

*TOWNSHIP OF CHATHAM ZONING
REGULAR MEETING MINUTES*

*BOARD OF ADJUSTMENT
MAY 18, 2017*

Mr. Weston called the 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. Weston, Mr. Williams, Mr. Style, and Mr. Borsinger. Mrs. Romano, Mr. Newman, and Mr. Hyland and Mr. Hurring, Jr. were absent. Mr. Vivona arrived at the meeting at 8:20pm.

Memorialization

Daingerfield

31 Gates Avenue
Block: 115 Lot: 8

Calendar BOA 16-115-8

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

Hearings

Stancampiano

77 Meyersville Road
Block: 36 Lot: 15

Calendar BOA 16-36-15

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

Mr. Meola, Engineer and Planner for the applicant, stated that 3 variances were needed for steep slope disturbance. Mr. Meola explained that this disturbance was caused because the location of the seepage pit had to be changed, and because a poor contractor did not follow the plans or direction. He stated that the site has been restored and vegetation is growing.

Rosemary Stone-Dougherty, attorney for the applicant, referenced the completeness letter from Mott MacDonald dated February 3, 2017 and stated that all work requested, except for the replacement trees, has been completed as requested.

Mr. Meola questioned whether replacement trees were necessary since no trees were removed during construction.

Mr. Ruschke, Township Engineer, stated that the applicant needs to complete final lot grading and provide Engineering certifications to close out this project.

Mr. Borsinger questioned whether anything can be done to prevent contractors from causing these problems.

Mr. Ruschke explained that this was originally a lot grading plan, not a variance application and these lot grading plans are not usually an issue.

A motion was offered by Mr. Williams to approve the variances requested and it was seconded by Mr. Borsinger. Mr. Weston, Mr. Williams, Mr. Styple, and Mr. Borsinger voted in favor of the motion.

Ferreira

463 River Road
Block: 63 Lot: 20

Calendar BOA 16-63-20

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

Mr. Santore, attorney for the applicant explained that this application proposes a new single family dwelling. Proposed construction is limited by wetlands and flood plain. Variances needed include front yard setback, side yard setback, building height, driveway turn around and retaining wall proximity to dwelling. Other pre-existing conditions exist.

Mr. Khan, Engineer for the applicant, stated that the location of the home toward one side of the property was based on DEP restrictions. DEP provided a very restricted area which could be disturbed.

Mr. Santore stated that proposed plans are an improvement to existing conditions for front and side yard setbacks.

Mr. Khan stated that the plan was designed with garages in the basement. The driveway is dictated by the location of the garages. Variances are caused by these limitations but they have been reduced as much as possible. Mr. Khan also explained that impervious coverage is being reduced and there is no additional runoff. Applicant is requesting no storm water relief. Water will be collected in an inlet at the corner of the driveway and discharged to the western side of the property.

Mr. Shaw, Board attorney, asked the Engineer to detail the height variance needed.

Mr. Khan stated that the first floor of the home will be below street level.

Mr. Shaw confirmed with Mr. Ruschke that height information has been reviewed.

Mr. Ruschke stated his concern regarding the applicant's ability to build within the limits of disturbance.

Mr. Khan explained that the applicant is allowed temporary disturbance but disturbance must be restored.

Mr. Ruschke asked Mr. Khan to provide the documentation from the DEP allowing temporary disturbance. Mr. Ruschke confirmed that the applicant provided deed restrictions and a development permit.

Mr. Ruschke questioned whether the shed and the driveway were on the plans submitted to DEP.

Mr. Khan stated that they were on the DEP plans.

Mr. Ruschke stated that the limits of disturbance must be clarified and stated that the storage of supplies delivered and the removal of soil within such a limited space is very challenging.

Mr. Khan stated that the homeowner was doing a lot of the work. Mr. Khan stated that the work site was tight and that the homeowner would have to work cautiously and that the site would have to be closely monitored.

Mr. Ruschke stated that the plan is very restrictive and presents a large risk of violation.

Mr. Santore and Mr. Khan agreed that the proposed plan is a challenge and would need to be monitored and maintained.

Mr. Ruschke questioned whether a house could be designed to reduce the number of variances.

Mr. Neves, architect for the applicant, stated that the plan began with DEP restrictions which significantly limit the buildable area. Mr. Neves was able to improve the existing front and side yard setbacks. Mr. Neves was also trying to meet homeowners' wants and needs.

Mr. Vivona questioned if there was any way to do a front load garage.

Mr. Neves stated that this would change the 1st floor.

Mr. Vivona questioned if there was any way to put the garage on the side of the house.

Mr. Neves stated that this would not fit in the level of disturbance.

Mr. Vivona questioned if the existing house was going to remain and if it would have a shared wall.

Mr. Neves stated that the existing house would remain and that there would be no shared wall. An existing deck would be removed.

Mr. Ruschke questioned the driveway location and stated that it will be hard to turn around.

Mr. Shaw asked if any other designs had been considered.

Mr. Neves confirmed that other designs have been considered and this has been an ongoing process.

Mr. Shaw asked if the location of the existing house is dictating the location of the new house and causing the need for variances.

Mr. Neves and Mr. Santore both said that the variances were not caused by the location of the existing home.

Mrs. Ferreira, applicant, addressed the board and explained that when they originally purchased the home the septic failed. The Board of Health approved the design for new septic in 1999. In 2001, the applicants reached out to their Engineers and were told that the septic system could handle a 4 bedroom house and they were advised to go to DEP. Applicant stated that it has been a long and expensive process with DEP. Applicant stated that the current home is falling apart and she is requesting approval for a nicer, larger home. The driveway's current location is proposed for safety reasons. Applicant does not want to back out onto River Road. Applicant stated that they will comply with any restrictions.

Mr. Vivona questioned if the proposed plan has a 3 car garage.

Mr. Neves confirmed that it has a 3 car garage with 3 individual doors.

Mr. Vivona suggested 2 garage doors instead of 3. One would be a larger double door which would allow more maneuverability.

Mr. Vivona explained that the Board must answer to the town and the DEP. He recognizes the time and effort given by the applicant to consider several possibilities but is concerned by the many variances and the potential for violations.

Mr. Santore recognized the Boards concern and stated that the applicant would follow the rules and limitations even if it took longer to complete the project.

Mr. Vivona asked Mr. Ruschke what else was needed from the applicant.

Mr. Ruschke stated that the applicant, or their professionals, needed to clarify the DEP approved limits of disturbance. Mr. Ruschke stated that this project as proposed would need to be a surgical construction.

Mr. Vivona asked what would happen if the applicant violates the approvals.

Mr. Ruschke stated that if the applicant violates the limits of disturbance on an approved site plan then it becomes a zoning issue and a stop work order will be issued for the violation. Mr. Ruschke stated that the DEP approval must be enforced.

Mr. Santore requested a pre-construction meeting with the excavator, the applicants' engineer and the Township engineer to prevent excess disturbance / violation.

Mr. Vivona asked the applicant to consider lowering the height of the proposed home.

Mr. Neves stated that the height could be reduced by 1 to 1.5 feet.

Mr. Shaw requested revised plan with 2 garage doors and revised height. A pre-construction and staging plan should also be submitted. Applicants' engineer should substantiate DEP levels of disturbance.

Mr. Ruschke noted that the foundation of the right side of the home is on top of the limit of disturbance. He believes that the applicant must adjust or they will be setting themselves up for failure.

Mr. Santore agreed that the right side of the proposed property is a potential problem / challenge.

Applicant will return to present at the Zoning Board meeting scheduled on June 15, 2017.

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

Meg Smith
Zoning Board Secretary