

May 22, 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	Mr. Parker Godwin	Mrs. Hough
Mr. Glen Nelson	Mrs. Francine Alcorn	Mr. Karl Schmidt
Mr. Thomas Quinn (not present)	Alt.#1 Vacant	Alt.#2 Vacant

Also Present:

Mrs. K. Tsimboukis, Secretary	Mr. Ruschke, Engineer
Mr. Banish, Planner	Mr. Steven Shaw, Attorney

MINUTES: April 17, 2008

A motion made by Mr. Godwin to approve the minutes of April 17th was seconded by Mr. Nelson.

Recognition Of Former Member - Mrs. Deborah Nelson

Resolution of Service Read into the record with a motion made/seconded to accept the Resolution as presented.

Mr. Dalziel thanked Mrs. Nelson for her years of service and presented her with a token of their appreciation along with His and the Boards Members good wishes

Memorialization On May 22, 2008

Joseph Falcone
38 Nicholson Drive,
Block: 62.08 Lot: 6.

Calendar Boa 08-62.08-6

A motion to approve the resolution was made by Mr. Godwin seconded by Mr. Nelson Roll Call Vote - Mr. Schmidt, Mr. Godwin, Mr. Nelson, Mr. Dalziel, and Mrs. Hough. Mrs. Alcorn was not eligible to vote.

Gines/Yanes
11 Wickham Way
Block: 48.08 Lot: 5.

Calendar Boa 07-48.08-5

Site Report - Read into the record by Mr. Godwin.

**Mr. John Peel, Special Planner
PK Environmental, Chatham, NJ**

Mr. Peel listed his credentials and having been accepted by the Board continued with his presentation by stating that he was retained for 2 purposes, Environmental Assessment and as the planner to provide proofs as to its acceptability.

Mr. Shaw – noted that escrow fees would have to be paid before any decision of the Board was memorialized. Applicant agreed

Mr. Peel - submitted 5 photos (A-E21) for reference. We also review the 2/11 letter from Hatch Mott under variance summary - noting that the max. width of dwelling is 75 ft. allowed where 89.5 ft. is proposed. A lot between 125-150 allows for an 80 ft. wide dwelling, which lessens the impact.

Addressing the negative criteria - In our opinion of you consider the bulk of the building the departure from the zone plan is not substantial. It will be difficult to notice from the closest neighbors. There is vegetative screening, which will also be enhanced. The proposed addition is very small. It is possible under the present zoning that they could build a second story, which would be massive. What is proposed is minor. This is not a McMansion. It is our opinion that the positive criteria is satisfied. This proposal is much less than what it could be. There are C2 variances as well. The rear yard setback fits into C1 because of the angle of the property boundaries. The other two, lot coverage & width of dwelling still stay in the C2 zone. There is no substantial detriment to the public good and no substantial detriment to the zone plan if the variances are granted.

Mr. Dalziel – questioned calculations and asked for width of house, as it was not shown on plan.

Mr. Dalziel – as per ordinance – if the width of the house is 125 ft but less than 150 ft the max. width of the dwelling is 75 ft. If you exceed that 150 ft. measurement at the front of the house, it can be expanded. The proposed dimension of the house 89.5. It is still a variance but a lesser variance.

Ms. Martin, Arc.- The expansion was for the deck area to keep the floor area clear

Mrs. Hough – not understanding the expansion as it relates to the zone plan.

Mr. Peel – the positive criteria is satisfied as it provides a benefit. The rear yard setback is a C1 variance.

Mrs. Hough – I am speaking to the C2

Mr. Peel – in comparison as to what could be built here what is proposed is minor. There is a visible screen. The only thing that will be seen is a higher roofline from the east side. There is no substantial detriment to the public. This is an existing non-conformance property.

Mrs. Hough – not setback but width.

Mr. Peel – what is proposed is a minor improvement

Mr. Dalziel – is there an architectural way to address the bump out.

Ms. Martin - We looked at doing it toward the patio but the roof lines would not work. We could do it without the furniture in the room.

