

CHATHAM BOROUGH ZONING BOARD OF ADJUSTMENT

December 19, 2007

7:30 p.m.

Chairman Joel Boroff called this Regular Meeting of the Zoning Board of Adjustment to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. He stated that adequate notices of this Board of Adjustment meeting was given as required by the Open Public Meeting Act.

Members Present: Chairman Joel Boroff, Patricia D'Ambrosio, Walter Voytus, James Clancy, Peter Hoffman, Helen Kecskemety, H.H. Montague.

Alan A. Siegel, Esq., attorney for the Board, was present.

Members Absent: Elaine Rocha Bennett, Frederick Infante.

Approval of Minutes

The meeting minutes of November 28, 2007 were approved as amended.

Old/New Business

Mr. Siegel had nothing new to report on the Omnipoint case. The judge still hasn't made a decision.

Mr. Montague gave an update on the Planning Board activities. At their last meeting, the Board approved the site plans submitted by HSBC. Before the resolution is signed, the HSBC has to meet with the Historic Preservation Commission and the Borough Engineer to resolve lighting and streetscape issues. Mr. Montague also discussed how the new side yard regulations are implemented and enforced.

Resolutions

Memorialized by resolution the approval of a rear yard setback and deck variances sought by Mr. & Mrs. Darrin Abrams, 139 North Passaic Ave., to permit construction of an addition to an existing dwelling, with conditions as stated in the resolution. The resolution was approved (6-0).

Memorialized by resolution the approval of a side yard setback and building coverage variances sought by Patrick & Janet Christie, 8 Vincent Street, to permit construction of an addition to an existing dwelling, with conditions as stated in the resolution. The resolution was approved (6-0).

New and Return Applications

Mr. Boroff announced the following applications are scheduled to be heard tonight:

Greenwood – 76 Rowan Road

Behrmann – 9 Red Road

Bischoff – 25 Fuller Avenue

Maluga – 15 University Avenue

Pentony – 8 Carmine Street

McFadyen – 14 Pihlman Place

Greenwood – 76 Rowan Road

The following were sworn in to testify:

Graham & Yvonne Greenwood, applicants

Alan Leonard, architect

Mr. Boroff noted that the Greenwoods were seeking variances for the front yard, lot coverage, and FAR. He suggested they address the issues that surround those variances.

Mr. Greenwood testified that he and his wife are looking to improve the appearance of their home. The changes being proposed in this application would complement the work that is currently being done. He believed the proposed changes are in keeping with the character of the neighborhood, as well as the Borough's goals. Mr. Greenwood stated that these changes will have minimal impact on his immediate neighbors.

Mr. Greenwood pointed out his existing house has no attic or basement for storage space. Currently the only usable storage is the single car garage and the limited attic space above it. This attic space is only accessible by a pull down ladder which has a limited space for what items can be put in the attic. The proposed plans include enlarging the space over the garage to provide appropriate access to this space and increase functionality. Mr. Greenwood testified that the majority of the homes in his neighbor have functional basements and attics. He felt that his proposed FAR is minimal and would improve the over-all structure of his house without impacting the neighborhood.

Mr. Greenwood described the proposed second floor addition to go over the existing garage. This addition will be stepped back from the first floor exterior walls. The addition will not go over the garage and will not run the full length.

Mr. Greenwood stated that the property itself presents additional hardships with regards to the new side yard setback regulations. It is a corner property with an extended front yard; therefore, the 15% requirement is greater on his property than the majority, if not all of the neighboring properties. He is proposing to add a bay window on the side situated to the rear of the right side of the house. Mr. Greenwood noted that he began working on these plans prior to the new side yard ordinance. Upon submission to his proposed plans in June, he realized another variance would be needed.

Mr. Greenwood noted a variance is needed over the proposed entry roof over the front door. This will be a small roof on the brackets built over the existing front platform. This entry roof had already been approved by the Construction Office.

Mr. Boroff noted that the proposed FAR is 1.19% over the allowable. Mr. Boroff suggested Mr. Greenwood provide further testimony concerning, the basement, attic, etc. Also, more testimony should be given to justify the proposed building coverage figure.

Mr. Leonard offered to submit his professional credentials. Mr. Siegel noted Mr. Leonard had testified before the Board on previous applications. The Board had accepted his credentials.

Mr. Leonard testified that three additions were being proposed that entail 4 variances. He stated that the proposed bedroom/storage over the garage will be 171 sq. ft. Also, a 16 sq. ft. bay window will be constructed off the side of the house. An entry roof already exists and had been approved as part of an interior alteration project that is currently underway.

