

February 21, 2008

**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. Therese Hough**  
**Mrs. Francine Alcorn**  
**Alt.#2 Vacant**

**Mr. Parker Godwin**  
**Mr. Glen Nelson**  
**Alt.#1 Vacant**

Resolution In Recognition of Mr. Joseph Cooney's Service to the Board of Adjustment was read into the record. A motion to approve said resolution was made, seconded and approved by all.

Mr. Cooney said it was an honor and a pleasure to serve with all of you and he had enjoyed it. He felt he had learned a lot. He noted that Chatham Township was voted as the best place to live in the state and he felt that a good deal of the credit for that should go to the Board of Adjustment for the fine job they have done.

**Michael Mccaffrey**  
**25 Britten Road**  
**Block: 48.18 Lot: 145.02.**

**Calendar Boa 07-48.18-145.02**

David Krasnica, Contractor

Site visit report of February 2nd was read into the record. (A17)

Mr. Dalziel noted that there was a revision to the plans, which have been submitted.

David Krasnica, Contractor - re:- Plans A16... New calculations are shown for impervious coverage; we have added required bldg. coverage and that's pretty much it.

Mr. Dalziel – you now have impervious coverage as 6790 allowed and proposed 5962. There was also a discussion about patio vs. deck.

David Krasnica, Contractor – The existing patio is included in coverage.

Mr. Dalziel – the issue is the plans do not show what your intentions are. Are you keeping the patio.

David Krasnica said they were intending not to keep the patio

Mr. Dalziel – the patio is there and it is impervious coverage. The only point we are trying to make is according to your testimony your plan really does not reflect what you intend to do.

Mr. Krasnica – in looking at the plan, the patio it's not going to be there.

Mr. Dalziel said he understood but before you said that was not your intent. If it wasn't over in coverage you were going to keep it. The patio and the deck affect the numbers on the sheet and they affect your intent in respect to the house as well as have an effect on how the building department looks on what you do.

Mr. Krasnica – the deck will not be done immediately. When the deck is built the patio will be removed. I don't want to be in the position of being told that I have to remove the patio before the addition is put on.

Mr. Dalziel – suggested that as the deck was not going to be done now perhaps it should be taken out of the picture. It should be reflected that it is proposed for the future. What I would suggest that the plans show the patio as it is, dot this deck in and show it as future construction for proposed deck.

Mr. Krasnica said they were really concerned about the front yard setback variances.

Mr. Dalziel said he understood that but things were represented on the plan that you will not be doing. Why would you want to hold up a potential CO on the house because the deck is not completed. So I am thinking that if you take it off the plan, put the patio back on, we act on the house then you can get your permits, construct and get your CO.

Mr. Krasnica - If the deck will hold up the CO then I definitely do not want it on there.

Mr. Dalziel – what I am suggesting, to help you out, as soon as the Board acts it would be advisable to remove the deck, put the patio on, dot on the future proposed addition, which has nothing to do with this application.

Mr. Godwin - it wouldn't hurt to have both the patio and deck on there with coverage showing that it is still under the allowable coverage. If they are both on and the inspector sees that one is a future possibility that's already there then everything is set as you are below the allowable coverage.

Mr. Krasnica – just a question – if we decide to construct the addition and the deck at the same time and remove the patio then we are correct as it stands on the plans.

Mr. Dalziel –We are not trying to force you to do something that you don't want to do by the way you represent you plans. All I am trying to say that if you are not going to build the deck now take it off the plans, put the patio on.

Mr. Ruschke asked for a few waivers, which I didn't take exception to but the one issue, which I want to point out, is that the site plan prepared by the architect is not exactly to scale. The applicant is asking for a variance of 18.9 ft. It is in the best interest that the construction is not as shown.

Mr Dalziel asked what numbers we are voting on. If we vote on the 18.9 and it's not correct you will have to come back. He asked if there was a surveyor who has done the work.

Mr. Krasnicia said reference was made by the architect of a surveyor.