Mr. Dalziel – asked Mr. Banish for his opinion

Mr. Banish – this neighborhood is in transition and this is one of the original homes. I think, and if you look at the photo, the features have to be measured by the functionality. I realize it violates some zone ordinance but it does not compare what is being done in the neighborhood at present. I am more persuaded that there are two aspects for consideration. As we adopt homes like this (built w/handicapped in mind) we benefit the good for general public. I find it hard to think that anything proposed will overpower the neighborhood. You will not know its there. My sense was this was something the Board would not have a problem with.

Mr. Ruschke - If granted approval they need to be aware of tree protection, wetlands need to be identified and I did mention storm water aspects. It may be possible to install a drywell to mitigate any future problems.

Mr. Peel – as to drywells – I would recommend a smaller side.

Mr. Ruschke – we will look at what is available.

Mr. Dalziel – re: dense screening. Can this be constructed and maintain the screening.

Mr. Peel - the trees in rear will not be affected. The dense buffer probably will have to be moved and probably additional screening will be added.

Ms. Martin - screening will be at the end of the driveway. From the road you will only see hedgerow. You asked me to bring the footprint (A22). The main reason for the addition as proposed is to allow adequate supervision for the handicapped child. The existing family room allows too much egress for the child.

Mr. Shaw – there are currently only 5 board members to vote on this application. Mrs. Alcorn has not reviewed the tape. Does the applicant want to proceed. We need a majority which would be four votes to carry. I would note that Mr. Quinn will be here at next meeting where you may have a full 7 member board which requires a 4 out of 7 versus 4 out of 5.

Mrs. Yanes wants to go on with the vote.

Mr.. Dalziel – asked for a motion

Mr. Nelson made a motion to accept application as presented with the inclusion of escrow and Mr. Ruschke requirements for drywell. Mr. Godwin seconded.

Roll Call: Mr. Schmidt, Mr. Nelson, Mr. Godwin, Mr. Dalziel (shape of lot is unique and while I don't agree with width I will vote yes.)All in favor except Mr. Hough vote NO

Mr. Shaw – Resolution will be ready for next month’s meeting.

Joseph & Gail Maurillo

51 Dale Drive
Block: 102.8 Lot: 10.

Calendar Boa 08-102.8-10

Mr. Barry Osmun, Attorney
Mr. Richard Cappola, Planner

Mr. Shaw noted Mrs. Alcorn is in a conflict so she will not be sitting on this application. You would only need a majority of those present - so you would need 3 votes.

Mr. Osmun - continuation. Construction of a 341 sf one story addition. Mr. Richard Cappola will testify to whether there are adequate reasons for the C2 variance

Mr. Cappola, Princeton Twp., NJ – Licensed Planner- listed is credentials

Mr. Banish said he was acquainted with Mr. Cappola and would confirm his qualifications as an expert witness.

Mr. Cappola – I was retained as a planner for this application. I reviewed the applicable ordinances, visited site, took pictures and prepared an outline for this evening. This property is 28,956 sf and contains 2-story dwelling. The property is irregular shape. The front property line follows Dale Dr. It has significant trees and hedgerow along property line. I have taken pictures (A13) and description of where pictures were taken. At the outset I want to note for the record that the subject lot meets/exceeds zoning regulations and the single issue is the principal building coverage. There is nothing that will be created by virtue of this proposed addition that will create any variances. I mentioned that the lot area is almost half the size of the requirements in the R3 District (20000 sf), the front yard set back – 50 ft. required and 64.3 is provided. Rear yard setback also requires 50 ft and the existing setback is 114 ft. that will be slightly decreased as a result of the application but will still meet the requirements. The side yard requires 15 ft and the existing 15.4 ft. Combined side yard setbacks are 33.06 ft required versus the 44.3ft. The lot width at the setback line is 100 ft and 110 ft. is provided. The minimum depth of measurement is 200 ft and within that depth the lot area of this property is 21685.15 sf, which is 1685 sf greater than required. The only one of the existing setback that will change will be the rear yard, which will decrease to 96.75 ft, which is still 46.75 ft greater than what is required. The addition itself is dimensioned at 17.33 ft. by 19.66 ft. and is to the rear of the existing dwelling. The proposed addition is to be used as a family room and the existing family room will be used as a kitchen dinette area. A variance is required due to coverage. 3,127 sf is existing and the addition will bring the total sf to 3468 sf. We are therefore requesting a C2 variance or planning variance. Regarding the positive criteria... I want to start out by indicating to you, which you might have seen in the pictures we distributed, that the design of the existing home is somewhat unique in that a side entry garage portion of the house, which is 2 stories in height extends from the living portion of the house to the rear on the opposite side of the house where the addition is proposed – along the driveway. The design creates a very imbalanced appearance from the neighboring property to the south and looking from the rear. With a 2 story wing projecting approx. 23.5 ft. into rear yard area. In addition, where the one story addition is proposed the 2-story wing has no windows on the garage level, which creates a blank wall appearance from the ground level. This