Mr. Leonard noted that for FAR, the applicant is allowed to have 3,095 sq. ft. The applicant is seeking 3,239 sq. ft., which is 144 sq. ft. over the allowable or 1.195%. Regarding building coverage, there is an increase of 16 sq. ft. for the bay window, which is an increase of .13%. The bedroom itself will be set back from the perimeter of the first floor and entails no building coverage. The side yard setback is 10.5 feet. Based on the new ordinance, the Zoning Officer had measured it at 187 feet from the front property line. Mr. Montague noted that there were no dimensions to the steps. Another 3 feet could be added. Mr. Montague felt that in reality the front yard could be 27 feet.

Mr. Leonard noted that the proposed front yard setback measures 29.2 feet to the edge of the entry roof. Thirty feet is required.

Mr. Leonard testified that the proposed addition will not be inappropriate in size and character to the immediate neighborhood. He indicated that he will first discuss the FAR issue.

Mr. Leonard discussed the proposed bay to the side of the house. On the easel drawings, he pointed out the previous configuration of the house had the kitchen, the living room, the dining room, and playroom. There is a small enclosed porch. The proposed plans will move the dining room towards the enclosed porch. There will be an opening for a family room. A walk-out bay will be added to allow the room to become 14 feet 4 inches in the middle. This bay will be at the back corner of the house. The bay will be only one story.

Mr. Leonard described the proposed entry roof over the front door. This roof will not extend 3 feet off the house. It will only be one story. Mr. Leonard believed the Zoning Officer allowed for front entry roofs if they are not more than 2 feet into the setback. However, the Zoning Officer then realized that the roof itself would be 3 feet instead of 2

feet, Mr. Taylor requested the applicant to bring this situation before the Board. Mr. Montague confirmed with Mr. Leonard that the front steps were existing.

Mr. Leonard confirmed with Mr. Voytus that the proposed bay contributes to the side yard setback, building coverage and FAR. The bay will come 2 feet off the side of the house. The applicant has a slightly skewed property line. Mr. Leonard testified that the front of the house is 12.46 feet (existing) and the back corner is 12.59 feet.

Referring to Sheet 5 of the plans, Mr. Leonard pointed out the proposed room over the garage. This room measures 171 sq. ft. It will come 11 feet 4 inches off the side of the house. It will step back from the front of the garage 2 feet 2 inches, and approximately 5 feet from the rear. Mr. Boroff confirmed with Mr. Leonard that currently the only attic space is over the garage.

Mr. Leonard submitted the following evidence:
Exhibit A-1, photo-board of the applicant's house
Exhibits A-2 through A-4, photo-board of the neighboring houses

Referring to Exhibit A-1, Mr. Leonard indicated the photos of the applicant's house before the façade changes were made. He noted that the original house had been a one and a half story cape with a shed at the back. The original roof line had been very flat. The applicant is attempting, with the proposed addition, to make this roof-line more appealing.

Mr. Leonard testified that unlike the majority of houses in Chatham, the applicant's house does not have a basement. Mr. Greenwood described the difficult, crowded conditions of the existing crawl space and utility room.

Mr. Leonard submitted the following:
Exhibit A-5, an analysis of neighboring houses with basements
Exhibit A-6, an analysis of neighboring houses with rooms over garages

Mr. Leonard testified that he had obtained the information on these exhibits from the Borough tax records in November of this year.

Referring to Exhibit A-5, Mr. Leonard stated that 13 of the 17 houses in this exhibit have basements.

Mr. Boroff brought up the testimony of the limited storage space currently in the applicant's house. Mr. Leonard reiterated that the only storage space the applicant has in his house is the limited attic space over the garage. When the previous owners had added on a mudroom to the house, and extended the kitchen, they also extended the ceiling. This extension makes this garage attic under 5 feet over the garage itself, but steps up 2 feet over the kitchen. Mr. Leonard felt this was not even a full attic. One of the reasons to seek this variance is to obtain more storage. Mr. Leonard testified that there is no attic

at the top of the existing house. There is less than 2 clear feet from the second floor ceiling to the peak lumber.

Mr. Boroff suggested additional testimony on bulk be given.

Mr. Leonard stated that he had put together a comparison of neighboring houses with similar square footages or FAR. He testified that there were 6 houses in the applicant's radius which are comparable either in square footage or FAR. Mr. Leonard pointed out these 6 houses on the Borough tax map on the easel. Mr. Leonard reviewed the percentages and square footages of the 6 neighboring properties.