As there were no questions from the audience Mr. Dalziel closed the public portion of the meeting. There being no further questions/comments from the Board Mr. Dalziel called for a motion.

A motion was made by Mr. Godwin to approve this application subject to revised plans reflecting a future proposed deck and showing the existing patio. Mr. Nelson seconded the motion. Roll call vote all in favor - Alcorn, Mr. Nelson, Dalziel, Hough, Godwin,

Applicant was advised that revised plans needed to be submitted and upon their receipt a resolution could be ready by the next meeting.

**Damon & Krissy Caputo**  
**2 Overlook Road**  
**Block: 102 Lot: 1.**

**Calendar Boa 07-102-1**

Christopher Quinn, Attorney  
Ashraf Ragar, Architect

Mr. Quinn – Application for variances on a residential addition. We were here in January and the Board had given their comments/concerns. The board should have plans with a revision date of 2/7/08. The plan reflects some of the reductions, size of some of the addition, lowers concrete courts to grade and turns it into a patio area. The roof and the side wrap areas have been reduced. First – building coverage. We now have a building coverage of 2854, the building width variance is still required; the increase in building size is decreased drastically. We had previously had a building width of 92.9 inches and that has been reduced to **74 ft. 4.5"**. The increase in building width is less than 9" in width. We still require a variance for the front yard setback for the fourth bedroom over the garage. As we discussed at the last meeting we would prefer to raze the garage and build from scratch utilizing the existing foundation at the same setback. There is no variance required for the garage itself. We are still requesting a front yard setback, regardless, but there is variance required for the garage itself. (29 ft. 5 is existing)

Mr. Shaw - the Board may want to consider an interpretation of the maximum coverage. What the applicant is proposing is that the porched area (the roof area of that structure is still present) they will just count the area of the pillars as part of the structure. They are no longer including the area underneath and they are saying now that they have taken the concrete away and put a stone base and flagstone patio that is no longer included as part of the construction. I discussed this with Carl Woodward, Twp. Counsel, and he feels that despite what the applicant says he is not really complying with the intent of the ordinance, and felt that the foundation of the stone alone raises a question.

Mr. Quinn – we have replaced the concrete foundation of the raised porch and converted to a paver patio.

Mr. Dalziel – the number on the zoning chart 3339.0 is what was previously requested?

Mr. Quinn – that is the sq. ft. of the previously proposed. It included the covered patio and the wrap around portion, which currently has no more roof over it. Directly below that row is what is proposed - 2854 sf.

Mr. Dalziel - That is the foundation of the house and the columns supporting the patio roof.

Mr. Quinn – that is the foundation for the roof portion of the principal structure.

The zoning ordinance was discussed as it related to coverage, foundations and the area supported by columns as presented in this application.

Mr. Shaw suggested that the applicant proceed with the application.

Mr. Quinn - asked that Mr. Ragar continue with his presentation.

Mr. Ragar - we cut off the covered porch and we left the wrap around area only to the area of the patio where we are now putting in pavers over loose gravel. He gave a brief description on how they concluded the question of no-coverage under the covered roof. (the patio was dropped and foundation removed except for under the piers that are tied into the roof.) And that allowed us to assume that under the ordinance it is was not considered part of the lot coverage.(on-grade patio). Square footage was reduced by reducing the building, shifted the garage and family room slightly and that is how we arrived at new square footage. There is no foundation under the patio only under the supports for the roof.

Mr. Quinn – based upon those changes the square footage now proposed is 2864 sf. With respect to the change for removing the roof off of that wrap around can you now describe the building width.

Mr. Ragar - We dropped the proposed building width from 92 and changed it to 78.5 (14.5 ft. dif.) which is exactly 8.34 of an inch across the existing building (17 ¾ ft).

Mr. Quinn – instead of expanding the garage toward the front of the house and widening it could you widen it toward the rear of the house?

Mr. Ragar - By doing that there would be a tree in the back of the house that would have to be removed.

Mr. Quinn – to clarify – There are trees located along the drive and to the rear of the property? If the driveway were expanded to the rear then trees would have to be eliminated.

