

MINUTES

JUNE 16, 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
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:

James Matthews, Vice Chairman
Therese Hough, Member
Deborah Nelson, 2nd Alternate

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APPROVAL OF MINUTES

Mr. Godwin made a motion to approve the 4/13/05 and 4/21/05 meeting minutes, as amended, which was seconded by Mr. Walters. All were in favor.

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RESOLUTION OF MEMORIALIZATION

PETER COVIELLO

21 Spring Street
Block 102.11, Lot 15

**#04-102.11-15
Certificate of
Non-Conforming Use**

The Board of Adjustment memorialized the annexed Resolution for Peter Coviello, Application No. 04-102.11-15, as amended, on motion by Mr. Pizzi and seconded by Mr. Cooney.

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

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Mr. Dalziel announced that the application of Christian and Joan Mogelvang, No. 04-88-9, is carried to the 7/21/05 hearing with no further notice. He added that the applicants intend to withdraw their application after finalizing their plans and that granting the Board an extension of time for decision is to protect the applicants in case there is a need for a Board hearing. He added that the Board will be advised about the withdrawal of the application by the end of the month.

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PRESBYTERIAN CHURCH OF CHATHAM

240 Southern Boulevard
Block 102.01, Lot 16

#05-102.01-16
Prelim./Final Site Plan
Cond. Use Variance

Present: Glen Geiger, attorney of the applicant
Jim Brown, project manager
Chuck Thomas, licensed professional engineer

Mr. Glen Geiger, attorney of the applicant, stated that he wanted to address Mr. Schommer's completeness review memo dated 5/18/05 as to the submission of the waivers requested. He explained that the first point raised in the memo, a letter of intent (LOI) regarding the wetlands areas on the property, was submitted. He further explained that the letter from Eco Sciences dated 1/12/05 indicates that, although the subject property is located near wetlands or wetlands transition areas, the proposed addition would be placed on an area that is currently paved and would not be located anywhere near a wetlands transition area. He asked the Board to waive that requirement.

He stated that he believed that the submittal of a performance and maintenance guarantee when construction activity begins could be included as a condition of any preliminary and final site plan approval. He further stated that he believed the need for an Environmental Impact Statement could be waived because the proposed development areas contain existing pervious areas and because no natural areas would be impacted by the proposed construction. He explained that the topography of the property within 200 feet of the proposed addition would be included on the storm water management plan. He further explained that he believed it would not be necessary to provide the contour levels within 5 feet of the proposed addition to determine natural drainage because runoff on the property is already being captured and piped to a discharge point. He stated that he did not believe a natural resource inventory would be necessary since the proposed addition would be constructed on an area that is already paved.

Mr. Schommer responded to Mr. Geiger's comments. He stated that the LOI submitted from Eco Sciences indicated that there are no wetlands or buffers in the area and that he believed it would be acceptable for the Board to grant the waiver of that requirement. He further stated that he agreed with Mr. Geiger's recommendation that the submittal of a performance and maintenance guarantee be included as a condition of approval. He added that the applicant would submit cost statements which would be reviewed by and subject to the approval of Mr. Wilson. He further added that the Board would not be giving anything away by granting the waiver.

Mr. Wilson agreed that including the submittal of a performance and maintenance guarantee as a condition of approval was fairly typical.

Mr. Schommer stated that it was at the Board's discretion whether the extent of the proposed project is sufficient enough to warrant a complete review and an Environmental Impact Statement. He noted that the subject property is not an undeveloped area and that drainage is an issue.

Mr. Geiger stated that, even after the application is deemed complete, the Township could ask for additional information while the application is pending. He further stated that a storm water management report was included with the application materials and that his client could expand on specific items, if required.

Mr. Dalziel questioned the anticipated traffic impact of the proposed addition.

Mr. Geiger stated that his client will provide information about the nature of addition during testimony. He added that he did not believe that the traffic characteristics of the site would change. He further added that his client would be willing to submit a full traffic assessment report if the Board requested such a document.

Mr. Godwin questioned if any assessment had been made regarding runoff at the site.

Mr. Geiger stated that the runoff assessment is included in the storm water management report.

