

*TOWNSHIP OF CHATHAM ZONING  
REGULAR MEETING MINUTES*

*BOARD OF ADJUSTMENT  
JANUARY 19, 2017*

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Mr. Vivona called the Meeting of the Zoning Board of Adjustment to order at 7:30pm with the reading of the Open Public Meetings Act.

Mr. Shaw administrated the Oath of Office to: Mr. Weston– Mr. Borsinger – Mr. Hurring, Jr.

**Roll Call**

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Styple, Mr. Borsinger, Mr. Newman and Mr. Hurring, Jr. Mr. Hyland was absent.

**Reorganization of the Board**

Mr. Shaw requested a nomination for Temporary Chairperson for the reorganization meeting.

A motion was made by Mr. Newman and seconded by Mr. Williams to nominate Mrs. Romano as Temporary Chairperson - All in favor.

Mrs. Romano asked for a nomination for Chairman of the Board.

Mr. Borsinger nominated Mr. Vivona as Chairman which was seconded by Mr. Hurring, Jr. - All in favor.

Mr. Vivona then asked for a nomination for Vice Chairperson.

Mr. Williams nominated Mr. Weston as Vice Chairman which was seconded by Mr. Hurring, Jr. - All in favor.

**Resolutions for Board Appointments:**

- |   |  |
|---|--|
| • <b>Board Counsel</b>                        | Stephen Shaw                                   |
| • <b>Consultant Engineer</b>                  | John Ruschke, Mott McDonald                    |
| • <b>Planning Consultant</b>                  | Robert Michaels                                |
| • <b>Cellular Telecommunication Engineers</b> | Bruce Eisenstein                               |
| • <b>Acoustical Engineers</b>                 | Norman Dotti                                   |
| • <b>Board Secretary</b>                      | Meg Smith                                      |
| • <b>Establishing Meeting Schedule</b>        |  |
| • <b>Designating Newspaper</b>                | Chatham Courier and Morris County Daily Record |

A motion was made by Mr. Williams seconded by Mr. Hurring, Jr. to approve the above noted Board appointments. All board members were in favor of the motion.

**Approval of Minutes**

Mr. Borsinger made a motion to approve the minutes of the December 22, 2016 and Mr. Hurring, Jr. seconded the motion. All board members were in favor of the motion.

**Memorialization**

**Green Village Garage**  
526 Green Village Road  
Block: 139 Lot: 57

**Calendar BOA 16-139-57**

A motion was made by Mr. Williams to adopt the Resolution as submitted, seconded by Mr. Hurring.  
Roll Call: Mr. Vivona, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Borsinger, and Mr. Hurring, Jr. All in favor

**Tim & Mary Jane Whyte**  
4 Plymouth Road  
Block: 88 Lot: 28

**Calendar BOA 16-88-28**

A motion was made by Mr. Williams to adopt the Resolution as submitted, seconded by Mr. Hurring.  
Roll Call: Mr. Vivona, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Borsinger, and Mr. Hurring, Jr. All in favor

**Hearings**

**Appeal for Fence**  
10 Runnymede Road  
Block: 48.02, Lot: 28

Mr. Weston and Mr. Hyland have requested to be recused from this appeal.

The site visit report was read into the record by Mr. Newman.

Mr. Vivona stated that Mr. Impink and Mr. Ciccarone do not believe that the ordinance needs to be re-written. Mr. Vivona suggested that clarification may need to be submitted for height of the fence posts and cement blocks used to secure the fence posts. Mr. Vivona suggested that cement would be kept on fence owners' property.

Mr. Vivona stated that this fence is allowed under the Township Ordinance and that no notice is required.

Mr. Shaw stated that the six (6) feet stated in the ordinance refers to the fence panel height and posts need to be higher. Mr. Shaw stated that after the site visit the Board felt that the fence is in general compliance with the ordinance.

A motion was made by Mr. Borsinger and seconded by Mr. Hurring to adopt Board consensus on this appeal. Mr. Vivona, Mr. Williams, Mrs. Romano, Mr. Borsinger, Mr. Newman and Mr. Hurring all voted in favor.

**Chun Liang Lin**

798 River Road

Block: 23 Lot: 18

**Calendar BOA 16-23-18**

Brian Siegal, Architect for the applicant, stated that this house is currently a one story, ranch style home. The applicants would like to re-use existing foundation and build a 2 ½ story home.

Mr. Siegal stated that the lot size is 100 feet by 120 feet or 12,000 square feet. Minimum lot size in this R-3 zone is 20,000 square feet and this is an undersized lot. The current house requires that owner must go all around the house to access the garage. This leads to a lot of black top coverage. The goal with the new design would be to lessen this coverage by moving the garage.

Mr. Siegal stated that 3 variances would be needed.

- 1) Front yard variance
- 2) Rear yard variance for garage
- 3) Rear yard variance for main house

Mr. Vivona confirmed that all variances were setback variances.

Mr. Vivona asked about a basement and Mr. Siegal explained that the existing basement will remain.

Mr. Vivona questioned if the cantilever was in the front and the back. Mr. Siegal explained that there was a one foot cantilever only in the front for the dining room and bedroom above.