Mr. Ragar – agreed.

Mr. Dalziel – asked if they were that close to the driveway and was advised by both Mr. Ragar and Mr. Quinn that they were.

Mr. Dalziel – asked to have the pillar foundations clarified – just where are they,

Mr. Ragar - by the patio, we removed the foundation we maintained the pillars under the double columns along the edge (4). They vary from 10 – 13 to 11 ft. We just reduced the foundation to pillar size under the columns.

Mr. Dalziel – lets talk a little bit about the nature of the garage, why it has to be removed, etc.

Mr. Ragar – as you can see there are 3 walls being removed. The fourth wall has the garage doors.

Mr. Dalziel – did you say you were not using the entire foundation wall but a percentage of it?

Mr. Ragar – we will be expanding the existing foundation wall. There will new foundation line under 3 walls and the only foundation that remains is where the doors are. All the other walls are shifting.

Mrs. Alcorn – by taking down the old garage and setting up a new garage is it because of what is proposed above it.

Mr. Ragar - the roof will have to be removed. The garage walls need to be removed for safer construction of the second floor. It would be best that all the proper supports are there for the second floor so it easier for him to build new walls.

Mr. Dalziel – looking again at the new zoning table – two variances are being required

Mr. Quinn –technically there would be two variances required – we could eliminate the line, which reads max. lot coverage which reads 3339 sf.

Mr. Ruschke – just general questions regarding site grading. Typically my questions would be taken up under lot grading.

Mr. Dalziel – any landscaping plans?

Mr. Quinn – not at this time.

Mr. Dalziel – Stormwater runoff>

Mr. Ruschke – yes there is – they need additional details on the drywell. Also make reference about fill placement, etc.

Mr. Dalziel asked for questions from the audience. There were none.

Mr. Quinn – asked that Mrs. Caputo - previously sworn be his next witness. Mrs. Caputo said currently the home is a 3-bedroom ranch. We are expanding because we need more space and the extra bedroom. When we bought the house we loved it and the neighborhood. Everyone comments on how nice we keep it. With the proposed addition we are trying of us to keep the character of the house. We are outside all the time so we are trying to keep as much of the back yard as possible to allow the children to run and play.

Mr. Adrian Humpert, - I have reviewed the zoning ordinance and all plans submitted. I have reviewed the neighborhood and photo exhibits.

Mr. Quinn requested Mr. Humpert's opinion of the interpretation taken by applicant for rear patio area.

Mr. Humpert – Sec. 30.78-11 – re maximum coverage – The ordinance reads the maximum coverage of the principal coverage shall include only the foundation under the roof portion of the subject structure. That would be the actual foundation for the roof and it would not include a sub-base under a patio, in my opinion. I would concur with the architect. As to the variances requested by the applicant – based on the earlier discussions tonight, the two variances that remain are variances for construction over the garage (front yard set back) and a variance for maximum variance width as proposed (3 ft. 4.5 inches or 4.5%) a deviation of 75 ft., which is allowed by ordinance. The project has been described as a major reconstruction and partial demolition of the existing house. When I made my examination of the plans the proposed architectural features of the house impressed me. A few things I would call to the Boards attention – I believe the plan was significant because of how it relates to the house and how it fits into the neighborhood. In respect to the architecture of this residence there were 5 areas that I found very appealing. The first – the tasteful blending of the materials to be used, the shingles, window character (small pane glass), the curve roof line with a steep roof pitch effect on the main roof portion of the house, give it a very unique character in the neighborhood and one that will blend with the existing pattern of homes and with the redevelopment changes in the neighborhood. This being a corner location will be particularly attractive. The third feature – the arches over the front porch and the integration of the dormers into the roof design (Note - many of the homes in the area do have dormers). I think there are several reasons that this project is worthy of approval. In addition, to the improved livability, I think the house will enhance the appearance of this property and provide benefits to the neighborhood at large. There are a number other houses being renovated and I did not see any that were as attractive as this plan indicates. I mentioned the corner lot location is very prominent one and I think in terms of redevelopment of this site that the Board should consider this aspect. The house does not appear to be oversized, in fact in the actual amount of impervious coverage upon completion will be 2500 sf. under the maximum allowed. The front line of the garage will be held and no further encroachment into the front yard. There are several purposes of the Land Use Statute that I believe that have been looked at in all aspects. First - In my opinion a favorable action by the board will enhance the appropriate use of this property and that, in my opinion, promotes the general welfare of the neighborhood. The second purpose is – that the project site and residence, despite the variance relief, would continue to provide adequate light, air and open space in the neighborhood. Those are the traditional purposes of Zoning and they are well preserved in my view, by this