would be the appearance from the property south. One of the purposes of the MLUL that I think will be advanced with the proposed one story addition will be the promotion of “desirable, visual environment through creative development techniques and good civic design and arrangement”. The proposed addition will add some balance to the existing architectural design of the house and would create a more attractive appearance from the neighboring property to the south as well as from the east looking at the rear of the house across the back yard. The proposed addition will only be one story high and will only extend approx. 17.5 ft into the rear yard area. It is set back from the 2-story existing garage wing, which extends out 23.5 ft. It is a staggered appearance from how much it comes out from the back of the house. The proposed is proportional to the existing house and provides visual interest that does not now exist and is needed in the rear of the house. Certainly the proposed is not going to overwhelm the existing dwelling from either the side or rear view. The addition will play a small role relevant to the design of the existing house. Regarding the architecture of the proposed – it is in keeping with the architecture of the existing dwelling. The windows at the rear of the addition (facing the rear yard) are designed to match the windows/doors on the existing house, particularly those that come out to the patio. These include transoms above the windows, which are essentially the same as those already existing. The proposed will match the siding, roofing, etc. of the existing structure. The proposed also advances adequate air, light and space. By building over part of the patio, the landscaped areas will not be disturbed. Importantly, the proposed addition will not cause the permitted maximum impervious coverage surface coverage to be exceeded. In that regard the calculations are - max. 7,793 sq existing 6,815.5 sf. - by removing a 289 sf portion of the existing patio and adding the 341 sf. addition the net increase in terms of impervious coverage of the lot will be increased by only 52 sf. The impervious coverage that will result goes up to 6867.5 sf vs. the existing 6,815.5 sf., which is significantly less than the permitted 7,793 sf.

Regarding the negative criteria – one reason for establishing building coverage max. within in MLUL is to prevent the overbuilding on a lot and to assure that the building will not be massive looking. Regarding the degree of the requested deviation from the requirement of your ordinance on the subject property, I am offering the following information for your consideration. The existing building coverage is 3,127 sf or 10.795% of the subject lot. The 341 sf. bldg. will increase the building coverage to 3,468 sf or 11.973%. The ordinance permits a building coverage of 10.83% so the proposed addition will result in a building coverage only 1.14% of what is permitted. The proposed is one story, will not present a massive appearance to the house, and will be significantly less massive from the existing southerly view. Another reason that the house will not appear overbuilt is that there currently exists a relatively large 265 sf. open porch in the front of the house along Dale Dr. As the Board probably knows, the ordinance definition of a building – “a structure having a roof supported by columns” such as this porch is included in the calculation of building coverage. Not necessarily inappropriately but the point I want to make is that the porch does not significantly add to the overall bulk of the building, in fact, as per the ordinance definition of floor area for houses actually excludes porches from the calculation. For floor area ratio porches are excluded. To give you an idea if the porch area was subtracted from the building coverage and increase resulting from the proposed would be only 65.1 sf greater than the permitted coverage. I have those calculations should you want them. It should also be noted that the building addition has been designed to promote the maximum privacy for the adjacent neighbor to the south. The privacy has been created in part by the inclusion of two small oval windows on the side of the proposed. The windows are designed to be more decorative than functional.

Regarding the building under construction to the north of the subject property, there will be no impact since the proposed addition will be screened from view by the existing 2-story garage wing.