Mr. Boroff suggested at a future time Mr. Leonard could give the Board estimates of the attic space of these neighboring homes.

On another issue, Mr. Leonard showed the cross-hatched houses on Exhibit A-6 revealing how many houses have rooms over their garages. These are usually full rooms. The Greenwoods are proposing a small room over a portion of their garage. This small room would be in character with the neighborhood.

At Mr. Boroff's suggestion, Mr. Leonard will give testimony for the side yard variance.

Mr. Montague felt another variance may be needed for the deck. The deck must be 3 feet in from the side wall.

Mr. Leonard clarified that the deck had been resurfaced, not restructured in any way. The boards had been rotting. The Construction Office had approved this particular phase.

Mr. Leonard noted the bay extending 2 feet, is the reason for the building coverage variance for 16 sq. ft. The bay also increases the FAR.

Mr. Boroff asked if there were other bays in the neighborhood.

Mr. Leonard answered not so much bays as there are chimneys and other items which are currently counted in setbacks.

Mr. Siegel explored the reasons why the bay was needed. Mr. Greenwood clarified that the bay would make the dining room larger to accommodate a table and make the room more functional. Mr. Leonard noted that originally the proposed bay had conformed to the ordinance. It has not been built yet. The proposed bay affects the setback issue.

Mr. Siegel asked that Mr. Greenwood to find out the distance between the proposed bay and the closest portion of the house next door. Also, testimony should be given of what would ensure the privacy between the bay and the neighboring house. Will there be shrubs or trees between the two houses?

Mr. Siegel asked if the proposed canopy over the front stairs would be a decorative item or would it provide safety.

Mr. Leonard answered that the canopy would cover the stairs as a safety feature, as well as being a decorative item.

Mr. Siegel suggested Mr. Leonard testify as to how many neighboring homes have canopies.

Mr. Leonard submitted Exhibit A-7, Rowan Road side yard setbacks.

Mr. Boroff confirmed with Mr. Leonard that the proposed bay is one story. Mr. Montague expressed concern of any possible impact the bay might have on the neighboring homes. Mr. Leonard noted that the bays existing in the immediate area are mostly two stories to two stories in terms of setbacks. He gave examples in the neighborhood.

Mr. Boroff asked Mr. Leonard to summarize the distance issue.

Mr. Leonard reiterated that the applicant is seeking a side yard setback of 10 ½ feet. He testified that distance between the proposed bay and the neighbor's house is 22.2 feet. Mr. Leonard gave the Board five comparable examples of side yard setbacks in the neighborhood.

Mr. Boroff asked Mr. Leonard to testify on screening. Mr. Leonard referred the Board to Exhibit A-3. He pointed out an existing hedge and a partial fence between the applicant's property and the house next door.

Mr. Siegel asked what would be the view looking out the bay.

Mr. Greenwood answered a hedge and a portion of the neighbor's house; however, not their bedroom.

Mr. Siegel suggested the applicant take photos of this view.

Mr. Montague asked that a measurement be taken of the stairs.

This application will continue to the January 23, 2008 meeting.

At 9:00 p.m. a break was taken in the meeting.

At 9:09 p.m. the meeting resumed.

Behrmann – 9 Red Road

The following were sworn in to testify:

James & Heather Behrmann, the applicants
Douglas Miller, the architect

Mr. Miller submitted his professional credentials to the Board. The Board accepted them.

Mr. Boroff noted that the applicant is seeking variances for building coverage and FAR.

Mr. Miller testified that he and the Behrmanns had analyzed the property to see how an extra garage bay could be added with minimal impact to the site.

Mr. Miller referred the Board to Sheet A-1. He pointed out the existing garage at the very back of the applicant's property. This garage is accessed by a very long driveway. Mr. Miller testified that the existing garage is undersized and not very functional for the applicant. The Behrmanns tried to determine where to move this garage. Mr. Miller and the Behrmanns believed this action would help to reduce the amount of impervious coverage. Also, the applicant is proposing to demolish an attached deck could be removed. The new proposed garage could go underneath where the attached deck stood.

Mr. Miller submitted Exhibit A-1, photo-board. Exhibit A-1 included aerial photos of the back yards surrounding the applicant's residence. On this exhibit, Mr. Miller pointed out the applicant's existing driveway and detached garage. By reducing the amount of pavement, the lot coverage would be decreased and much of the green space would be restored. A park-like setting would be created which would flow with the neighboring back yards.