application. The last purpose of the Statute that I think is advanced is that the renovation promotes a very desirable visual environment and as I indicated in my opening remarks, I find the architectural aspect and the civic design aspect presented are very positive. I think those 3 purposes of the statute are well served. In this matter, I believe the proposal has answered the Municipal Land Use Law and meets its criteria. The purpose of the statute and the benefits of granting a variance certainly outweigh any detriment. I did not see any negative affect of this application nor do I perceive any negative affects such as a McMansion type issue in regard to this application. I would just point out to the Board the overall height/coverage of the ordinance are very well respected. Benefits outweigh any detriments.

Mr. Dalziel – asked for question of the Board.

Mr. Dalziel – asked Mr. Banish if he had any questions.

Mr. Banish – I think the interesting thing I just heard from the testimony given, it's a handsome building and not one would disagree with. Mr. Humbert pointed out some of the features of the design that break up the massing in ways that blend into the neighborhood.

Mr. Dalziel asked for question/comments from the public. there were none.

Mr. Dalziel - re: Height. He thought clarification might be needed on the plan and the zoning schedules to eliminate any future problem.

Mrs. Alcorn – find this to be an attractive building. I think the applicant has worked hard to bring this into compliance.

Public Portion closed;

A motion was made by Mr.Nelson to approve the proposed addition with any amendments that need to be corrected, seconded by Mrs. Alcorn. Roll call with all in favor– Mrs. Alcorn, Mr. Nelson, Mr. Godwin, Mrs. Hough, Mr. Dalziel.

**Michael Dezic**  
**6 Valley View Road**  
**Block: 8 Lot: 10**

**Calendar Boa 07-8-10**

Barry Osmun, Attorney  
Mr. F. Mitchell Ardman, Engineer – Reynolds Group  
Robert Gill, Architect  
Mr. Jason Kasler, Kasler Assoc

Mr. Osmun – this is a continuation – I have two witnesses – Mr. Ardman, Engineer and Jason Kasper, Planner

Mr. Ardman – quick recap - this is the site plan (A15 – option 1) Sheet B1 – with the dwelling, driveway and garage. At the last meeting, the Board asked if we could pull the garage in and reconfigure the house. We did and submitted a revised plan (A23 – option

2) Plot plan – Option 2 Sheet B1 revised date 2/5/08 house footprint (submitted) along with the plan we did a new steep slope plan/map w/calculations comparison sheet (A24). We are down to 7061 sf of impervious coverage where previously we were 7500+ before which is well below the 11,000 permitted. On the revised B1 the total of coverage is 7061 sf. max. permitted 10,970 sf. Going to the comparison table – to the right is where we have the original submittal – disturbed areas.

	Original	2 <sup>nd</sup> Submission	Present Submission
15%	14,500	12,091	10,941
15-20%	5,662		5,112
20-25%	2,395	1,359	1,152
25%+	1,995	1,695	1,621

In comparison between the two plot plans the steep slope around the front (S & E) basically remain the same; the swale around the back, patio area stays the same and it comes down around the garage but we still need to create a swale to get the upper end drainage down and the disturbance around the driveway as well. As you can see, side-by-side, the area of reduction is basically at the top where we thought it would be and there is reduction but in my mind it's not significant. The disturbance has not been significantly reduced from the original plot plan provided.