Mr. Schommer stated that the Board had received a review letter from Mr. John Ruschke, Planning Board Engineer, dated 5/31/05, regarding storm water management at the site.

In response to Mr. Pizzi, Mr. Geiger stated that his client would describe both the existing and proposed parking operations during testimony.

Mr. Schommer questioned the use of the proposed addition.

Mr. Jim Brown, project manager, stated that the proposed addition would provide handicapped access to the entire existing facility and add four new ground floor classrooms and separate junior high and senior high rooms to the facility. He further stated that an office complex also would be constructed on the first floor of the facility. He explained that, because of the demand for use of the church facilities by its parishioners as well as the Township, a multipurpose room would be constructed at the site to augment the existing multipurpose hall.

Mr. Dalziel expressed a concern about traffic generation at the site since the construction of another multipurpose facility would increase the number of functions and events held at the church. He suggested that the applicant may need to address the traffic at the site during testimony.

Mr. Geiger noted that granting the waiver would not impede the Board from requiring a traffic report.

Mr. Schommer stated that he would review the submitted storm water management plan to address the topography issue; however, the applicant must present testimony regarding the drainage characteristics at the site.

Mr. Dalziel stated that he did not see a problem with granting the waiver as long as the applicant submits a grading plan for the portion of the site where the proposed addition would be constructed.

In response to Mr. Schommer, Mr. Geiger stated that his client would provide soil log information relative to the storm water management report and that, since the proposed addition would be constructed on an existing impervious area, no natural areas would be impacted.

Mr. Dalziel questioned if any new drainage structures would be installed at the site.

Mr. Chuck Thomas, licensed professional engineer, stated that underground detention basins would be installed to capture runoff and address additional recharge issues, as requested by the County. He added that they would submit all soil information as part of the review process, which is currently underway.

Mr. Dalziel questioned if the plans could change based on the findings.

Mr. Thomas acknowledged that the plans could change.

Mr. Geiger stated that the revisions would be submitted to the Board prior to the next hearing.

Mr. Godwin made a motion to grant the five waivers noted in Mr. Schommer's memo of 5/18/05 which was seconded by Mr. Walters.

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

In response to Mr. Geiger, Mr. Dalziel stated that the hearing for the application is tentatively scheduled for 8/18/05.

Mr. Wilson noted that, potentially, three Board members could have a conflict which would preclude them from hearing the application. He added that the hearing date must be fine-tuned so Planning Board members could serve on the Board in their place.

Mr. Godwin and Mr. Pizzi indicated that they would not be able to attend the 8/18/05 meeting.

The application concluded at 8:07 P.M.

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CINDY & KEVIN SULLIVAN

8 Stafford Drive
Block 48.05, Lot 4

**#05-48.05-4
Bulk Variance**

Present: Cindy Sullivan, co-applicant
Kevin Sullivan, co-applicant
Karen Luongo, licensed professional architect

Proof of service was submitted.

Mr. Schommer noted that the applicant's architect is currently doing work for him on a personal basis. He added that he did not believe he would have a conflict and wanted to bring the matter to the Board's attention as a point of information.

Ms. Karen Luongo, licensed professional architect, Mrs. Cindy Sullivan, co-applicant, and Mr. Kevin Sullivan, co-applicant, were sworn.

Ms. Luongo stated that she is the architect of the project. She explained that the subject property is located in the R-3 zone and contains a ranch style house. She further explained that her clients are seeking approval to expand the principal building coverage of the existing non-conforming dwelling to 3,906 square feet where 2,560 square feet is allowed in that zone. She stated that the existing dwelling contains 3 bedrooms, 2½ bathrooms and a 2 car detached garage and that the proposed additions would be placed at various locations on the existing dwelling to expand the family room and dining room areas and to improve interior circulation. She added that an existing powder room would be removed in order to expand the kitchen within the existing