Mr. Miller noted that existing deck, which sits on the first floor, is not an attractive structure. The applicant's lot slopes deeply from the street down to the back. The proposed plans would take the detached garage and fit it into the space where the deck stood.

Referring to the aerial photo, Mr. Boroff asked how much of the driveway would be removed. Mr. Miller answered more than half of the driveway would be removed. The large paved area where the car swings around will be moved closer to the house.

Mr. Montague asked where the existing driveway entered from the street.

Mr. Miller answered at the right side of the home.

Mr. Montague indicated he would like to see a copy of the survey.

Mr. Miller submitted Exhibit A-2, Halsey Survey.

Mr. Siegel asked Mr. Miller what the Behrmanns asked him to achieve with the proposed plans.

Mr. Miller said that the Behrmanns wanted an attached garage instead a detached garage. In bad weather it would be easier and safer for the applicant's family to have an attached garage. Mr. Siegel confirmed with Mr. Miller that the Behrmanns were not seeking to add any addition rooms, bays, or canopies to their house.

Mr. Siegel asked Mr. Miller if he had a photo to show the steepness of the slope in the applicant's backyard.

Mr. Miller had a photo of the rear of the house looking down and over the backyard. Mr. Boroff noted that most of the Board members have visited the applicant's property.

Mr. Montague asked how much the property sloped from back to front.

Mr. Miller answered that at the back of the house it sloped from 8 to 9 feet.

Mrs. Kecskemety asked what the age of the house is.

Mr. Miller answered the house was circa 1904 or 1906 as it stands today.

Mr. Siegel asked what is the distance from the back door of the house to the existing garage.

Mr. Miller answered 94 feet.

Mr. Boroff confirmed with Mr. Miller the functionality of the existing garage was not good.

Mr. Behrmann testified that the garage is 16 feet deep. The average size of his cars is 17 feet.

Mr. Clancy asked Mr. Behrmann if he knew whether this garage was originally built with the house.

Mr. Behrmann wasn't sure; however, felt the garage was very old. It was not built on a proper foundation and has old style lumber.

Mr. Miller referred the Board to Sheet A-6. The proposed plans will integrate the new garage into the house. The open space under the deck is currently full of debris. The proposed deck will go in that open space. The proposed garage will be kept as low as possible. The Board discussed whether what was shown over the garage was really a deck. They decided it wasn't.

Mr. Miller noted the age of the applicant's three story house and that there is an open staircase running from the first floor to the finished attic. No effort has even been made to close off the attic and make it storage space. If this particular floor area situation didn't exist, such a significant variance wouldn't be needed. The existing covered front

porch also takes up FAR and building coverage. The steeply pitched roofs of the house also add to the FAR. If the existing attic was made smaller to decrease the FAR, the pitched roof would become flat and less attractive.

Mr. Boroff asked if there was any information on the streetscape.

Mr. Miller reported he did an analysis on neighborhood garages. He distributed copies to the Board. He submitted Exhibit A-3, garage area plan. Mr. Miller testified that there are 10 two-car garages, 9 properties with no garage, 7 properties with one-car garages.

Mr. Miller described the diverse lot sizes surrounding the applicant's property. He felt that what the applicant is proposing to build is not out of keeping with the neighborhood. He noted that a majority of the neighboring properties have two car garages. Mr. Montague pointed out that these existing two garages, similar to the applicant's lot, are 50 feet wide.

Mr. Montague and Mr. Boroff suggested Mr. Miller research the FARs of these neighboring homes with two-car garages to help justify the applicant's proposed FAR. Mr. Montague noted that the applicant has a 3-story house, which is no longer allowed in the Borough. Having that existing third story, may be a hardship when proposing a reasonable new garage.

Mr. Siegel reminded Mr. Miller that one of the special reasons required for a "D" variance is public safety. He noted that Mr. Miller and Mr. Behrmann had discussed the long, deep sloped walk to the existing garage. Mr. Siegel brought up the perception of bulk. He suggested Mr. Miller and Mr. Behrmann some how show, in a 3 dimensional method, what exists at the rear of the house. Also, they could show what the rear of the house would look like with the proposed changes. These exhibits could help show what the bulk situation before and after the changes.

The Behrmanns briefly discussed the safety issue of the existing driveway situation and pulling out onto the traffic on Red Road.

Regarding the bulk issue, Mr. Montague suggested Mr. Miller and Mr. Behrmann calculate how many three-story houses are in the immediate area.

