

*TOWNSHIP OF CHATHAM ZONING
REGULAR MEETING MINUTES*

*BOARD OF ADJUSTMENT
FEBRUARY 15, 2018*

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

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Styple, Mr. Hyland and Ms. Labadie. Mr. Borsinger, Mr. Newman and Mr. Fitt were absent.

Approval of Minutes

Mr. Williams made a motion to approve the minutes from the February 7, 2018 meeting. Ms. Labadie seconded the motion. All board members were in favor of the motion.

Memorialization

Resolution adopting the Zoning Board of Adjustment 2017 Annual Report and Ordinance Recommendations

A motion was made by Mr. Williams to adopt the Resolution as submitted, seconded by Ms. Labadie. All in favor

New Cingular Wireless

Fairmount Avenue
Block: 62.09 Lot: 2

Calendar BOA 17-62.09-2

A motion was made by Mr. Hyland to adopt the Resolution as submitted, seconded by Mr. Weston.
Roll Call: Mr. Vivona, Mr. Weston, Mr. Styple, Mr. Hyland and Ms. Labadie. All in favor. Mr. Williams was recused from this application.

Joseph Artigliere

384 Shunpike Road
Block: 95.01 Lot:11

Calendar BOA 17-95.01-11

A motion was made by Mr. Williams to adopt the Resolution as submitted, seconded by Ms. Labadie.
Roll Call: Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Styple, Mr. Hyland and Ms. Labadie. All in favor

Hearings

Jasmine & Alok Sood

3 Robert Drive
Block: 102.11 Lot: 32

Calendar BOA 17-102.11-32

Mr. Forbes, architect for the applicant representing Klesse architects, explained that the owners recently purchased this ranch style home but need more space. He explained that there is a curve in the road on Robert Drive at the front of this property and it causes the need for a front yard setback. Mr. Forbes is proposing a new portico instead of the front stoop and an addition to the rear of the property consisting of 3 bedrooms and 3 bathrooms. The stoop which will be removed in the front of the home was

previously non-conforming at 38.15 feet. The proposed portico will require a front yard setback but is less than originally needed at 40.87 feet.

Mr. Ruschke noted that a shed should be moved to comply with setback requirements and the height should be reduced on the existing retaining wall by the driveway.

A site visit was scheduled for March 3, 2018 at 9:00am.

Bushell / Solfaro

Club / River Rd.

Block: 15 Lot: 7

Calendar BOA 16-15-7

Mr. Fantina, Engineer for the applicant, stated that this application was returning to the Board for amended approval because the owners thought that they would start the project with tree removal. This tree removal did not follow phasing plan detailed in the approval. In addition, amendment is needed because 8 trees were removed without approval.

Mr. Fantina also requested that 2 additional trees be approved for removal and that tree plantings previously required for Resolution of Approval be re-considered until the home is built and a final landscape plan can be designed.

Mr. Shaw questioned if landscaping was changing on the side of the property with the neighbor who had privacy concerns which was a major consideration for Resolution of Approval.

Mr. Ruschke believes that the applicant may need a variance for increased steep slope.

A site visit was scheduled for March 3, 2018 at 9:30am.

Michael Meaney

36 Dellwood Avenue

Block: 78 Lot: 19.04

Calendar BOA 17-78-19.04

Site Visit report was read into the record by Mr. Vivona.

Mr. Ferrante, Engineer for the applicant, explained that the applicant is proposing to re-grade the rear of the property from brush to grass and is proposing to plant 7 new trees to screen rear yard to the high school. Mr. Ferrante stated that the applicant will keep the existing slope to the south of the property. A French drain is being proposed to catch any runoff.

Mr. Ferrante stated that the retaining wall is less than 4 feet and that a split rail fence will be on top of the retaining wall for safety.

Mr. Vivona stated that adding boxwoods for safety would be sufficient. Mr. Vivona also noted that the additional flat space will limit runoff and that the addition of a drain will also help.

Mr. Ferrante stated that all comments on the Engineering review letter have been addressed.

Ms. Dot Stillinger, representing the Chatham Township Environmental Commission, recommended sweet pepper bush or other native shrub instead of boxwoods by the retaining wall.

Mr. Williams made a motion to approve the variances as requested. Mr. Weston seconded the motion. All board members were in favor of the motion.

Mads & Sari Jepsen

446 Green Village Road
Block: 144 Lot: 50

Calendar BOA 16-144-50

Site Visit report was read into the record by Ms. Labadie.

Mr. Brady, attorney for the applicant, explained that this property is an irregularly shaped lot in the R-1 zone. The property has an existing 2 story house and detached garage which has been vacant for some time. Applicant is proposing a 3 story home. An exposed garage is proposed on the first story with living space on the second and third story. Applicant proposes a cantilevered porch and deck.

Mr. Jepsen, contract buyer and contractor, has been working on plans to develop this property for 3 years. He currently has DEP permits to build this proposed home. Originally Mr. Jepsen planned on moving into this house but plans have changed and now he is planning to build and sell. Improvements with this proposed new home will include new septic system, landscaping and many new trees.

Mr. Vivona questioned the height of the proposed home and drive thru garages.

