indicated that the proposed structure would be used as storage and to house a hobby car.

Mr. Godwin agreed that the applicant's testimony at the previous hearing did not mention the storage of a car in the proposed structure.

Mr. DeMarzo stated that questions came up during the walkthrough about the Corvette and agreed that the vehicle should have been mentioned at the previous meeting.

Mr. Wilson questioned if the columns would be included in the building coverage calculation and if the structure would be on footings and not a full foundation.

Mr. Schommer stated that the ordinance only indicates a building coverage stipulation for principal structures, not accessory structures. He further stated that the coverage stipulation for a

principal structure includes only the foundation under the roofed portion of the structure. He added that he examined the footprint on the ground of the proposed structure and determined that the building coverage would be 500 square feet. He further added that he believed that the structure would comply with the maximum permitted building coverage for a garage; however, if it were considered an accessory structure, it would be too large. He noted that, although the applicant's testimony did not refer to the car, the documentation submitted with the application did mention the car. He added that, if the foundation under the eaves or the roof area were included in the building coverage calculations, the structure would exceed the ordinance requirements. He further added that he did not count the proposed pillars as building foundation. He suggested that the applicant remove the columns and keep the overhang in compliance with the setback requirements. He added that the applicant must confirm what would happen to the old foundation on the property if the appeal was granted.

Mr. DeMarzo stated that the old foundation would be removed if the appeal was granted.

Mr. Schommer questioned if the applicant is seeking a variance for the driveway exceeding 150 feet or for not having a driveway with a garage structure.

Mr. DeMarzo stated that his client is seeking a variance for exceeding the 150 foot driveway length requirement and noted that the driveway area would be grass.

Mr. Schommer suggested that a condition be added to any approval that the garage structure would not be used for some other commercial purposes and that its use was only as a second garage to ensure that a future owner could not use the structure for another purpose.

In response to Mr. Matthews, Mr. DeMarzo stated that he would delineate the driveway as being unpaved as long as it would not count towards lot coverage.

In response to Mr. Cooney, Mr. Coviello stated that the overhangs would measure 5 feet from the building wall to the outside edge of the columns and 6.5 feet to the outside of the overhang.

Mr. Godwin noted that a 3 foot overhang is allowed for a front porch and that the proposed overhang would be double what is normally allowed.

Mr. Coviello stated that the overhang was designed to match the symmetry of the principal dwelling. He added that grass or another permeable material will be placed on the ground under the overhang.

In response to Mr. Matthews, Mr. Coviello stated that the existing house and the proposed structure have a similar design.

In response to Mr. Walters, Mr. DeMarzo stated that the driveway would be delineated on the plans with a standard driveway width and materials acceptable to the Zoning Officer. He added that the driveway would be used only occasionally and that there is a locust tree in the direct line of the driveway which his client has no intentions of removing. He further added that his client could also exit the proposed structure through the church parking lot to the rear of the property.

In response to Ms. Hough, Mr. Schommer explained that the actual size of the proposed structure would be 500 square feet.

In response to Mr. Godwin, Mr. Schommer stated that there is no limitation as to the size of an overhang unless it encroaches into the required setback for the property, which does not apply in this case.

Mr. Matthews stated that, since the applicant would leave the driveway area as grass, he did not believe it would be necessary to delineate the driveway on the plans. He suggested that a condition be included in the Resolution indicating that there will be no paved driveway.

In response to Mr. Walters, Mr. Matthews stated that he believed the variance application is to only allow a garage on the property with a driveway in excess of 150 feet.

Mr. Godwin stated that he believed there was also an issue of overhang coverage.

Mr. DeMarzo stated that his client would not construct a driveway and that the variance was for the length and non-existence of a driveway. He added that his client would be willing to condition any approval upon the agreement that there would be no driveway.

Mr. Wilson noted that the old foundation must also be removed as a condition of approval.

Mr. Godwin questioned how a reduction of the overhangs would impact the aesthetics of the structure.

Mr. DeMarzo stated that his client would need to redraft and revise the plans to determine the aesthetic impact of reducing the overhangs. He added that his client would prefer to remove the overhangs completely from the rear of the structure instead of reducing the overall appearance of the overhangs on the entire structure.

Mr. Godwin stated that he did not believe removing the rear overhangs would be a viable solution since the structure would not look symmetrical when viewed from the side. He added that he would prefer that the structure remain symmetrical, although somewhat shortened, from all views.