footprint. She further added that her clients are proposing to construct two covered porticoes at the rear and the side of the dwelling and an enlargement of the garage towards the front. She stated that the property conforms to the lot coverage and setback requirements and the only variance requested is for building coverage. She explained that the property is located in the Wickham Woods subdivision which contains predominantly two-story Colonials and that the ranch style of the house presents a hardship because it is more spread out on the property. She further explained that the average building coverage calculation in the area is 13% which anticipates that a Colonial structure would be constructed on the property. She stated that if the proposed additions were placed on top of the existing dwelling, the dwelling would be within 50 square feet of a compliant structure. She further stated that it would be possible to place a second story on the structure, which would be considerably higher than the existing dwelling. She added that the existing ranch dwelling measures 21.5 feet in height from the lowest point on the property. She further added that the proposed additions would be screened by fencing and landscaping and would have very little impact to the adjacent neighbors. She noted that the excess building coverage would not be placed in one large volume at one location on the property, which is more aesthetically pleasing. She explained that the property contains a unique characteristic in that it abuts at the easterly boundary a property behind it that actually fronts on Glenmere Drive. She then presented and described a marked up section of the Township Tax Map of the area in question which was marked into evidence as **EXHIBIT A-22**. She explained that the property behind the subject property runs to the full depth of her clients' rear yard. She added that the Glenmere Drive property is bisected by a 20 foot drainage easement which results in a rear portion of the subject property being considered undevelopable because of that easement. She further added that the undevelopable portion is unique to the subject property and provides significant screening because of the vegetation.

Mr. Wilson noted that it was an interesting argument.

In response to Mr. Dalziel, Ms. Luongo stated that it would be feasible to use the rear portion of the subject property. She added that the proposed addition conforms to the rear yard setback requirement and that she had discussed an alternative design to convert the dwelling into a Colonial with her clients. She further added that it would be possible to utilize the existing garage for living space and construct a detached garage; however, the amount of lot area covered by the buildings would not change. She stated that the amount of building coverage would be reduced although the perception of structure on the lot would appear to be more because there would be two separate structures instead of one cohesive aesthetic solution.

In response to Mr. Pizzi, Ms. Luongo stated that there would be enough setback room to construct a freestanding garage.

In response to Mr. Wilson, Ms. Luongo stated that there are no properties with freestanding garages within a 200 foot radius of the subject property.

Mr. Godwin clarified that the perception would be that more area was covered because there would be a separate structure on the property.

In response to Mr. Pizzi, Ms. Luongo stated that there are no other ranches within a 200 foot radius of the subject property.

In response to Mr. Pizzi, Mrs. Sullivan stated that the dwelling was constructed in 1970.

Ms. Luongo provided Mr. Dalziel with a new set of plans depicting a clear version of Page 2.

Ms. Luongo stated that the proposed amenities are consistent with the surrounding neighborhood and that her clients are seeking to modernize the structure. She further stated that the number of bedrooms in the dwelling would remain at 3 and that some homes in the area have 4 or 5 bedrooms. She noted that the variance request is fairly significant in light of what the ordinance allows; however, since the dwelling is a ranch structure, expansion must be on the first floor. She added that they have attempted to utilize the existing space as efficiently as possible.

In response to Mr. Schommer, Ms. Luongo stated that the existing basement is partially finished. She added that the existing floor area of the dwelling is approximately 2,375 square feet without the garage and that the proposed floor area would be 3,337 feet without the garage. She further added that that calculation incorporates 140 square feet for the covered porticoes, which is not living space. She noted that the 800 square foot basement area was not included in the calculation.

In response to Mr. Dalziel, Ms. Luongo stated that there is no occupiable attic space.

Mr. Godwin noted that part of the 800 square foot basement area is finished.

Ms. Luongo stated that the basement area is located below grade.

In response to Mr. Pizzi, Ms. Luongo stated that the property slopes from the street to the house, which sits on a level area, and that there is a small slope to the rear of the property. She added that there have been a few knockdowns in the area.

Ms. Luongo presented photographs depicting the slope at the back of the house.

Mr. Pizzi stated that he believed the possibility of a knockdown is a factor.

Ms. Luongo noted that given the principal building coverage requirements in the zone, a 5,000 square foot Colonial could be constructed on the property if the existing dwelling were knocked down. She noted that the proposed building coverage is significantly below 5,000 square feet.

Mr. Dalziel noted that a Board hearing would not be required for a knockdown.