Mr. Dalziel – questions from the Board.

Mrs. Alcorn – two things. Re: option 1 –

Mr. Ardman said that was still the preferred house by the applicant.

Mr. Osmun – however if the board believes that option 2 is preferable then we have to live with that.

Mr. Nelson – is there anything planned for above the garage in option 2.

Mr. Ardman – yes – there is living space over the garage.

Mr. Godwin - the media room – but no longer connected by overhead....

Mr. Dalziel – Any questions?

Mr. Ruschke – re: option B - the steps - they project out 4 ft. and 3 ft. is maximum.  
Possible Variance

Mr. Ardman – the design will allow for the change.

Mr. Ruschke – no structural retaining wall is to be within 20 ft. of the house unless its part of the foundation... that may be a variance

Mr. Ardman – questioned the difference between a structural retaining wall and a landscape wall

Mr. Rushke – its over 4 ft. The wall cannot exceed 6 ft. and you are only a few hundredths off but the grading need to be adjusted.

Mr. Ardman – I guess our position would be that we can change the grading down but we would need a variance for the 4 ft. wall.

Mr. Ruschke – I did not mention this the last time – this is a very unique piece of property and it looks like it has 3 front yards and technically a variance may be needed for a patio in a front yard. You really just have one side yard on the property. On option to the contour number in the rear needs to be corrected. What is the reason for a 16 ft. wide driveway (both options)?

Mr. Ardman – it could be narrowed.

Mr. Ruschke – if you did it would reduce the impervious coverage, steep slopes disturbance.

Mr. Osmun – called Mr. Jason Kasler, Kasler Assoc., Licensed Planer, Springfield, NJ

Mr. Kasler – I was retained to review the application as to the slope variances as well as any other variances required. I reviewed the application, did site inspection, reviewed Master Plan/Zoning Ordinance and put together a handout. We are here for a C2 Variance – Flexible C – positive criteria/benefits, which outweigh benefits. The property is twice the size of the required lot size, it is unique because of its 3 front yards, abuts a paper street, on a dead end street. There was once a single-family residence on the property, which was oriented with driveways on Mountside Drive (through the right of way) as well as Valley View Road. What we are looking at are slope variances. Some of these slopes are man made from regarding of the original house. The ordinance talks about steep slopes and protecting them and allowing flexibility. The positive aspect is that we have presented submissions 1 & 2. Re: submission number 1 – you are getting a very unique house layout. It's not your typical sq. house. You are getting brand new state of the art water retention system, all impervious coverage are being directed to seepage pits, so you are getting the benefit of the enhancement of better water quality. Your ordinance talks about the preservation of steep slopes to protect against uncontrollable water drainage and also to prevent soil erosion and sediment deposition associated with land disturbance, i.e., they want to make sure that the drainage works, that your water runoff onto neighbor is controlled, which is what we have with this proposed plan. The 3 seepage pits in the front (26 x 10 ft), which is positive aspect. The negative criteria – when you are looking at this lot it is twice the size and really presents no detriment to the zone plan/ordinance. In fact, this house fits nicely into the Character of the community. I did take pictures of various homes. This is a large home located on an oversized lot. But there are houses in the area which are of similar size – perhaps not 6000 sf area but in the 4000-5000 sf area but on half the size lot that this is on. Referring to A25 – Photo Exhibit – w/aerial photo from Map Quest - the larger image really shows Valley View Rd from one point to another. You can see the large houses and lots. The house at the end of the road is probably very similar in size with what looks like a larger footprint (4000-6000 sf. guesstimate). There they have triple retaining walls toward the back. The other photograph in the center to the right shows Sycamore Subdivision with large (approx. 4000+- sf.)houses situated on ½-acre property where here you are looking

at a 6000 sf. house on a full acre. So really the proposed will fit in nicely with the character of the area. It will not stick out. Option one adds the uniqueness factor with the breezeway and garage. I believe the positive outweigh negatives.

