

*TOWNSHIP OF CHATHAM ZONING
REGULAR MEETING MINUTES*

*BOARD OF ADJUSTMENT
SEPTEMBER 20, 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. Williams, Mr. Hyland, Mr. Newman, Mr. Labadie and Mr. Fitt. Mr. Weston, Mr. Styple, and Mr. Borsinger were absent.

Approval of Minutes

Mr. Williams made a motion to approve the minutes from the August 23, 2018 Zoning Board meeting. Mr. Newman seconded the motion. All board members were in favor of the motion.

Mr. Williams made a motion to approve the minutes from the September 12, 2018 Joint Planning & Zoning Board meeting. Mr. Newman seconded the motion. All board members were in favor of the motion.

Hearings

Patrice Penda
44 Meyersville Road
Block: 55 Lot: 5

Calendar BOA 18-55-5

Mr. Ekshian, architect for the applicant, stated that revised plans were submitted to address the board concerns regarding the 3 1/2 story structure originally proposed. He explained that cathedral ceilings were added to the 2nd story and a 1/2 story had been eliminated. Mr. Ekshian stated that the height of the structure was reduced by 3 feet in the back of the structure.

Mr. Vivona questioned the height of the proposed structure.

Mr. Ekshian stated that the height in the front of the structure would remain the same at 34.79 feet and the height in the back would be approximately 31 feet.

Mr. Vivona questioned the height from the street.

Mr. Ekshian stated that the height would be 29 feet from the silt plate.

Mr. Vivona questioned the garages and the deck. Mr. Ekshian stated that this application proposes leaving the existing driveway. Mr. Ekshian also stated that the proposed deck remained the same as the original application.

Mr. Michaels stated that the applicant must justify the need for the C-1 variances and also stated that this property was restricted by the narrowness of the lot.

Mr. Ruschke questioned if the cathedral ceilings were on the entire second floor including the laundry room and bathrooms. Mr. Ekshian stated that the cathedral ceilings proposed would be on the entire second floor.

Mr. Vivona stated that the applicant made a good effort to revise the application to minimize the board and neighbor concerns.

No neighbors or members of the public commented on this application.

A motion was made by Mr. Hyland to grant the variances requested, seconded by Mr. Williams.

Roll Call: Mr. Vivona, Mr. Williams, Mr. Hyland, Mr. Newman, Ms. Labadie and Mr. Fitt All in favor

Jim & Heather Cunningham

Calendar BOA 18-35-5.03

141 Meyersville Road

Block: 35 Lot: 5.03

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

Mr. Cunningham, owner and applicant, stated that neighbors at 145 Meyersville Road, nearest to the pool, had no objections to the current location of the pool and the setback.

Mr. Vivona questioned the impervious coverage since it exceeds the approved / allowable coverage.

Mr. Ruschke stated that the applicant should submit a revised Lot Grading plan to address the coverage and the drainage. He suggested that this could be made a condition of approval.

Mr. Vivona stated that the board could require the applicant to move the pool equipment but since this was due to the error of the pool company he does not believe that the owner should have to cover this additional expense.

A motion was made by Mr. Williams to grant the variances requested, seconded by Mr. Fitt.

Roll Call: Mr. Vivona, Mr. Williams, Mr. Hyland, Mr. Newman, Ms. Labadie and Mr. Fitt All in favor

George & Debra Hatzinas

Calendar BOA 18-60-3

6 Cedar Lane

Block: 60 Lot: 3

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

Mr. Mileto, architect and planner for the applicant, stated that this application is a proposal to add a level and a half. The half level would be attic space. This is an older home and the garage and basement level is only 7 feet high and is not habitable.

Mr. Mileto stated that C-1 variances are needed due to hardship because the property has a sloping topography. He stated that the house is the same footprint and remains under the 35 foot height restriction.

Mr. Vivona stated that the Board tries not to make exceptions to the zoning for number of stories allowed and asked if there was a way to re-grade the property which would change the calculation for number of stories.

Mr. Ruschke stated that the basement is a sub-standard story and suggested landscaping.

Mr. Vivona stated that the back yard is very un-level. He questioned whether the applicants would consider adding a patio and re-grading the rear yard. This would allow the basement floor to not be counted as a story as it would be more than 50% below ground.

Mr. Michaels questioned the percentage of the exposed basement.

Mr. Mileto stated that it was 53% exposed which is over the allowable limit of 50% and therefore needed to be counted as a story.

Mr. Mileto stated that the applicant would stabilize the embankment in the rear yard to create a patio and adjust the grading of the rear story to under 50% exposed.

Mr. Ruschke stated that this regrading would need to be under 1,000 square feet or a lot grading plan would be required.

Mr. Michaels and Mr. Ruschke stated that Hillside should be identified as the front yard in order to eliminate a rear yard variance.

Mr. Hatzinas stated that Hillside would be considered the front yard.

The meeting was opened to the public and the following neighbors spoke:

- 1) Ms. Werner, 2 Cedar Lane, stated that she had no objections to this application.
- 2) Mr. Hurring, 7 Cedar Lane, stated that this is a responsible build-up and prefers this addition to a knock down rebuild. He stated that he was in favor of this application and believes it is good for the community. Mr. Hurring appreciated the board effort to work with the applicant and resolve some of the issues with this application.
- 3) Mr. Hurring, Jr., 7 Cedar Lane, endorses this application and believes it is in character with the neighborhood.

A motion was made by Mr. Williams to grant the variances requested, seconded by Ms. Labadie.

Roll Call: Mr. Vivona, Mr. Williams, Mr. Hyland, Mr. Newman, Ms. Labadie and Mr. Fitt All in favor

Aleksandra Bury
341 Green Village Road
Block: 48.17 Lot: 133

Calendar BOA 17-48.17-133

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

Mr. Ruschke stated that the applicant has a right to continue this application pending DEP approval. He explained that if DEP doesn't match the Zoning Board approval, then the applicant would need to return to the Zoning Board for another approval. Mr. Ruschke stated that the applicant needs NJDEP Flood Hazard permit. Mr. Ruschke also advised applicant that a Development Permit must be completed.

Ms. Bury stated that this application proposes a one story addition with a new attached garage.

Mr. Shaw stated that the DEP may limit the applicant to existing coverage.

Mr. Hyland questioned why the applicant is coming to the Zoning Board first and not waiting for DEP approvals needed.

Ms. Bury stated that her environmental engineer, Mr. Kruger, has advised that he is confident in the NJDEP approval. Approval for the septic system must be granted before the DEP final review. Ms. Bury stated that she is hoping to have foundation completed before winter and she is requesting Zoning Board approval before DEP final approval to save time.

Mr. Shaw stated that the applicant must provide a Development Permit, septic approval, approval from the county for road opening for the driveway and a design waiver for storm water management.

Mr. Vivona stated that this application would be an improvement over the existing property and dwelling and that it would be an improvement to the neighborhood.

A motion was made by Mr. Williams to grant the variances requested, seconded by Mr. Newman.

Roll Call: Mr. Vivona, Mr. Williams, Mr. Hyland, Mr. Newman, Ms. Labadie and Mr. Fitt All in favor

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