Regarding visual impact from Dale Drive and house across the street from subject property, given the location of the addition behind the existing dwelling and the existing evergreen hedge along the property line the addition will not be visible,

Although be are not dealing with hardship I think you should know other aspects of what is going on in the house relative to this addition. The reason is to create a family room that is separate from the eating area. As shown on the existing floor plan the overly large kitchen island (13 ft) prevents the placement of a kitchen table in the area. As a result the Maurillo's now use the existing family room as an extension to the kitchen including the kitchen table facing the fireplace. While the kitchen island could be removed the traffic flow within that kitchen as designed is not conducive for the placement of a kitchen table. To some extent the existing design has prompted their request for this addition.

Summarily, given that the addition will be hidden from Dale Drive and the adjacent dwelling currently under construction to the north; will provide more privacy and attractive view from the neighboring house from the south; will not violate any setback requirement of the ordinance; will be one story compatibly designed with the existing house; and will only marginally exceed the permitted building coverage it is my opinion to the Board that the request can be granted without substantial detriment to the public good, impairment to the zoning ordinance and the that benefits from the deviation from the building coverage requirement substantially outweigh the detriment.

Mr. Osmun – had no further question from this witness.

Mr. Dalziel asked for questions from the Board. There being none he asked for Mr. Banish's comments.

Mr. Banish – thought that Mr. Cappola gave an accurate presentation. He offered the two statutory purposes related to the visual character and the adequacy of light and air. I believe that there was more than window dressing offered about the nature of the appearance from the various angles from which it would be seen. I thought that the comment he pointed out about the porch being a building, and the floor area etc. and the building footprint coverage was an interesting way to think about the massing, in part because, as a feature that projects in front of the building and breaks up the plane of a big 2 story (35') building that we are trying to limit the scale on. There were different aspects of the argument as to why you might merit consider that porch area. I think there was merit that was offered there as well. The difference between the amount of floor area and coverage permitted in the amount proposed I think has to be considered in terms of the overall intensity and probably the greatest measure of overall intensity doesn't exceed the maximum lot coverage. I think we have heard that does not by some relatively considerably margin. What is permitted right now is 7793 sf and what is there now is 6815 sf and what will exist later is 6867 sf. I think that part of Mr. Cappola's argument was the difference of intensity. That is a very minor increase over how much building is allowed and a significant reduction over the actual total allowed intensity on the lot. I think Mr. Cappola did a very credible job of demonstrating the criteria.

Mr. Dalziel asked if the Board had any questions at this point.

Mr. Dalziel – said he heard what you said but he found it hard to understand how - contrary to the last application which had a unique lot size, area and shape, where this has no unique shape generating the need for a variance, I guess I don't see how this addition doesn't in some way run contrary to the zoning ordinance/plan.

Mr. Osmun – my comment would be is whether or not the lot has an unusual shape – that would pertain only to a C1 variance. We are talking about a C2 variance – which has to promote one of the purposes of zoning. Mr. Coppola has testified to that. Those are the proofs. The unique shape of the lot has nothing to do with this.

Mr. Coppola – Mr. Chairman, the other thing, if I can, in response to your question is that I think there are some unique aspects of the architectural design of this structure – both interior/exterior. The exterior one that I tried to zero in on. It's a situation right now where the 2-story garage way extends out. What this proposal will do is take some of the patio and aesthetically benefit the whole treatment of the structure.

Mr. Dalziel - I don't see how the public good is served.

Mr. Coppola – that is one of the purposes of the land use law – to promote that through good civic design.

Mr. Dalziel – there is no public benefit to this addition.

Mr. Coppola – it benefits those to the south. They are not going to have anyone outside to look at in the rear. The patio gets smaller and is in between the existing 2-story garage and the one story proposed addition, which is scaled very well. They will have a buffer in terms of that activity in the rear which is right now is in their face.

Mrs. Hough – if this application were to be granted what effect would it have on the zone plan:

Mr. Coppola – I think if the Board finds that there are some unique reasons in terms of existing conditions, which I have testified to, then you are going to have to find another property that has the same unique conditions to even draw a parallel to.

Mrs. Hough – do you think this property is unique compare to other properties on Dale Dr.