Mr. Osmun - Re: C2 – you have to show the advancement of the zoning ordinance, encourage appropriate use of land, and provide adequate light, air and to promote a desirable, visual environment. Correct

Mr. Kasler – Correct - Positive Criteria. I would not recommend this for a smaller lot and I feel comfortable in saying that with the exception of the slopes the only variance needed here would be the patio in the front yard. Because of its size it also meets the criteria where it pertains to light and air. Option one lends itself to a more aesthetic, unique, desirable, visual environment. What is proposed can be done without substantial detriment to the public good. The variance would not impair the intent of the zoning ordinance.

Mr. Godwin - I don't understand the significance of the Sycamore project. It's nowhere near this one.

Mr. Kasler – the reason for showing them is to show that there are houses in town that are over 4000 sf in size on smaller lots. This is oversized wooded lot, which would accommodate a larger building of this nature.

Mrs. Hough – felt that this neighborhood does not support houses of this size.

Mrs. Alcorn– don't all construction sites have to have seepage pits.

Mr. Osmun – the purpose of what I said is that steep slope ordinances are not intended to control the size of the house but is to deal with runoff.

Mr. Ruschke – re photograph at the end Valley View – is that near Long Hill but I think this one is still in Chatham. He also asked if there were Architectural Plans.

Mr. Osmun – introduced Mr. Kirk Metz, Contractor

Mr. Kirk, Contractor – re: Architectural Plans - The footprint had been changed to give option 2. The finalized plans are not 100%. Looking at the front of the house the west profile where the garage is will be shifted, the patio slightly different but as far as elevation the only change would be to the back of the house. Basically, either house would work.

Mr. Dalziel – why is option one preferred over option two.

Michael Dezic – its an architectural preference - Its an aesthetic aspect. The breezeway is more pleasing.

Mr. Dalziel – is this a development house for sale or for you?

Mr. Dezic – it won't be for sale.

Mr. Alcorn – which slopes were man made. My second question, the orientation of the house – why is the house oriented as it is.

Mr. Ardman - Re: A15 -B1 – basically the house is running with the contour. From a contractors viewpoint he does not want to be moving a lot of dirt in or out. It's not efficient. When we put the house there, we looked at a few things. How to get the driveway to work. If the house were rotated we would have more of a drop off. The proposed is the most efficient way to grade it. This hold true for the second option.

As far as the man made slopes I am looking A20 – there are bands right in the middle of the existing house.

Mr. Osmun – Because of the fact that it is a corner lot and you have to meet the front yard requirements and with 3 front yards that patio may encroach into that setback. Is there an alternate way to move that patio.

Mr. Ardman – because of the uniqueness of the 3 corners and only having the one side, and the most appropriate place for the driveway is on the uphill side in the side yard that would be the only place for the patio. It is away from the pavement of Ormont from a approx 100 ft., Mountain Side Drive is a paper street.

Mr. Dalziel – we are talking about at patio that is 25 x 18 (approx).

Mr. Dalziel – I don't see the need for the front yard variance for the size of the patio.

Mr. Osmun – we are willing to cut the patio back out of the 50 ft.setback.

Variances were discussed

Mrs. Alcorn – the driveway will be reduced to 12' – applicant agreed

Mr. Dalziel – closed public portion as there were no question/comments.

Mr. Dalziel – variance – steep slope, patio structure, front yard, wall over 4 ft & within 20 ft.

Mr. Dalziel – thought option 2 was better plan.

Mr. Godwin - its still a big house. Slopes will have to be disturbed in building on the lot. I think you have made great stride in reducing those disturbances.

Mr. Dalziel called for a motion

Mrs. Alcorn moved that option 2 proposal with the numerous revisions discussed (patio, driveway, retaining wall, steps) be approved. Second by Mr. Godwin. Roll call with all in favor: Alcorn, Nelson, Godwin, Hough

**262 Lafayette Ave.**  
**Block: 104 Lot: 16.**

Barry Osmun, Attorney

The Monson – withdrew their application

Meeting Adjourned

Respectfully submitted,  
Mary Ann Fasano  
Transcribing Secretary