Mr. Vivona stated that the existing house is existing non-conforming at 41 feet.

A site visit was scheduled for February 4<sup>th</sup> at 9:00am.

**Bryce Bushell & Patricia Solfaro**

River Road / Club Road

Block: 15 Lot: 7

**Calendar BOA 16-15-7**

The site visit report was read into the record by Mr. Vivona.

Mr. David Fantina, Project Manager and Engineer for the applicant, stated that the applicants are requesting to build a new single family home on a wooded lot. This property is an oversized "L" shaped lot in the R-3 Zone with 38,000 square feet. New house will front on Club Road.

Mr. Fantina stated that the applicant is aware of the drainage issues and will comply with the Mott MacDonald review letter.

Mr. Vivona stated that there were privacy and drainage concerns by the neighbors.

Mr. Fantina stated that this house will be higher than the other homes and that drainage will be better than before construction.

Mr. Vivona requested landscaping to buffer the neighbors.

Mr. Bushell stated that they would provide landscaping but this would not shield view from the upstairs of the new home to existing neighbors.

Mr. Ruschke questioned what other styles of homes were considered that might work with this topography.

Mr. Fantina stated that there would be disturbance no matter what structure was built.

Mr. Ruschke stated that 7 variances was significant and suggested that the wall in the front of the property be moved to eliminate a variance.

Mr. Fantina stated that the applicant can make changes to eliminate variances #5 & #6.

Mr. Vivona questioned if moving the house location to the front and to the left would alleviate any of the variances.

Mr. Fantina stated that it might lower the disturbance a little.

Mr. Fantina stated that it might be possible to move the front wall back about 8 feet to reduce steep slope.

Mr. Bushell and Ms. Solfaro stated that they did consider different style homes but they have children and want a backyard with trees for a play area.

Mr. Vivona requested that the drywells be moved to the center of the property and away from the neighbors on each side.

Mr. Ruschke stated that slopes greater than 3 to 1 were only by the dry wells and asked if this could be eliminated with a wall which would eliminate variance #7.

Mr. Fantina stated that he was not sure that they can eliminate this disturbance but he would try.

Mr. Ruschke stated that if this variance could be eliminated that the applicant would only need to request variance for steep slope and rear yard.

Mr. Shaw questioned the number of trees being removed.

Mr. Fantina stated that the trees being removed were noted on the plans and that they tried to reduce the area of disturbance and the number of trees removed. He also stated that moving the front wall will save a few trees.

Mr. Bushell stated that they are trying to keep a large wooded area in the rear yard fronting on River Road.

Mr. Ruschke questioned moving the wall in the front.

Mr. Bushell stated that moving the front wall would divide the front yard and make it unusable.

The meeting was opened to the public and the following neighbors questioned the applicant.

- (1) Mrs. Zaccagna, 860 River Road is the neighbor on adjoining Lot 13 and stated concerns regarding proximity and privacy.
- (2) Ole Raadam, 852 River Road is the neighbor on the east side of the proposed property and stated concerns regarding drainage onto his property and pool area. He is also concerned that with privacy and is requesting large trees be planted by the pool area.

Mr. Vivona stated that moving the house closer to Club Road would require front yard setback and height variances and that the Board is more likely to grant setback than height variances. He also stated that moving the retaining wall and the dry wells would mitigate some of the neighbor concerns.

Mr. Shaw requested that landscaping plans and new calculations for steep slope disturbance be provided for the Board's consideration.

Mr. Fantina confirmed that 20 sets of the revised plans need to be submitted at least 10 days prior to the next meeting on February 16<sup>th</sup>.

Ms. Dot Stillinger, representative of the Environmental Committee, stated that small changes can save trees and would like tree preservation to be a priority. She stated that the Environmental Committee believed that this application required an excessive removal of trees 12 inch in diameter or larger and that the amount of steep slope disturbance was way beyond the ordinance allowances. If this application is approved, the Environmental Committee is requesting a Conservation Easement of 100-105 feet along River Road in the rear of the property to prevent further disturbance to this property.

Mr. Vivona noted that some changes already proposed would save several trees and the landscape plan would add trees. He stated that many trees on this property are standing but dead. Mr. Vivona noted that the plans detailed a retaining wall in the rear yard about 110 feet from River Road.

Mr. Fantina stated that there are wetlands across from this property which would limit disturbance. He also stated that if an easement were granted that an exception would be needed for the sewer line.

Mr. Shaw requested that the Wetlands Transition area be shown on the revised plans.

Ms. Stillinger stated concern that protection of wetlands can change and an easement would provide better protection.

Mr. Ruschke recommended that the work be divided into sections that the work be done using phasing so that disturbance is limited to approved levels, and areas are systematically stabilized. He stated that a snow fence will be required around the property near River Road.

Mr. Shaw requested a phasing plan for the next meeting.

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With no other business before the Zoning Board of Adjustment, Mr. Borsinger moved to adjourn the meeting, Mrs. Romano seconded the motion, and it carried unanimously.

Meg Smith  
Zoning Board Secretary