Mr. Jepsen explained that the rear garage door will open in the event of flooding and will allow better venting to dry out.

Mr. Petrillo, architect for the applicant, explained that the current dwelling is unsafe. Current first floor is in the flood zone. Proposed structure built in existing footprint but cannot have living space on the ground level. Proposed structure to have 3 garages on the ground level with flood vents built into the foundation. Side steps and stoop in the front of the home to access entry level with powder room and closets. First living floor (which is the second level of the proposed home) will have a kitchen, dining room, great room, den/office, and cantilevered rear deck and screened porch. Second living floor (which is the third level of the proposed home) will have master bedroom with master bathroom, bedroom two and three with Jack and Jill bathroom, and 4th bedroom with bathroom.

Mr. Vivona confirmed that windows in front of the garage are decorative only.

Mr. Cunningham, Engineer for the applicant, stated that he has been involved with this property since 2004 with the current owner. He stated that current home has no basement and that the garage has a concrete slab floor. He explained that property is located on Green Village Road with Britton Road across the street in the center of the property. Loantaka Brook separates the west 15% of the lot into 2 parts. There is a developed area around the house and rest of property is undeveloped.

Mr. Cunningham stated that the property is served by the water company but has septic not sewer. There is currently no storm water management except for a storm drain running from east to west under the current house. DEP's approval required applicant to re-route the storm drain around the proposed house.

Mr. Cunningham detailed the following regarding the proposed dwelling:

- 1) Remove existing dwelling, green house and concrete patio on left side of the property
- 2) Current septic will be abandoned in place and new septic will be located on the front left side of the property
- 3) Storm drain will be re-directed and remaining drain will be plugged
- 4) Additional driveway will be added to provide a turnaround by the garage. The driveway will remain gravel except for a required paved apron.
- 5) Tree removal plan provided includes trees which must be removed for the new septic system and a tree in the front of the property which has blown over
- 6) DEP calculation requires 22 trees to be hand planted in left planting area and must have a deer fence which will also be hand worked

Mr. Ruschke requested final DEP plans with all approved permits shown and with the DEP stamp of approval.

Mr. Cunningham confirmed that this can be provided.

Mr. Vivona questioned location of the new septic system since 11 cedar trees will need to be removed. He questioned whether the septic system could go somewhere else.

Mr. Cunningham stated that the septic system must be as far away from the stream as possible and it must be in good soil.

Mr. Vivona stated that he liked the cantilevered deck and porch but doesn't want to set a precedent.

Mr. Brady, attorney for the applicant, stated that this is a specific lot with many restrictions and does not believe that this proposal will set a precedent. He will have calculations re-done to include the deck and porch in the lot coverage. H stated that this 5 acre lot can handle this coverage.

Mr. Shaw asked if a landscape plan has been provided and Mr. Brady stated that the applicant will address the landscaping once the house has been built.

Mr. Vivona asked if there were any conservation easements as requested by the Environmental Committee.

Mr. Brady stated that the additional 22 trees with the deer fence are in a conservation easement. Mr. Brady stated that this lot is already limited by the DEP and would need additional details about what is being requested.

Mr. Vivona stated that the easement keeps the property from being developed in the future and that it is not required but it is requested.

Mr. Vivona questioned if the applicant had plans for a rear yard.

Mr. Jepsen explained that the area would need to be cleaned up to allow access to maintain the new trees and deer fence but is not planning on a lawn area as it would not be feasible.

Mr. Vivona asked if there were dry wells or only drains.

Mr. Ruschke explained that there will be no net change in drainage and that the proposed dwelling is similar in footprint size to the existing. Mr. Ruschke stated that the applicant will need to complete a Development Application.

Mr. Nelson, planner for the applicant stated that he had reviewed the Chatham Township 2017 Master Plan Re-examination and the Chatham Township Land Development Ordinance and the R-1 Zone requirements. He stated that the Green Village area is not homogenous and has different sized lots, different house sizes, and different zones. Mr. Nelson stated that there would be no harm to the area with this proposal and that it was compatible with the area. Mr. Nelson stated that this new dwelling would be an upgrade to the existing property and that this site needs to be re-developed.

Mr. Nelson stated that this lot has a hardship with the flood plain and the DEP restrictions. Applicant must stay within existing footprint. Mr. Nelson stated that the front stoop variance is necessary and cannot be avoided. Mr. Nelson stated that this application proposes a reasonably sized home within the 35 foot height requirement and is substantially in conformance with the R-1 zone.

The meeting was opened to the public and Ms. Dot Stillinger from the Chatham Township Environmental Committee strongly urged the applicant to provide a conservation easement for whatever the DEP has designated as wetlands. Ms. Stillinger emphasized the need to protect the wetlands and a conservation easement would give Chatham Township the authority to intervene if necessary.

Mr. Brady would like to review the details of what a conservation easement would affect.

Mr. Shaw summarized the necessary follow up to include copy of the DEP approval summarizing all permits received, lot coverage calculations with and without the cantilevered areas, follow up on conservation easement and requirement for lot grading approval.

Mr. Williams made a motion to approve the variances as requested. Ms. Labadie seconded the motion. All board members were in favor of the motion.

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

Meg Smith
Zoning Board Secretary