Ms. Luongo agreed that such a structure would be conforming.

Mr. Dalziel questioned the need for a 1,200 square foot addition.

Ms. Luongo stated that her clients are seeking to modernize the existing dwelling with a series of small, appropriate, architecturally judicious additions in a variety of places.

In response to Mr. Pizzi, Ms. Luongo stated that the house would remain a three bedroom dwelling.

Mr. Schommer questioned if the façade materials would change.

Ms. Luongo stated that the bedroom wing shutters and siding would change and that the existing porch facade in the center of the dwelling would change from brick to stone to match the roof line of the proposed additions. She noted that the height of the dwelling would remain the same.

In response to Mr. Schommer, Ms. Luongo stated that there is an existing patio at the back of the house and that a walkway from the side of the family room to the patio would be added. She added that the driveway area would be reduced and become a grassed area.

Mr. Schommer stated that, with the proposed addition, the property would be at the maximum impervious coverage on the lot and there would not be any leeway to add other improvements.

Ms. Luongo noted that the southerly boundary line on the survey is incorrect and a new survey would be submitted prior to the next hearing. She added that the correct lot size is actually 20,031 square feet, not 19,266 square feet as indicated on the plans. She explained that the allowable principal building coverage is 2,602 square feet and the allowable lot coverage is 6,006 square feet.

In response to Mr. Wilson, Ms. Luongo stated that constructing a detached garage would increase the impervious coverage on the property and there would possibly be the need to remove the patio to keep the property compliant.

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In response to Mr. Wilson, Ms. Luongo agreed that the driveway would be longer with a detached garage.

Mr. Dalziel questioned possible locations for a detached garage.

Mr. Schommer stated that an accessory garage requires 15 foot setbacks from the side and rear.

Mr. Godwin noted that the rear area would not be used with a detached garage.

In response to Mr. Schommer, Ms. Luongo stated that there is approximately 28 feet of back up room directly opposite the garage doors.

In response to Mr. Pizzi, Ms. Luongo stated that the side facing garage doors are an existing condition.

In response to Mr. Schommer, Ms. Luongo stated that the back up area is sufficient and that the grading would not be changed within 5 feet of the property line at the edge of the new driveway.

In response to Mr. Schommer, Ms. Luongo stated that there is a drainage easement to the south of the property line and that the property has a natural slope in that direction. She added that the underground leader drains would be tied into the drainage easement and that no soil testing had been performed at the site. She stated that her clients would submit a lot grading plan.

In response to Mr. Godwin, Ms. Luongo stated that the back bedroom depicted on **EXHIBIT A-1** would be converted to a master bedroom.

In response to Mr. Dalziel, Ms. Luongo stated that the primary hardship is the uniqueness of the property and the architectural style of the existing residence because a Colonial structure would comply and a ranch structure requires the dwelling to spread out over the property. She added that a one story structure is a benefit because it is not massive and would not impact the adjacent properties. She further added that the area is almost predominantly two story homes and that there is one other ranch located further down the street and that the benefits of the application would outweigh the detriments.

In response to Mr. Dalziel, Ms. Luongo stated that the document dated 4/8/05 with notations about waivers was inadvertently included with the submission and that any waivers that were requested were submitted as part of the checklist.

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In response to Mr. Schommer, Ms. Luongo presented and described a survey depicting the required topographical information and confirming height on the property which was marked into evidence as **EXHIBIT A-23**.

Mr. Schommer stated that the location of the dry wells must be shown conceptually on the plan.

Mr. Dalziel announced that the Board site visit would take place on 7/9/05 at approximately 10:00 A.M.

In response to Ms. Luongo, Mr. Dalziel stated that the edge of the driveway must be included when staking out the property for the site visit.

Mr. Dalziel announced that the application of Cindy and Kevin Sullivan, No. 05-48.05-4, is carried to 7/21/05 for purposes of notice. He stated that the meeting date could possibly change and advised the applicants that any changes would be announced at the next meeting.

Ms. Luongo noted that she would be unable to attend a hearing on 8/10/05.

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

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

Cynthia L. Phillips
Board of Adjustment Recording Secretary