

November 15, 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. Joseph Cooney

Mrs. Deborah Nelson

Mr. Tom Quinn

Mr. Parker Godwin

Mrs. Therese Hough

Mr. Karl Schmidt – Alt.#2

Mr. Glen Nelson

Also Present: Mr. Steven Shaw, Attorney for the Board

Mr. Jack Fernades, from Hatch Mot McDonald, Board Engineer

Kali Tsimboukis, Secretary

As Mr. Dalziel was not present, Mrs. Hough chaired the meeting.

MINUTES

August 16th, September 20, 2007

Mrs. Hough asked that the minutes be carried to the next meeting. All in favor

MEMORIALIZATION OF RESOLUTIONS

Watchung Somerset Street Partners, LLC

31 Oak Hill Road

Block 117 Lot 12.

Calendar Boa 06-117-12

Mr. Shaw outlined application – removal and reconstruction of new home requiring variances for steep slope and front yard setback variance. The board denied front yard variances and approved steep slope variances on its October meeting.

Mr. Godwin had a correction on the resolution on page 4 item #7 – front yard setback variance **were** - should be front yard setback variance **was**-

Eligible members in a roll call vote to approve the resolution, Mrs. Hough, Mr. Cooney, Mr. Nelson, Mr. Quinn, Mr. Schmidt.

Mr. Godwin, Mrs. Nelson not eligible to vote.

John Howlett
12 Lori Lane
Block 48.14 Lot 7

Calendar Boa 07-48.14-7

Mr. Shaw - I believe we have a letter from Mr. Osmun indicated that they would be requesting the withdrawal of their application. I would ask for a motion to accept the request to withdraw the application.

A motion was made to approve the withdrawal of the Howlett application by Mrs. Nelson and was seconded by Mr. Nelson. Voice Vote: All in favor

Douglas Oare
42 Hilltop Terrace
Block 68 Lot 8.

Calendar Boa 07-68-8

Mr. Douglas Oare, Applicant
Thomas J. Sateary, Attorney
Mr. Brian Rosenberg, Landscape Architect

Site Visit Report of November 3, 2007 (A27) was read into the Record by Mr. Quinn.

Mr. Sateary – called Mr. Brian Rosenberg, previously sworn, to testify on the basis of the variance relief.

Mr. Rosenberg – Essentially what we looked at was a way to organize the space around the swimming pool to make it more compatible with the renovation to the existing house. On a previous renovation the pool patio was focused more toward the driveway area because there had been a deck on the house. The new addition to the house recreated the porch further toward the neighbors' property line changing the focus. We split the pool patio area closer to the porch and nearer to the property line to accommodate the circulation patterns. That is essentially the way we approached this project. The reason we are organizing that space in that matter is shown on the drawings. Re: Exhibit A25 – showing the proposed conditions, sheet 6 of 7 last revised July 6th, 2007 – the existing house, prior to renovation, was focused more in the area centered on the mass of the house where the deck connected with the pool. With the new renovation and the new porch, the focus is on the exit/entrance of the house. We combined the patio and made it function more with how the house is now designed and how the Oare's anticipated the use of the house. That is why we slid the patio over.

Mrs. Hough – what you are proposing though is not just to replace the old deck but further encroachment.

Mr. Rosenberg – that is absolutely correct. The basis for that reasoning is because of how the house used to be. The way the house was designed there was a porch. There was more usable area here so it gave the Oaers’ a better place to use their pool and to relate to the space. The actual patio, because of the thickness of the boulder wall, when we did the proposed addition we took our dimensions from the back of the boulder wall instead of in front of the wall. There is about 2-3 ft. of boulder, which is really a retaining wall and not actually patio. The old patio used to be about 2 ft. 11” all the way around and we have removed that because we felt that the sitting area was more important.

Mrs. Hough – because you have to think about the variance – is there a way to design this so that the condition is not exacerbated but still achieve the results you want?

Mr. Rosenberg – I believe there is. I have spoken with the applicant. If the board is inclined to lessen the exacerbation, it probably could be done. If it is the Board’s desire, we could reduce this area here by a couple of feet. The old dimension was 8 ft. 2 inches to the back of the timber wall. The new dimension to the property line is 5 ft. 6 inches. Where we lose some space is because we chose to use the boulders for texture thereby worsening the situation. My choice would be to leave the boulders where they are because I would still like to use that material as I think it’s appropriate for the style of the house and for the landscape. We could use a different retaining material and reduce that by a couple of feet and get closer to the original encroachment.

