

June 21, 2007

BOARD OF ADJUSTMENT

TOWNSHIP OF CHATHAM

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The meeting was called to order at 7:30 p.m. and the Statement of Compliance was read into the record.

ROLL CALL:

Mr. Lawrence Dalziel
Mrs. Deborah Nelson

Mr. Joseph Cooney
Mr. Glen Nelson

Mr. Parker Godwin
Mrs. Francine Alcorn

Absent: Mrs. Hough and Mr. Quinn

MINUTES

April 19, 2007 and May 17, 2007

Motion was made by Mr. Cooney seconded by Mr. Nelson to accept minutes with corrections as noted on April 19th. All present in favor

Mr. Dalziel referred to Mr. & Mrs. Conte's application and said he had spoken with them regarding the nature of their application and the state of their family affairs. It's a straight forward application. Because of extenuating circumstances (she is pregnant) they have asked us to expedite their application and I thought that you could all review the plans prior to the site visit scheduled for 9:00 a.m. on July 7th so you are familiar with the application.

MEMORIALIZATION OF RESOLUTIONS

ANTONIO MOLINO

Susan Drive
Block 20 Lot 20.

Calendar BOA-06-20-20

Mr. Shaw gave a brief outline of the Application/Resolution involving a piece of property which was severely constrained with steep slopes and essentially a buildable plateau that has existed along the portion of the property. The first issue the Board had to address was whether or not a 2003 application which denied approvals for a residential structure with a variety of similar sounding variances. The Board took testimony initially and made a series of fact findings from the Resolution identifying this as really a different type of property, very significant difference being that the property had been changed from being a salt box two story structure to a 1.5 story on the front structure which gives a Cape Cod Appearance. We review the original Resolution of denial and there was basically a find that that type of development would be consistent with the character of the area. The Resolution recited the professional testimony which was received and essentially there were very substantial similarities of this

property to one which the Board of Adjustment had given a variance approval to develop. This property is one of 5 properties which was originally subdivided in 1964. It had a pre-existing variance relief which had expired over the years by operation of law, originally for 30 ft. setback. This application provides for a 28 ft. front yd. setback. One of the key concerns from neighbors was the potential for damage to adjoining property from storm water runoff and the applicant agreed to schedule construction so that all the storm drainage structures would essentially go in first to minimize those impacts. The Resolution concludes that the relief can be granted both because of the general purposes of promoting a variety of housing types without having negative impact on other properties and also owing to the C1 criteria of extreme hardship related to the site. There are several conditions attached to the Resolution pertaining to the conveyance of a conservation easement along the rear of the property, sequencing of construction and also significantly the applicant obtaining approval from the Township of Chatham to use a sewer easement which is proposed as the access for purposes of installing drywells associated with the property.

Mr. Dalziel asked for comments on the Resolution. There being none he asked for a motion to accept this Resolution as drafted.

Mrs. Nelson made a motion to accept this Resolution, seconded by Mr. Nelson

Roll Call:

Mr. Lawrence Dalziel	Mr. Joseph Cooney	Mrs. Alcorn
Mrs. Deborah Nelson	Mr. Glen Nelson	Mr. Godwin, excused

All in favor

MR. & MRS. CALFO
42 Van Houten Ave
Block 62.02 Lot 5.

Calendar BOA 06-62.02-5

Mr. Shaw – to summarize – this is a straight forward application. It deals with developed property on a steep slope. There was some planting activity which the Board determined required variances for steep slope disturbances. The Board, after a site visit and testimony given at April 19th and May 17th meetings, found that the completed/proposed development of this property furthered the public health and safety and promoted the desirable visual environment. A planting schedule remains to be accomplished for the proposed type of plantings and their placement, as well as storm water management and lot grading plans, all of which are subject to approval by the Township Engineer.

A motion to accept this Resolution (with changes as noted) was made by Mr. Godwin seconded by Mrs. Nelson

Roll Call:

Mr. Lawrence Dalziel	Mr. Joseph Cooney	Mr. Godwin
Mrs. Deborah Nelson	Mr. Glen Nelson	Mrs. Alcorn

All in favor

APPLICATIONS:

WATCHUNG SOMERSET STREET PARTNERS
31 Oak Hill Road
Block 117 Lot 12

Calendar 06-117-12

Mr. Barry Osmun, Attorney
Mr. Aidan T. Murphy, Engineer

Mr. Dalziel - We have received a letter requesting an extension to July 19, 2007.

Motion to grant the extension to the July meeting was made by Mr. Godwin, seconded by Mr. Nelson, with all in favor.

ELAINE FERRARA
51 Buxton Road
Block 62 Lots 101&101.01.