Mr. Coppola - I think that in the way the house is developed - yes. I don't think that kind of two-story wing with a blank wall on the first floor.

Mr. Dalziel – said he would encourage you to drive around Chatham and look at the houses being built. Many are being built in this manner.

Mr. Coppola – I think in this case it works.

Mr. Godwin - to me, what you are suggesting is there is this house on the south side, which is a large building mass, and you want to reduce the appearance of this mass by adding more mass, albeit on a different plane.

Mr. Cappola – yes for building coverage but not impervious surface coverage as we are taking away some of the patio.

Mr. Schmidt - asked if there was a photo of the wall of mass

Mr. Shaw – one question that I would have pertains to the redevelopment of Chatham Township. I am sure that you have observed that these as well as many other neighborhoods are in transition and what is happening essentially is the new construction that goes in is being built out to the maximum of the zone standards. Would you agree that this, the existing structure, was built out to the maximum zone standards permitted?

Mr. Cappola – yes, I think it was very close to the standard.

Mr. Shaw – what impact would it have on the future redevelopment of the township if variance relief is being granted essentially to simply increase the usable floor area in the house, which is beyond the ordinance standards to which the house was recently developed, were met. How do you think that impacts the zone standards and the ability of the Township to ensure that the redevelopment of the town under the R3 standards happens that way.

Mr. Cappola - that question went through my mind during preparation. I am convinced that there are some unique aspects of the current layout of the existing building, patio, and with the blank wall on the garage. If this were a 2-story extension or if the entire rear patio portion were to be filled in I would not be here tonight. I think the one story treatment of it, the way it is located, how it is done, I think is a benefit to the properties and its neighboring properties. If there is something unique, specific about the property – that is the first test for a C2 variance – then I think the Board/Township are covered. Peapack Gladstone is the town I work for and I tried to review this as I would an application for my town. I don't think an approval for this variance request sets off a precedent for others. I am very sensitive to that. I know from a legal viewpoint everything stands on its own. As a planner I am very sensitive to precedent. I don't think you have it here. I think there are specific conditions of the subject property that justify this minor deviation.

Mr. Dalziel – would it not be a similar aesthetic solution to perhaps cut some windows in the garage façade to relieve that blank wall as building an addition.

Mr. Cappola – that would be a way to do it but I don't think it accomplishes as well as this. You are still going to have 2-story structure that hangs out quite a bit. I understand the question but I know you have to make the call.

Mr. Dalziel – I tend to disagree with you on the precedent concept. There is not enough uniqueness about this house in relation to other houses being developed in the Township with similar projecting garages and built to the full extent of the zoning envelope.

Mr. Dalziel – asked if there were any other questions from the Board/Audience. Any comments from the Audience – as there were none the public portion was closed.

Mr. Schmidt - I will make a motion- I think I sense where this is going. I think that maybe prior to the motion – as I listened to the two presentations tonight on the Township code. I quite frankly find very little difference between the two. The prior application was a C1 application.

The C2 that we considered previously actually as we discussed how much over the lot coverage an application is. That one was already over. I quite frankly find the planners testimony in this application as it relates to the C2 more credible and persuasive than the prior application. As we have discussed before the precedent set and equitable treatment about similar type requests is something I am particularly sensitive to and I really don't see on the C2 merits the difference between what we just approved and this one.

Mr. Godwin - I would say the difference is maintaining a variety of housing types. There is a big difference between maintaining a one and a half story structure as the other one was, versus, this is already as big as it gets. We are not maintaining anything a variety of housing with this particular one because this is what they are all aiming to strive for where as the other maintained a much smaller, more affordable, different style type of dwelling. That is how I see the difference between the two applications.

Mr. Dalziel – if you will recall in the last application, I did not agree with the C2 portion of that application but it wasn't an abdicating motion made so I thought the nature of the C1 outweighed the C2 in that case. In this case it is strictly a C2.

Mr. Schmidt - Again, going back to the larger code, and the implication of the code which essentially addresses the 2nd criteria of the C2 that is a little troubling to me as we have just approved a C1 and C2 application which is very similar to what we have here. In the first case, from what I see it started out, and I take your point Parker, in terms of the size/ diversity of the housing size. We started out on the original lot smaller lot. As you weigh it relative to the code what we are addressing here in the second criteria in the C2- negative impact – I really don't see the difference here between the negative impact on the Code in this application and the previous application. I think, you know that equitable treatment of the applicants is a hot point for me.