Mr. DeMarzo stated that he believed the overhangs could reasonably be reduced; however, if only the rear overhangs were removed his client would not need to revise the architectural plans.

In response to Mr. Godwin, Mr. DeMarzo stated that he was not sure if architectural revisions would be needed since it was possible that the building inspector could consult with his client on the matter.

Mr. Godwin stated that he understood that the applicant moved forward with the project thinking that everything was already approved.

The meeting was opened to the public for questions.

Mrs. Val Anjoorian, 19 Spring Street, stated that she owns the property next door to the subject property. She further stated that there had never been a building constructed on the aforementioned existing foundation since that location did not observe the setback requirements and the permit was denied. She added that she did not have any specific questions relating to the appeal issue.

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

Mr. Matthews reiterated that the Board would first consider whether or not to approve the appeal of the Zoning Officer's denial. He explained that, if the appeal is denied, the Board would then consider the issue of the proposed variances. He then asked if there were any statements from the public regarding the appeal issue only.

Mrs. Anjoorian stated that she spoke to Mr. Greg Impink in February 2004 and he informed her that, as of 2/28/04, the permit for the applicant was invalid. She added that the applicant is seeking approval for variances to construct a second structure which would measure 20 feet by 25 feet and would be located over 150 feet from Spring Street on a property with 100 feet of frontage which would not be in accordance with the ordinance. She further added that she believed there would be a difference in drainage on the site because of the size of the structure. She noted that there would also be no access to the proposed structure unless changes are made to the property. She added that the applicant had fenced in his entire property and installed a gate at the rear and that the only available access to that area of the property would be through the church parking lot. She further added that all heavy machinery for creating the foundation came in through this back way because there is no access from Spring Street. She stated that she believes the applicant needs a variance because the proposed structure would be located more than 150 feet from Spring Street and because of the proposed size and use of the structure.

Mr. Pizzi questioned when the foundation on the left side of the property had been placed.

Mrs. Anjoorian stated that she believed the foundation had been placed in 1948; however, the owner of the property at that time stopped construction because the building inspector indicated that the structure would not be located at the required distance from the rear section of the fence on her property. She added that the foundation was never used or built upon.

Mr. Donald Kissel of Morristown stated that he attends meetings at the church which backs up to the subject property and that the church had, on occasion, had dealings with Mr. McTamney. He added that Mr. McTamney was extremely helpful and knowledgeable and that there was never an issue about his competence.

Mr. Jim Whitely, President of the Trustees of the Friends, stated that the church had permitted the applicant to access his property through their parking lot and that they are completely amenable with the applicant completing construction on the proposed structure.

In response to Mr. Whitely, Mr. Matthews stated that, at this point, the Board was only addressing the issue of the appeal of the Zoning Officer's denial; however, he would entertain comments regarding the desirability of the structure.

Mr. Whitely stated that the Friends had discussed the issue of the proposed structure at a meeting and it was determined that they supported the applicant's proposal.

Mrs. Anjoorian stated that she and Mrs. Joan Burns, the neighbor on the other side of the applicant, both believe that the proposed structure would be excessively large and they object to the application.

Mr. Wilson stated that, although Mrs. Burns submitted a letter to the Board, it cannot be considered as evidence because she is not in attendance at the meeting for the applicant to cross-examine.

Mr. DeMarzo stated that, except for the issue of the driveway length, the proposed structure would be completely conforming. He further stated that a permit also exists on file with the Township to allow construction on the existing prior foundation. He added that the church allowed his client to use its parking lot for access because it was not feasible to maneuver a bulldozer around the existing dwelling. He further added that the subject property would more than adequately comply with the impervious coverage requirements even after the proposed structure is constructed.

In response to Mr. Benton, Mr. DeMarzo stated that the property would exceed the impervious coverage requirements by approximately 1,800 square feet if the driveway were paved.

Mr. Benton noted that, if the driveway were paved, it would require the removal of several mature trees.

Mr. DeMarzo noted that his client is a horticulturist and that he is interested in maintaining the trees on the property.

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

Mr. Walters questioned what the Board members would need to use as a basis for granting the appeal.

Mr. Wilson stated that the basis of the appeal is whether or not the applicant and the Zoning Officer acted in good faith in granting the permit and acting thereon. He added that, if it was a reasonable interpretation of the zoning ordinance and the applicant relied on that interpretation, then, in fairness, the appeal should go forward.