Calendar BOA 06-62-101-101.01

ELAINE FERRARA
JOH RAPICANO

Site Visit Report was read into the record (exhibit A16) by Mr. Cooney

Ms.. Ferrara said she really had no further comments. The Board has seen it and if she did not feel this was necessary she would not be here. (Variances requested: Steep slope 15-20%, 20-25% and greater than 25%)

Mr. Godwin - at the site inspection he felt that the erosion was very extreme. Something needs to be done to rectify the situation.

Mr. Dalziel – after erecting these wall will you be bring in fill to put behind these walls? The applicant said that was correct.

Ms. Ferrara – it is not topsoil.

Mr. John Sweeney, Landscaper was sworn in. He estimated fill would be 10-15 truckloads for each wall. There is so much vegetation there right now so it really is an unknown. The fill will be dropped on the lawn. They will not be using any large machinery, small machine will move it

Mr. Shaw – that type of information will be included in a soil erosion/sediment control plan?

Mr. Sweeney – yes. Pretty much by the engineer specs.

Mr. Ruschke – In my report, I just made reference that a soil erosion certification would be required. I did not go into the additional details necessary identifying the exact disturbance or silt fences to be installed, how the construction access was going to be, where the construct entrance tracking pad is going to be. I will make those commence once they make a submittal for a permit. There is additional detail that doesn't go on his plan – taking into consideration that he has quite a bit of earth moving to do

.Mr. Dalziel – Is that additional detail beyond what is shown on this plan?

Mr. Ruschke – there is more detail on the plan. The second sheet really just goes into the details/notes that are common of all applications. I did have some additional concern over the use of the existing driveway. There are some minor comments that I was going to make after the application was heard. It does need a little more detail.

Mr. Dalziel – any other issues that need to be discussed?

Mr. Ruschke – I think the major concern will just be controlling the erosion that is obviously occurring now. Just need to control that during construction since all the remaining vegetation is going to be ripped up and stockpiled. During construction the loose material is more of a concern.

Mr. Dalziel – asked for questions/comments from the Board/Audience. There were none.

A motion was made by Mr. Cooney seconded by Mrs. Alcorn to approve the application

Roll Call:

Mr. Lawrence Dalziel
Mrs. Deborah Nelson
All in favor

Mr. Joseph Cooney
Mr. Glen Nelson

Mr. Godwin
Mrs. Alcorn

Mr. Shaw – Had a Resolution of Approval for this application. There is one revision to the Resolution as from when it was originally drafted since I thought no one from Splane Engineering would be present, so paragraph 3 I had indicated that the testimony presented had included a representative from Splane Engineering Associates.. in place of that would be testimony from John Sweeney of Sweeney Landscaping Services. With that exception, very briefly what the Resolution that we had drafted Memorializes the action taken and recites the three classification of steep slopes and essentially indicates that the reason for the variance relief is to protect an existing structure and footings for the deck and that the purpose of the MLUL are furthered since it promotes public safety of the premises as well as the general welfare by promoting a desirable visual environment. The Resolution also notes that there was a substantial enhancement to the zoning in the neighborhood as a result of the owner of the property agreeing to merging the two lots and that was certainly a very substantial benefit for the general area. The Resolution does contain, as a condition, that the applicant is still required to obtain a soil erosion/sediment control plan approval from the Township Engineer before proceeding.

Mr. Dalziel asked for a motion to approve this Resolution

Mrs. Nelson made a motion was to approve the Resolution as amended, seconded by Mr. Nelson.

Roll Call:

Mr. Lawrence Dalziel
Mrs. Deborah Nelson
All in favor

Mr. Joseph Cooney
Mr. Glen Nelson

Mr. Godwin
Mrs. Alcorn

MR. & MRS. ROCHE
9 Warwick Road
Block 122 Lot 11

Calendar BOA 07-122-11

Mrs. Carole Roche
Mr. Terry Roche
Ms. Tone, Architect w/Rosen Group

Mr. Dalziel – just to give you a little bit of a description about how the process works, this is your first hearing tonight. What you will do is tell us basically why you are here and why you need a variance. We will then schedule a site visit for the 7th of July and the follow up hearing will be July 19, 2007.

Mr. & Mrs. Roche and Ms. Tone, Architect w/Rosen Group were sworn in.

Mr. Roche – I will be brief and then hand you over to our Architect. We recently relocated to Chatham from London, where we lived for 4 years. We have been fortunate; we have to love Chatham and our Neighborhood. We want to improve the house to include a small addition in the back.

Ms. Tone- There is a clarification as to the building coverage number which is in the variance we are seeking. The proposed building coverage as submitted is correct. The existing proposed building coverage number actually includes the shed which doesn't count as building coverage. The original number 2100.4 and the revised number 2,052.2 (minus shed calc.). I have revised copies of the zoning chart that can be distributed. There is a little bit of different explanation of how we achieve these building coverage numbers in them as well. Exhibit (A7C).