Mr. Banish - from a planner's point of view you made some important comments. I think you made some important comments there but by bringing the previous case into this discussion, I think it hasn't helped clarify this case. But you were on to what would help clarify this case and that was that on a lot that was 50% oversized where none of the bulk standards are at all challenged by what is proposed and where the intensity is much less than is permitted but in this narrow aspect of it is slightly greater than what is permitted – the only thing that is being asked for, for this house is to meet a lifestyle accommodations. I think that if you try to figure out why you are ever going to allow a house that is already as big as we said it should be to get bigger it should only be under circumstances where there are aspects of the circumstances that the house is in that don't challenge any of the regulations. While Mr. Cappola's argument about the visual character is hard to link directly to the public interest, I think when I heard you say Mr. Chairman, I understand that, and yet the essence of the statute wants us to have some sensitivity. When I thought his argument had intensity. Three pictures got my attention – one looking across the patio at the roof of that little house next door – the one where you saw the blank side of the wall from their vantage point. When you interpose the building with those very tasteful private window treatments suggests an element of privacy for both lots. It breaks down the mass with the one story building in the foreground I think makes is a much more graceful thing to look at. I bought into that and while there may be only one beneficiary, it is not inappropriate to pay attention to that existing condition as part of what will result. I think we have to be more sympathetic to the fact that the reasons the houses in Chatham Township are getting torn down and replaced by larger homes is because it is Chatham Township. The architectural character is what is being built here compared to the monster houses in other places really are unbelievably

different. I drove passed this property and looked at the house currently under construction next door, down the street and down at the end of the block – there is an architectural characteristic about those 3 houses appears to be Tudor. As you look at this whole environment this is not your average coverage variance so I think the sensitivity that you have to bring to this is whether someone who has a house in this setting has a right to think that they can have this as part of their life style in Chatham Twp. If we are talking about blowing all the doors out and having 12000 sf houses then everybody is going to say no to that. We are talking about is how we get from 300 sf down to a 50 sf. overage. I wonder at what point we are just splitting hairs. So forget comparing it to a smaller house in this particular set of circumstances are there reasons that would merit consideration because of the everything we just talked about.

Mr. Dalziel – asked for other comments. There being were none Mr. Dalziel asked for a motion

Mr. Schmidt made a motion to approve the application as per Mr. Ruschke comments. Seconded by Mr. Godwin. Roll Call: Mr. Schmidt (Yes), Mr. Nelson (No), Mr. Godwin (No) Mrs. Hough (No) Mr. Dalziel (No) final vote 1 in favor 4 against

Mr. Shaw - it would be my preference if the Board could entertain a motion to deny it as a negative approval –

Mr. Osmun – asked for an explanation

Mr. Shaw – in terms of the fact-findings it's easier for me to make fact-findings as a finding by the board to deny an application rather than a finding simply to not be successful in being adopted. I can proceed either way.

Mr. Dalziel – we have taken the vote so we will go with that.

Mr. Dalziel – a brief change in the agenda. With the permission of Verizon we will have a brief introduction/presentation of. Calendar Boa 07-106-13 - Kuppenheimer

Mr. Shaw – this might be a good time to advise Village Super Markets that we will not be reaching your application this evening. This application will be carried without further notice to the June 19, meeting at 7:30.

Stephan/Wendy Kuppenheimer
316 Lafayette Ave.
Block: 106 Lot: 13.

Calendar Boa 07-106-13

Stephen Schaffer, Esq.
Single-family colonial in the R3 Residential, which had been renovated around 2003. One important factor of this property is that its 40000 sf in lot area, which is, double the size requirement in the zone. Our project is to replace a pool house that is currently existing but in poor repair. This is a second phase of the project. We wish to make the pool house compatible with the renovated home, which is currently not (been there since the 80's). Believe it or not this is also a C2 case. We do need a single variance because of the size of an accessory structure is limited to 150 sq ft and this is 500 sf. We are doing things to the property, which will bring 3

nonconforming features, including the pool house, which has a current side yard setback. We would like to introduce our engineer to introduce the variance requested.