Mr. Matthews made a motion that the Board grant the relief that is requested and overturn the decision of the Zoning Officer to cease construction, subject to the condition that a deed restriction be placed so that the driveway would never be paved and that the proposed structure would not be used for commercial purposes. He added that the overhangs must be removed from the rear of the proposed structure and that the old foundation on the property must also be removed.

Mr. Godwin suggested reducing the overhangs instead of removing the overhangs completely from the rear of the proposed structure.

Mr. Coviello agreed to reduce the outermost perimeter of the structure by 2 feet.

Mr. Pizzi seconded the aforementioned motion.

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

Mr. Matthews noted that the Resolution would be memorialized at the 6/16/05 meeting.

In response to Mr. DeMarzo, Mr. Matthews stated that the applicant would not be able to resume construction on the structure until the Resolution is memorialized and that revised plans depicting the reduced structure must be submitted to the Board by the 6/8/05 meeting.

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CHRISTIAN & JOAN MOGELVANG

28 Falmouth Road
Block 88, Lot 9

**#04-88-9
Bulk Variance**

Present: Michael Cresitello, attorney of the applicants
Joseph Marchese, licensed professional architect
Scott Mislin, licensed professional engineer and planner

This is a continued hearing.

Proof of service was previously submitted.

Mr. Michael Cresitello, attorney of the applicants, stated that his clients are proposing to construct an addition to an existing dwelling on a property located in the R-4 zone. He added that his clients previously applied to the Board for a variance to exceed the maximum allowable building coverage by 1,003 square feet.

Mr. Walters read the Board site visit report dated 5/7/05.

Mr. Cresitello stated that his clients considered the comments from the Board members and neighboring property owners at the site visit and, as a result, submitted revised plans. He further stated that a variance would still be required, although the excess building coverage has been reduced from 1,003 square feet to 156 square feet. He added that he believed the revised plans also address the concerns about the three car garage and its proximity to the neighboring property. He explained that the size of the addition has been significantly scaled back and that the great room has been removed and a two car garage which would face the street is now proposed.

Mr. Matthews clarified that the only variance requested at this point is for exceeding the maximum allowable building coverage by 156 square feet.

Mr. Cresitello stated that Mr. Schommer's report indicates that there is a pre-existing non-conforming side yard setback condition which would also require a variance. He further stated that he did not believe such a variance would be required since that condition would not be

exacerbated or intensified by the proposed addition. He added that there may be an issue in terms of how the basement under that corner would be excavated.

Mr. Schommer stated that he believed the expansion of a non-conforming structure would require a variance even if the condition would not be worsened by the proposed expansion.

Mr. Cresitello stated that he believed that, if the particular non-conformity is not impacted by the proposed application, the variance would not be required.

Mr. Joseph Marchese, licensed professional architect, was sworn. He reviewed his educational and professional credentials and was accepted by the Board as an expert witness. He then presented and described Sheets A-1 through A-5 of the submitted revised architectural drawings dated 5/9/05 which were marked into evidence as **EXHIBITS A-27 A-E**. He explained that a 7 foot basement is located under approximately two-thirds of the dwelling and the remainder is unexcavated. He further explained that three small porches are also proposed, two of which are not enclosed. He added that there would not be any basement area located under the proposed garage; however, there would be basement stair access from the proposed kitchen addition. He further added that a full basement area is proposed for the section under the existing family room and kitchen areas. He explained that the existing roof over the back corner of the family room would remain unchanged. He further explained that the roof shingles and cedar shakes for the proposed addition would match the existing dwelling. He added that the southeast side of the house currently sits within the required 15 foot side yard setback and that area could be excavated by removing and rebuilding the family room area exactly as depicted on the plan, which would require a variance.

In response to Mr. Walters, Mr. Marchese stated that the entire length of the house in that area is within the required 15 foot side yard setback.

In response to Mr. Godwin, Mr. Marchese stated that an alternative plan, which would not require a variance, would be to support the structure and dig out underneath it for the basement. He added that he believed that this alternative would be more costly than the variance route.

In response to Mr. Matthews, Mr. Wilson stated that the published public notice would encompass the need for the side yard setback variance.

In response to Mr. Godwin, Mr. Marchese explained that only a portion of the structure would need to be supported in order to dig the basement.

Mr. Matthews stated that such substantial revisions to the plans would warrant another Board site visit.