It was noted that there is a significant buffer there of evergreens which are a good shield from the next-door property owner.

Mr. Rosenberg – re: photograph #10 – this is standing in the rear of the property looking back toward the house and the existing deck – you can see the density of the hemlock hedge. You can almost drive a bus through this thing. We actually plan to supplement some of the lower edge of this so there is a complete buffer zone so that the neighbor is not impacted by this at all.

Mrs. Hough – if you went to plan “B” on the patio setback, what would the change in dimension be?

Mr. Rosenberg – really where we get into trouble is the thickness of the wall. It’s between 2-3 ft in thick. We could keep the patio essentially the shape that it’s in and we could change this material to a modular concrete block product. Aesthetically, I don’t feel that’s the right choice but we could probably gain about 2 ft.

Mrs. Hough – so the proposed would go from 5.5 ft to 7.5 ft.

Mr. Rosenberg – that would be correct.

Mr. Sateary – so you do believe that we are in desirable visually environment.

Mr. Rosenberg – yes. Although it is a little bit more encroachment it will be a bigger improvement.

Question was raised as to whether there were any other advantages to using a natural material in terms of duration – how long it lasts.

Mr. Rosenberg – I think geologically boulders are going to last forever where a modular concrete product has a shelf life – I would guess 25-30 years before it may start to deteriorate. The boulders once they are in that will be it. From a durability and impact viewpoint I think the boulders are a better alternative than the concrete product.

We have traded a little space. By removing the patio in one area we are bettering the situation and increasing that setback. Trying to create space that works with the house is really what is driving the whole design. Again, I think because of the density of evergreen screen there won't be any impact on the neighbors.

Mrs. Hough – are you improving the drainage by doing this?

Mr. Rosenberg – actually we are. We are taking all of the water that is presently running off and infiltrating it 100%. We are recharging it into a ground water recharge system. From that perspective we are reducing runoff/drainage on this project.

Mr. Fernades - wasn't there also an issue concerning the location of sun direction on the property?

Mr. Rosenberg – that is correct. If you look north the concentration of sunlight is really in this area here. From the sun advantage, this is a better spot for utilization of the patio.

Mrs. Hough asked if there were any other comments from the Board/Engineer?

Mr. Fernades – I have discussed this with John and he feels that they have addressed site affect on the drainage. I do have one question re: patio setback. You have taken the measurement from the back of the wall so the actual distance from the patio to the property line would be two feet more?

Mr. Rosenberg – that was correct.

Mr Fernades - so in fact the actual dimension from the property line to the patio is +2 ft.

Mr. Rosenberg – that is correct. I don't really consider the wall as a place where people will stand. Maybe it might be sat on occasionally but it's more aesthetic. Presently there is a timber wall that needs replacement/work.

Mrs. Hough – in the engineering comments – is there a lot-grading plan that's going to be required.

Mr. Sateary – that has been done but if more is needed we will be happy to comply with any engineering request.

Mrs. Hough – the fire pit will be removed? The play area is going to be re-oriented so it's conforming?

Mr. Sateary – yes

Mr. Godwin - what is the depth of the patio pool to the wall?

Mr. Rosenberg – it's roughly 11 ft. If you think about a chaise lounge which is about 6-7 ft. that would give us about 3 feet to walk between the end of the chair and the edge of the pool.

Mr. Godwin - is that the deep end or the shallow end? He was advised that it was the shallow end where people would sit/play. Unfortunately the pool is in the wrong location but its oriented correctly for the way the property would be used.

Mrs. Hough called for comments from the public. There being none the Public portion was closed.

Mrs. Hough asked for comments from the Board. She felt it was a reasonable application. The fact that the pool is pre-existing non-conforming is a problem for the applicant. She felt that the fact that natural materials are being used versus man-made materials is definitely mitigates the small changes in the setback. She also felt that the fact that the applicants are going to improve the drainage is a big plus and had no problem with the application as proposed with the conditions agreed to.

Mr. Cooney moved that the application be approved as proposed and subject to the conditions of moving the play area, removal of the fire pit, complying with any engineering comments regarding grading/drainage. **Mrs. Nelson** seconded.

Roll Call In Favor:

Mr. Joseph Cooney, Mr. Parker Godwin, Mrs. Deborah Nelson, Mrs. Therese Hough, Mr. Glen Nelson, Mr. Tom Quinn, Mr. Karl Schmidt – Alt.#2

Meeting Adjourned 8:00 - motion by Mr. Cooney second by Mr. Godwin

Respectfully submitted,

Mary Ann Fasano
Transcribing Secretary