John Hansen, Ferrerra Engineering, Chatham – licensed planner/engineer. Gave his credentials and was accepted by Board as expert witness. He present exhibit A35- colored rendering of the site under proposed conditions was submitted. This is the site plan element sheet. A quick overview of the site shows that the lot is oversized, landscaped with a pool in the back yard as well as 3 outbuildings in addition to the principal structure (shed to the back of the driveway, a shed in the middle of the property and a pool house in the back) Our proposal is quite simple. We would consolidate (remove 2 of the structures) and construct a 505 sf pool house structure on the rear of the property (shown in red). The number (3) of accessory structures is apparently non-conforming and we will be bring that down to 2. Also the existing pool house currently has a side yard existing non-conformity and we will show a proposed pool house, which will be placed to conform with the side yard setback. The shed by the driveway will be rotated to be consistent with the requirements. Both this lot and the lots across the street are developed as residential. The lots on this side of the street you can see are long and narrow. They are all 100 ft. wide and 400 ft. deep. Right behind our property is the Colony Pool facility. They are similar in that all the principal structures are lined up very close to the front yard setback and there is a wooded section approx. 100-150 ft. that runs along the back of the property (dark green). We are dealing with a C2 variance. The positive criteria is to show that the purpose of the Land Use Law are forwarded by approving this application and also the negative criteria has to do with the substantial detriment to the zone plan. Mr. Hansen, referred to a recent ruling and the determination made was that the Board really needs to look at the proposal in its entirety and not isolate each variance. For example, to look at the positive/negative criteria with respect to this but to look at all the benefits of what our project implies and then the negative and then do the balance of that. I think when you do that you will see that our project can be approved. The size of the lot does not present a problem as we are under the 10000 sf max. coverage. The old pool house is in the 250 sf. range. If you add up all the existing accessory structures that currently exist it would total approx. 480 sf. (It was noted by Mr. Hansen that the applicant could potentially put garages at the end of that driveway which would conform. We looked at different alternatives to get the applicant what they need as far as the development of their property. What they needed was more space, they have children and a lot of toys and things that need to be stored.

Mr. Schaffer - just generally, I know Mr. Ruschke did an engineering memo, can we basically comply with the suggestions in that memo except for the one variance.

Mr. Hansen said we could. Re: storm water. Our application shows right now that we are approx. 8000 sf of disturbance. I think we could cut that down to under the 5000 sf. and comply with the more stringent stormwater standards. If we can't we will put a drywell in for the various runoff conditions.

Mr. Dalziel - what is the reason for replacing the existing pool house and building a larger pool house?

Mr. Schaffer - the existing pool house is in very poor condition. The property can handle the proposed application. The pool house has to come down as its totally incompatible. It is part of the 2-phase beautification process.

Mr. Hansen - I think when you make your site visit you will see the amount of screening/vegetation on the property and it will really lead into what is planned. The key is that the rear yard where the pool house is to be located is near the Colony Pool Club. No residences will be disturbed by the proposed construction. I believe we said that there would be a dishwasher in there but we are amending the application to reflect that the dishwasher will not be installed.

Mr. Dalziel – are you going to do a plan showing the location of the shed.

Mr. Hansen - instead of making additional paper I think the best thing to do is to redline it on the plan.

Mr. Dalziel advised that it will be a continuation at the June 17, meeting with out notice and the site visit would be June 7th 9 am.

New York Smsa Ltd.

Partnership – d/b/a Verizon Wireless
Chatham 2, 529 Green Village Road,
Block: 48.21 Lot: 179

Calendar Boa 08-48.21-179

Minutes will be taken by Verizon appointed stenographer – copies of which will be supplied to the Board.

Continuation of this application would be at the June 17, meeting.

Motion to adjourn the meeting by Mr. Godwin, seconded ^{by} Mr. Nelson. All in favor, meeting adjourned at 11:00 p.m.

Respectfully submitted

Mary Ann Fasano
Transcribing Secretary