In response to Mr. Schommer, Mr. Marchese stated that the existing building height is 25.5 feet and that, with the proposed addition, the height would be approximately 29.5 feet.

In response to Mr. Matthews, Mr. Cresitello stated that engineering concerns would be addressed by another witness.

In response to Mr. Cresitello, Mr. Marchese stated that the existing garage would be removed completely.

Ms. Hough questioned why the plans could not be revised so as to be in compliance.

Mr. Cresitello stated that he believed the current proposed design was as close to compliance as possible and that the concerns of the objectors and the Board had been addressed with the revised plan.

Mr. Marchese stated that, if the proposed addition or the bedroom space were further reduced, it would be detrimental to the overall design of the structure.

Mr. Matthews stated that the reason for the variance must relate to the land, not the occupants, and that he had not yet heard any testimony as to the uniqueness of the property.

In response to Mr. Pizzi, Mr. Marchese stated that the existing dwelling contains three upstairs bedrooms and an infrequently used guest room on the first floor.

In response to Mr. Pizzi, Mr. Marchese stated that, on the revised plans, two bedrooms would be added upstairs and the first floor guest room would remain for visiting parents, which would bring the total to six bedrooms.

In response to Mr. Pizzi, Mr. Marchese stated that he did not have the proposed floor area calculations; however, he would have those calculations for the next hearing. He further stated that the existing floor area of the dwelling is 2,047 square feet, excluding the garage and basement areas.

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

Mr. Scott Mislin, licensed professional engineer and licensed professional planner, was sworn. He reviewed his educational and professional credentials and was accepted by the Board as an expert witness. He stated that his office performed a survey of the subject property and that he had discussed the addition with the Mogelvangs. He further stated that he initially had concerns about

the size of the proposed addition, but his clients had requirements as to what they wanted as far as the building was concerned. He added that his clients have agreed to scale down the proposed addition as much as possible while still being able to accommodate their family needs. He stated that he would be testifying about both the planning and engineering aspects of the proposed application. He explained that the proposed addition would increase the impervious coverage on the site; however, it would not exceed the maximum allowable lot coverage requirements. He further explained that the increased runoff for the proposed addition would be addressed with the installation of dry wells on the site. He added that the size of the proposed dry wells was calculated based on the area and that he would revise the discrepancy between the dry well detail and the calculations, as suggested by Mr. Schommer. He added that there would be sufficient buffering and that he had addressed the concerns of the adjoining property owner about the location of the overflow outlet. He further added that two dry wells would be installed; however, only one of the dry wells would overflow at the front of the property, which addresses the concerns of both Mr. Schommer and the adjoining property owner. He explained that he had studied the feasibility of placing a turnaround area on the property, and he believed such an area would be located too close to the property line. He added that approximately 95% of the homes on the road, including the subject property, back out onto Falmouth Road, which does not have an outlet point. He further added that, given the low intensity of traffic on that road, he believed it would not be hazardous for his clients to continue backing out of their driveway. He explained that, from an engineering standpoint, it would also be more practical to have less impervious coverage which would encroach on the neighboring property owner. He added that his clients would address all the discrepancies in the calculations between the engineering plans and the architectural plans. He explained that the building height was not calculated initially, and that, since the site is basically level, the proposed dwelling would be well below the Township requirement.

In response to Mr. Matthews, Mr. Mislin stated that the retaining wall on the property would be removed and that the patio would remain with an additional step down to the patio.

In response to Mr. Wilson, Mr. Mislin stated that the patio would most likely be removed during the site work and that it would have the same setback and be in the same location after construction.

Mr. Mislin began the planning portion of his testimony. He then presented and described a colorized version of the Township Tax Map which was marked into evidence as **EXHIBIT A-28**, an aerial photograph of the subject property and the surrounding area which was marked into evidence as **EXHIBIT A-29**, and a photograph of the existing house which was marked into evidence as **EXHIBIT A-30**. He explained that the subject property is located in the R-4 zone, which, in that section of the Township, is completely surrounded by the R-3 zone. He stated that his clients would be seeking approval for the application under the “c2” criteria, as the property is