The Behrmann application will continue to the January 23, 2008 meeting.

Bischoff – 25 Fuller Avenue

Mr. Boroff recused himself. He noted that he is a friend and neighbor of Mr. Bischoff's and should not participate in this hearing. Mr. Voytus, as vice chairman of the Board, took Mr. Boroff's place for this hearing.

Charles Bischoff, the applicant, was sworn in.

Mr. Bischoff submitted Exhibit A-1, photo-board of his property.

Mr. Bischoff testified that the existing shrubbery, which served as screening along his drive way had died. He replaced these shrubs with a fence. Unfortunately, the fence, which runs from the front of his house to the street, is too high and violates the ordinance. The ordinance requires that such a fence be 4 feet high with an opening of 50%. Mr. Bischoff testified that he had constructed this fence not knowing that he needed a variance. The Zoning Officer, Mr. Taylor, in driving by Mr. Bischoff's property had noticed this violation and wrote him a letter.

Mr. Siegel asked Mr. Bischoff if he had engaged the services of a fence company to construct this fence.

Mr. Bischoff answered no. He bought the parts from a fence company.

Mr. Siegel asked Mr. Bischoff how much it cost to construct the fence.

Mr. Bischoff said he doesn't remember the exact number. He estimated over \$1,000.

Mr. Siegel confirmed with Mr. Bischoff that he is seeking a variance so that he may keep this fence.

Mr. Bischoff pointed out that he had a unique situation. He testified that his neighbor, Roland Johnson (25 Red Road), has his property on the corner. Mr. Johnson's back yard is Mr. Bischoff's side yard. There is a swimming pool in Mr. Johnson's backyard with shrubs going all the way down Fuller Avenue. Mr. Bischoff testified that his recently constructed fence cannot be seen by anyone walking down Fuller Avenue from Red Road.

Mr. Bischoff asked the Board if he could keep his fence the way it presently stands. The fence represents the original feel of the yard. Mr. Bischoff pointed out that there is an existing chain-link fence, belonging to Mr. Johnson, behind his fence. When the shrubs were removed, the chain-link fence was exposed.

Mr. Clancy asked Mr. Bischoff if he had constructed his fence to hide the view of Mr. Johnson's chain-link fence.

Mr. Bischoff answered that he really installed his fence to replace the dead shrubs along the driveway.

Mr. Voytus asked Mr. Bischoff why he didn't replace the dead shrubbery with new shrubbery.

Mr. Bischoff answered that he didn't want the expense and maintenance of new shrubs.

Mr. Montague asked how high Mr. Johnson's chain-link fence was.

Mr. Bischoff answered Mr. Johnson's fence is 5 feet 4 inches to the top. His own fence is 5 feet 4 inches; however, it is lower in elevation.

Mr. Siegel reminded Board members of the reason for this fence ordinance. The ordinance requires that fences which are closer to the street cannot be higher than 4 feet and must be 50% open. Mr. Siegel believed that Mr. Bischoff's fence is in violation from the front of the applicant's residence to the street. Mr. Siegel assumed that when this fence ordinance was established, the Borough Council had been concerned about light, air, and the streetscape appearance.

Mr. Siegel asked Mr. Bischoff if this fence is visible from the street.

Mr. Bischoff answered that it is only visible coming up towards Red Road; however, not going the other direction.

Mr. Montague asked how much effort it would be to cut the fence down to 4 feet.

Mr. Bischoff answered he could do that; however, he felt the fence would then look strange. His fence would then be lower than Mr. Johnson's.

Mr. Montague felt that the ordinance is trying to prevent the Borough from becoming a fenced-in community. Unfortunately, Mr. Bischoff's fence may have that fenced-in appearance. Mr. Montague confirmed with Mr. Bischoff that his fence and Mr. Johnson's fence are both on the property line.

Mr. Siegel clarified that Mr. Bischoff is seeking a C-2 variance. Mr. Bischoff will have to prove that this fence is a better alternative than what the ordinance requires.

Some Board members believed Mr. Bischoff had installed the fence for privacy reasons. Mrs. D'Ambrosio noted that the owner of the pool (Mr. Johnson) is required to have a fence. She pointed out that if Mr. Bischoff was really concerned about privacy and shielding, he could have his fence installed up to the back of his house; however, he installed it all the way to the front, which is in violation of the ordinance.

Mr. Montague brought up another alternative. Mr. Bischoff could install a fence up to his house and plant shrubbery from the house to the front. Mr. Bischoff could also alter his fence to make it more open. Mr. Montague felt that if this variance was granted, it would set precedence for closed-up fences.