The next section down below that shows how we reached those calculations for building coverage. The existing house has 2052.2 sf and we are adding an addition of 343.1 sf and in addition to that a portico of 32.3 sf which totals 374.5 sf. We were allowed 2286.01 so a 141.4 is over the building coverage. The lot is a little over 5200 sq. ft. and required for the zone is 14768. (Ms. Tone used the same plans (sheets 1-9) as the Board had but she had colored hers-marked Exhibit A18) Ms. Tone also submitted a composite picture of the neighborhood – Exhibit A19. She indicated the Roche's house, a property on the corner that faces South Street and pointed out the houses on the opposite side of the street. The pictures showed the front of

the property, the back where they wanted to put the addition. The picture had been spliced together just to give an overall feel of the house but its not 100% the existing condition. Another picture showed a picture of the back of the house showing the sidewalk. If you look at the back you can see the neighbor's house which is much larger on that side. Another picture shows a significant distance between Mc Kessy's house and the Roche's house because that is considered a rear yard for that property.

Mr. Dalziel – for future reference I would suggest that you label the photo's so we can pass them around. Ms. Tone- agreed to mark them

Ms. Tone- The sight plan shows the same color as the existing. There is a cross patch area which is actually the two story addition. The other hatched areas are – the one in the back just a step and over here is a second story addition already a portion of the house. The hatched area in the front is the portico that we are asking for. On sheet B3 you will see the area of the portico shaded in the front and then there is the area that we are adding for a breakfast room and a kitchen. Currently the kitchen exists in the area (inaudible)... the butler's pantry, enlarging the dining room bringing the butler's pantry in the area of the existing kitchen and adding onto the back of the house for a nice kitchen/breakfast room area. On the second floor we are adding a Master Suite over the back portion of the house. On sheet B5 – this is an addition on the second floor for the Master Suite and we have enlarged the two dormers in the front of the house. On B6 the front elevations the front elevation – the existing roof of the house is much lower. What we have done is extending the roof of the front slope back and then down and added a two story addition to the back of the house. It is concealed by the front of the house. The front roof line changes slightly but the overall look of the house doesn't change that drastically. We are trying to keep some of the charm of the existing house. A little bit different than what the neighborhood has done. Most of the houses that have been renovated in the area have been either torn down or completely built up. Referring to the rendering for the back she noted that the ridge line had been raised and added the two story addition. Sheet B8 shows the roof line that was originally in the back. Sheet B9 shows (dashed line) the line of the existing house. This is the right side elevation of the house and what we are doing is extending the ridge line up and then taking it back. If the lot were a conforming lot at 20000 I think the building coverage would be 2600 and our number is still under that.

Mr. Dalziel – questioned the height – 27.0 ft

Ms. Tone – the property is fairly flat so I think we took it at the worse case scenario. Given the existing roof which may be off slightly, it will be somewhere around there. But yes it will be somewhere around there.

Mr. Dalziel asked for questions from the Board.

Mr. Dalziel asked if there was any anticipation of adding a deck? Are you going to get rid of the deck now, are you adding a new one later.

Mr. Roche, we are not contemplating it at this time.

Ms. Tone – another issue that was brought up was the shed location, its non conformance. Perhaps that needs to be considered.

Mr. Dalziel asked if the applicant had put the shed in and was advised that they had not. He asked if it were a home-depot plastic type thing and the applicant said it was not. Actually it's a \$10000 shed. It's an interesting structure and it matches the house. The applicant said they would look into what had to be done to satisfy the requirement.

Mr. Dalziel – a comment, without having seen the actual site and condition I just want to make sure that you are all aware that the nature of a variance, particularly of this type, where you are asking for building coverage increase, typically is incumbent upon some unique feature of the lot. Not a user variance, it's a land variance, so you will need to speak to either tonight or at the next hearing as to how you justify the nature of increasing building coverage as it relates to some unique characteristic of the lot.

Michael Baldwin from Banish Associates – ref. B6 – that is not the same as the B6 that I have in my package.

Ms. Tone – agreed – it probably got switched. There appears to be a typo.

Mr. Dalziel asked for questions from the Board. As there were none he advised the applicant that there would be a continuation of this hearing on July 19, 2007 and a site visit on July 7th around 9:30 a.m.

**NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS
BLOCK 63 LOT 21.01.**

Calendar BOA 06-63-21.01

Mrs. Nelson excused herself from this application as there are family members employed by the company (brother/husband)

Mrs. Alcorn read the Site Visit report into the record.

Applicant has brought their own court reporter who will provide complete transcripts of this hearing to the Board

Motion to approve this application was made by Mr. Cooney, seconded by Mr. Nelson.

Roll call :

Mr. Lawrence Dalziel

Mr. Joseph Cooney

Mr. Godwin

Mr. Glen Nelson

Mrs. Alcorn

All present in favor.

Meeting was adjourned at 10:00 p.m.

Motion to close the meeting was made by Mr. Godwin, seconded by Mr. Cooney.

Respectfully submitted

Mary Ann Fasano
Transcribing Secretary