level and is not oddly-shaped in any way. He then presented and described an aerial map of the area with a zone line which he obtained from Morris County which was marked into evidence as **EXHIBIT A-31**. He added that the dimensions of the subject property are approximately 120 feet by 155 feet, or 18,000 square feet. He further added that none of the adjacent lots are as wide as the subject property and that many of the lots in the neighborhood are non-conforming as to lot area. He explained that several of the homes in the area are closer to Yarmouth Road because the setbacks are closer to the road. He further explained that the subject house is approximately 70 feet from other houses in the area and that, as a general rule, there is approximately 25 feet between the houses on Falmouth Road. He added that, even with the proposed addition, there would still be a significant distance between the adjoining properties because of the size and location of the dwelling. He further added that the proposed addition would be in keeping with the character of the existing dwelling and would be more aesthetically pleasing to the neighborhood. He stated that he believed that the additional square footage would not be detrimental to the adjoining property owners and that the application could be granted without substantial detriment to the neighborhood. He acknowledged that, although the structure would be a bigger building, it would be a significant improvement from what is existing on the property.

In response to Mr. Godwin, Mr. Mislin stated that the large tree located on the right hand side of the property would not be impacted. He added that the driveway remains in same position moved forward a little. Presented and described photograph of driveway area which was marked into evidence as **EXHIBIT A-32**. Landscaping will minimized the addition from the front.

Mr. Matthews questioned the relative size of the proposed house as compared to other houses in the neighborhood.

Mr. Mislin stated that most of the homes in the neighborhood contain between 2,200-2,800 square feet and that some of the newer homes contain 2, 500 square feet. He added that the proposed dwelling would contain approximately 3,500 square feet.

Mr. Matthews questioned how the proposed addition would impact the goals of the Master Plan since the resulting dwelling would be significantly larger than the houses on the surrounding properties.

Mr. Mislin agreed that there is some detriment to a larger looking building; however, the proposed dwelling would be screened to alleviate any potential detriment. He stated that the subject property is one of the largest properties in that zone and that the Board must base its decision on whether an increase of 156 square feet in coverage on a substantially larger lot is considered excessive.

Mr. Matthews stated that he did not perceive a dwelling that is so much larger than the others to be a positive addition to the neighborhood.

The meeting was opened to the public for questions.

In response to Mr. Herbert Walden, a representative for an objector to the application, Mr. Mislin stated that Mr. Schommer's comments regarding drainage would be incorporated into the revised plans.

In response to Mr. Matthews, Mr. Schommer stated that his concerns had been addressed; however, he would prefer that the applicant expand the driveway area to accommodate a turnaround.

Mr. Mislin stated that such a proposal would bring the driveway area closer to the neighboring property.

Mr. Schommer stated that the proposed turnaround area would still be 25 feet from the property line and that he would prefer that a turnaround area be provided on the property and that any issues of the neighbors could be addressed with plantings and screening.

Mr. Matthews stated that the site visit would provide the Board with a better idea of the placement of the turnaround area.

Mr. Walden stated that several of the neighbors have concerns about the driveway being close to the property line.

Mr. Mislin stated that, given the minimal amount of traffic in the area and the fact that the other homes on the street back out into the road, he believed there was no detriment to backing out into the street from the subject property.

Ms. Hough noted that Falmouth Road has an outlet to Shunpike Road, which is a busy street.

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

Mr. Matthews announced that the Board site visit would take place on 6/4/05 at 9:00 A.M. and that the next hearing would be on 6/16/05.

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RICHARD & DEBORAH HENNESSY

33 Buxton Road
Block 62, Lot 99

#03-62-99

Extension of Approval

Present: Richard Hennessy, co-applicant

Mr. Richard Hennessy, co-applicant, stated that he was granted a variance by the Board a year ago and that he was seeking an extension of that approval because of unforeseen delays in filing the plans. He explained that he had filed the plans today, and, as soon as the plans are approved, construction would begin. He added that architectural delays, the bidding process for the project, and personal reasons prevented him from filing the plans earlier. He further added that, as soon as the plans are approved, he would proceed with construction; however, he would need additional time for that process. The consensus of the Board was to grant the extension for six months, not one year, which would be in effect as of today.

Mr. Pizzi made a motion to approve the six month extension which was seconded by Mr. Godwin.

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

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Mr. Matthews announced that the applications of Pamela and Richard Noonan, No. 04-91-8, Glenn and Laura Callen, No. 04-79-8, and Christopher and Laurie Saul, No. 04-117-17, are carried to 6/8/05 with no further notice.

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

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The meeting was adjourned at 10:15 P.M.

Cynthia L. Phillips
Board of Adjustment Recording Secretary