Mr. Clancy felt the reason Mr. Bischoff had installed his fence was to hide Mr. Johnson's fence, once the shrubs had died.

Mr. Bischoff said his testimony was finished.

Mr. Siegel reminded Mr. Bischoff that his fence violates the ordinance because it is too high and too closed in.

Mrs. D'Ambrosio noted that the Zoning Officer had sent his first letter to Mr. Bischoff, notifying him of this fence violation, in March of 2006. Additional notification letters from Mr. Taylor were sent to Mr. Bischoff in July, 2006 and January 2007. Mrs. D'Ambrosio asked Mr. Bischoff what was his mind-set after receiving these letters.

Mr. Bischoff answered that he had been busy and put off taking any action. His fence had already been installed.

The Board did not have any more questions for Mr. Bischoff.

Mr. Voytus asked if the public had any questions or comments.

Steve Barna, 23 Fuller Ave., was sworn in to testify. He stated that he lived next door to Mr. Bischoff.

Mr. Barna testified that he travels up and down Fuller Avenue every day. He believed Mr. Bischoff's fence is a significant improvement. Mr. Barna pointed out that Mr. Johnson's fence protects his pool; however, Mr. Bischoff's fence is much more attractive.

Mr. Barna noted that very few Borough residents have swimming pools. Mr. Bischoff's fence provides an additional barrier to discourage any temptations the neighborhood children to gain entrance to Mr. Johnson's property and pool. If the fence was made smaller, the children would see the pool. The fence also provides a sense of privacy.

Mrs. D'Ambrosio asked how long has Mr. Johnson's pool existed.

Mr. Barna wasn't sure. He has lived on Fuller Avenue for 12 years and the pool has existed at least that long.

Mrs. D'Ambrosio asked if Mr. Johnson's fence existed for that length of time.

Mr. Barna answered that there were very high hedge rows that went all the way out to the street.

Mr. Barna testified that on the Fuller Avenue, Mr. Bischoff's fence does not detract from the neighborhood. He felt that Mr. Johnson's property with the pool and chain-link fence is a unique situation.

Mr. Voytus asked if there were further comments from the public.

There were none.

Mr. Voytus asked Board members for their comments.

Mrs. Kecskemety stated that she and her neighbors have put up fences and had to follow the Borough ordinance. If this fence ordinance is not enforced, residents will start to believe that once the non-complying fence is installed, they won't be forced to take it down.

Mrs. D'Ambrosio noted that a neighbor had to take down his fence because it was too high. She felt the Borough does not want overly fence-in areas. Boxed-in situations would result. She recommended that Mr. Bischoff's fence be removed. She would rather see shrubbery.

Mr. Montague said he had a difficult time justifying the granting of this variance. He suggested the piece part that runs from the house to the street be altered to provide openness.

Mr. Clancy pointed out that it's been almost two years since Mr. Bischoff received the first violation notice concerning the fence. There is already a fence in place for Mr. Johnson's swimming pool. Mr. Clancy suggested Mr. Bischoff's fence be cut down.

Mr. Hoffman felt that given the location of the neighbor's pool, shrubbery would be a better alternative for Mr. Bischoff than the non-conforming fence.

Mr. Voytus believed that this side yard fence is out of character with Chatham.

Mr. Siegel asked if such a fence were initially proposed before the Board, would they grant a variance to permit it to be built.

Mr. Barna brought up Mr. Roland Johnson, the applicant's neighbor, to make some comments. Mr. Johnson said he has a serious hearing problem and couldn't follow what was happening in the meeting. Mr. Siegel reminded Mr. Barna that unfortunately the public portion of the hearing closed a while ago. The Board is now ready to take a vote.

A motion was made/seconded to deny the variance. A roll call vote was taken: 6 – yes
0 – no. The variance was denied.

Mr. Voytus suggested Mr. Bischoff contact the Construction Office to see how the fence could be brought into compliance.

Mr. Boroff returned to the Board table.

Mr. Boroff announced the following applications will be heard at the January 23, 2008 Zoning Board of Adjustment meeting:

Behrmann – 9 Red Road

Maluga – 15 University Avenue

Pentony – 8 Carmine Street

McFadyen – 14 Pihlman Place

Mr. Boroff also announced that January 23, 2008 will also be the Board of Adjustment's Re-Organization Meeting. The Board will hold an Executive Session before their regular meeting.

At 10:27 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary